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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. FOLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 20, 2005.

I hereby appoint the Honorable MARK FOLEY to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Dr. Kenneth L. Samuel, Pastor, Victory Baptist Church, Stone Mountain, GA, offered the following prayer:

Gracious and most loving God, today, as in days gone by, we acknowledge You as sovereign God; God of all people, all cultures, and all faith traditions. We pray that the differences which divide us will be mitigated and overcome by the common reverence that we share for You. Indeed, we pray that our communion with You will inspire and enable us to build a national and an international community where Your faith is reflected and recognized in the faces of all Your children, regardless of race, gender, religion, class, or sexual orientation. Let our communion with You enable us to build greater community with one another.

On this day, make us Your servants indeed, and please allow our service to You to find expression in the respect and reconciliation that we seek to establish among all people.

It is in Your manifold, marvelous, and matchless name that we offer this prayer. 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 gentlewoman from Georgia (Ms. MCKINNEY) come forward and lead the House in the Pledge of Allegiance.

Ms. MCKINNEY led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND KENNETH SAMUEL

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

Ms. MCKINNEY. Mr. Speaker, Kenneth Samuel is a Godly man, and I thank him for being here today.

He was born in Darlington, South Carolina, and received his B.A. from Wesleyan University, his Master's of Divinity from Emory University, and his Doctor of Ministry Degree from United Theological Seminary in Dayton, Ohio.

Dr. Samuel was licensed as a minister and ordained at the historic Ebenezer Baptist Church of Atlanta, Georgia, the church of Dr. Martin Luther King, Jr.

Reverend Samuel believes that the church must be all around us and is not just reflected in a building. Toward that end, he has taken his ministry of social justice to the community at large. Reverend Samuel currently serves as the President of the DeKalb County NAACP. He has also served as President of the DeKalb County Council on Adult Literacy and has volunteered as a chaplain at the DeKalb County jail. He serves on the Board of Leadership DeKalb and chaplained the southern region of the Alpha Phi Alpha fraternity.

In 1987 he organized the Victory for the World Church and Independent Baptist Church and United Church of Christ. Reverend Samuel's church serves the total person, providing spiritual development, educational enhancement, and physical fitness. The church school, Victory Christian Academy, Victory Annex, and the Kenneth L. Samuel Community Life Center define Victory as a church that serves its members and the larger community.

Reverend Samuel is a wonderful leader in our community, a strong man unafraid to take a stand, and I am proud to have him lead us in prayer today in our community, the United States Congress.

ILLEGAL IMMIGRATION

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

Mr. POE. Mr. Speaker, the United States tracks cattle from where they are born as calves on ranches in Wyoming, Montana, and Texas to the slaughterhouses of the Midwest, to the butcher shops of the Northeast, to our supper tables where they end up as steaks. We have even tracked a mad cow born in Canada 3 years ago to some remote barn in Washington. We have not only tracked this mad cow, but all her calves in their different locations in the United States.

Mr. Speaker, we know where the cattle are, but why is it that we can track one mad cow but the Federal Government cannot seem to locate 10 to 14 million illegal people living in the United States, people who have invaded our land and disrespected our rule of

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law. Someone has suggested that we give all people illegally coming across our borders a cow, and then let the Agricultural Department keep up with them and do the job the immigration people refuse to do.

Our Federal Government needs to be just as concerned about the illegal people coming into the United States as we are about some sick cow coming from Canada.

Mr. Speaker, this ought not to be.

CRITICIZING DRUG LIABILITY PROVISION

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

Mr. EMANUEL. Mr. Speaker, the first Vioxx lawsuit to reach trial is currently being played out in Texas. The case focuses on the needless death of Robert Ernst, a produce manager at Wal-Mart who also ran marathons and worked as a personal trainer. He took Vioxx for 8 months before he died of an irregular heartbeat.

As the New York Times reports today, it turns out that Merck and other pharmaceutical companies may have knowingly misrepresented the dangers of its drug, Vioxx, to doctors and patients and the public as a whole. Yet, while this trial is going on, this Congress is planning on protecting the pharmaceutical industry from such lawsuits.

On the right side of the screen, a family is fighting an injustice. On the left side of the screen, this Congress is mounting a rear-guard action to protect the pharmaceutical industry. If next week we plan on bringing up the medical malpractice legislation and have a blatantly beneficial provision for the pharmaceutical industry and only the pharmaceutical industry, I will introduce the Vioxx amendment to strip the bill of this provision.

USA PATRIOT ACT REAUTHORIZATION

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

Mr. DELAY. Mr. Speaker, this week on the floor the House will consider the reauthorization of the USA PATRIOT Act and all Members from both sides of the aisle will, 4 years after 9/11, have an opportunity to show the American people how seriously they take the ongoing threat of terrorism and how they would attempt to combat it.

The PATRIOT Act, as we all know, has been a political punching bag for many ever since its passage. Wild, fear-mongering accusations have abounded about the suppression of dissent and abuse of power, yet in the PATRIOT Act's 4-year history no such abuses have been documented. It has not infringed on anyone, except our terrorist enemies.

Unfortunately, too often, too many seem more critical of the actions of our own troops than those of the terrorists. And comical as it sounds, such reckless, irresponsible, partisan rhetoric is invariably prefaced with, ''I support the troops, but.''

But you cannot, Mr. Speaker, you cannot support the troops, but compare them to Nazis. You cannot support the troops, but call their heroic work in Iraq a ''grotesque mistake.'' You cannot support the troops, but say Saddam Hussein's torture chambers are still open, but under new ''U.S. management.'' You cannot support the troops, but say, to score partisan points, that the war in Afghanistan is over, when those very troops are still in harm's way there.

Policy differences are healthy, Mr. Speaker, but words have consequences.

National security is more than just another political issue. Undermining the war on terror undermines the troops, emboldens the enemy, and endangers our young men and women in uniform.

As much as some would like to, we cannot pretend it is September 10 again. We cannot pretend the world is safe. Mr. Speaker, 9/11, Madrid, and London have proven that. Our only choice is to fight or surrender and, for 4 years, the American people have rallied behind our Commander in Chief, committed to fight this war until the last terrorist on earth is either in a cell or a cemetery.

The Democrat Party of FDR and JFK, like the Republican Party under Ronald Reagan and George Bush, understood the necessity of strong, decisive, and bipartisan foreign policy in a dangerous world. This week's agenda will provide all Members from both sides of the aisle the opportunity to affirm whether such bipartisan unity is still possible.

OPPOSING THE PRIVATIZATION OF SOCIAL SECURITY

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

Mr. ETHERIDGE. Mr. Speaker, today I rise to express my opposition to the recent Republican proposals to privatize Social Security.

Privatizing Social Security is like tearing down the barn to fix the roof. It adds trillions of dollars to the national debt and does nothing to fix the long-term challenges facing Social Security.

The Republican privatization proposal hands future generations a triple burden: a reduction in guaranteed benefits, a hefty transition cost, and a Social Security system that is no closer to solvency.

This is a classic bait-and-switch maneuver, and American workers will not be fooled by trickery, political schemes to line the pockets of Wall Street bankers with their retirement savings.

This country has made a commitment to seniors and to current workers alike that Social Security will be available upon retirement. We cannot go back on our word. Rural America in particular is counting on Social Security to be there when they need it.

As we prepare to celebrate the 70th anniversary of Social Security, I urge the President to take privatization off the table so that we might achieve a bipartisan agreement to strengthen Social Security for the long term and enhance the retirement security for all Americans.

CELEBRATING THE SUCCESSES OF FREE ENTERPRISE

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

Mrs. BLACKBURN. Mr. Speaker, I would like to call the body's attention to a sheet of paper that the Committee on Ways and Means has produced for the membership this morning. It is the top 10 reasons the economy is strong.

The late Alex Haley used to say, find the good and praise it. Mr. Speaker, this morning I would like to pause and praise the free enterprise system and the wonderful men and women, the small business owners who have put their energy into building a strong economy. It is their work. They create the jobs, not us. It is government's job to create the environment and get out of the way and let free enterprise do what it does best.

The items, the 10 items on this list are so encouraging. Unemployment, near historic lows, 5 percent; 4.4 percent average GDP growth since June of last year; 3.7 percent growth in manufacturing output since June of last year.

The economy is strong. Free enterprise is doing its job. Mr. Speaker, let us celebrate that success.

KARL ROVE

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today because I just cannot help feeling remorse for what has happened to the truth in America.

For more than a week, the American people have known that Karl Rove was involved in the leaking of a covert CIA agent's name to the press. He damaged our national security and put an agent at risk. This is not the work of a patriot.

Of course, Rove did not admit to his treachery. Instead, the story has come out through reporters who are getting their information from Karl Rove's attorney.

Republicans, from the President on down, continue to say that they will not comment until they know all the facts. Here is an idea: President Bush should demand that Karl Rove come clean and tell the American people everything.

While Rove continues to hide behind his attorney, a grand jury is investigating the matter. For some strange reason, Republicans claim that Rove has been vindicated. Something tells me that if Rove really believed he was innocent of wrongdoing, we would have already heard from him by now.

□ 1015

The silence from both Rove and the White House is deafening, while the truth continues to be obscured for political gain.

DEMOCRATS SHOULD CARE MORE ABOUT POLICY THAN POLITICS

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

Mr. PITTS. Mr. Speaker, last week the minority leader told reporters that ''it is essential for us,'' meaning Democrats, ''to take down their numbers,'' meaning Republicans. And she went on to cite the reasons it is more important to tear down Republicans than offer an actual agenda.

It is obvious from these statements that the Democrat leader's main strategy is obstruction and politics. They care more about partisan spin and negative attacks than ideas and progress.

However, Republican policies are lowering the deficit created by recession and terrorist attacks. Republican policies have spurred the creation of a million jobs this year. Republican policies have allowed the economy to grow faster than any other industrialized country.

And Republican leadership, as opposed to decades of Democrat complacency, have led us into the national discussion on the future of our most important retirement program, Social Security.

The Democratic agenda has lost at the polls. If they cared more about working families than their poll numbers, maybe they would start winning elections again.

GOP SOCIAL SECURITY PLAN CONTINUES THE RAID ON THE SOCIAL SECURITY TRUST FUND

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

Mr. CARDOZA. Mr. Speaker, the authors of the Congressional Republican Social Security privatization plan are not being straight with the American people. The Republicans claim that the plan that they introduced last month includes a lockbox that prevents the use of Social Security funds for other programs. This could not be further from the truth.

Under their privatization plan, Social Security's surplus cash would continue to go to the government, which would continue to spend it. Instead of a Social Security trust fund, account holders get Treasury bonds.

Even the bill's Republican author, the Social Security Subcommittee chairman, has acknowledged that under their bill the cash can still be used in the way it is now.

Over the last 4 years, the Republicans have raided $670 billion from the Social Security trust fund to help pay for tax breaks. Despite their rhetoric now, the new Republican Social Security privatization scheme proves that they are up to their old tricks.

As we prepare for the 70th anniversary of Social Security next month, the American people deserve a plan that strengthens Social Security for future generations and stops the raid on the Social Security trust fund.

PROBLEMS IN LATIN AMERICA

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

Mr. KIRK. Mr. Speaker, problems now loom in Latin America as they did in the 1980s. Venezuela's Mussolini, Hugo Chavez, ordered 40 Russian military helicopters to station on his border with Colombia. And he is also taking delivery of over 100,000 AK–103 assault rifles to fight a new war.

His war may be in Central America. His agents are already funneling oil money to groups hostile to the United States and to free trade.

We in the Congress have a choice to make. We can either send exports to Central America or troops. Next week let us enact a free trade agreement with Central America to lock in democratic growth and stability, and let us make sure that President Hugo Chavez's Venezuelan agents find no fertile ground in America's back yard.

KARL ROVE'S INVOLVEMENT IN THE LEAKING OF CIA AGENT'S IDENTITY

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

Ms. SCHAKOWSKY. Mr. Speaker, whenever President Bush is asked to comment on Karl Rove's involvement in the leaking of a CIA agent's identity, the President says that he cannot comment because it is an ongoing investigation. However, if the President really wanted to know everything about Karl Rove's involvement, all he would have to do is call Karl Rove into the Oval Office and ask him. Rove's testimony before the grand jury was not private. Rove certainly could have explained his involvement so the President could then determine if Rove can be trusted as a senior national security advisor.

There is simply no reason for President Bush to delay any longer. The American people and our CIA agents around the world need to be able to trust those with top security clearances.

Two years ago, President Bush talked tough about this serious issue saying, if there is a leak out of my administration, I want to know who it is. Well, President Bush now knows Karl Rove was involved, and yet he says he wants to reserve judgment until after the investigation is completed.

If the President really thought this was serious, he would call Rove into his office and demand an explanation. It is time for President Bush to hold Rove accountable for his actions.

PASS A NATIONAL ENERGY BILL

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

Mr. STEARNS. Mr. Speaker, as the conference between the House and Senate on the energy bill gets underway, it is long past due for Congress to pass a comprehensive energy bill. U.S. economic prosperity is closely tied to the availability of a reliable and affordable supply of energy. As the economy grows, so will the demand for energy. According to the Energy Information Agency, the United States, by the year 2025, is expected to need 44 percent more petroleum, 38 percent more natural gas, 43 percent more coal, 54 percent more electricity, and 54 percent more renewable energy.

Record increases in the prices at the pump and in overall energy cost underscore the long-term need to enact a comprehensive national energy strategy. So, Mr. Speaker, the time is now to do so.

SOCIAL SECURITY SURPLUS BILL

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

Mr. DEFAZIO. Mr. Speaker, we can always use a good laugh around here, but not when it is at the expense of the American people or the future of the Social Security. This is from Congressional Quarterly. It is so bizarre I couldn't make it up. The House version of the Republican Social Security surplus bill uses the Social Security surplus twice. First the government would borrow the surplus from Social Security's trust funds in exchange for special Treasury bonds, as it does now. And it would then direct the surplus back into individual accounts, but then borrow it back again in exchange for bonds that were put into people's private accounts.

The debt on the individual's accounts would appear in the government's budget. The debt to Social Security trust funds would remain off budget, as it is now. The surplus itself would be spent as part of the regular budget.

This is progress in the integrity of Social Security? This is some totally bizarre joke that is so confusing that they are hoping that they can snooker people into voting for it at 3 or 4 or 5 in the morning like they did the Medicare bill, which is now $800 million over budget and providing precious little

help to our seniors who need prescription drugs. Do not be fooled twice.

AMERICA'S WORKING

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

Mr. PRICE of Georgia. Mr. Speaker, in spite of all of what the pessimists have said, and regardless of what the mainstream media reports, the economy has greatly improved.

The facts are plain and simple. Our Nation is producing more, and our government is spending less. The estimated Federal budget deficit is $94 billion less than the earlier prediction, and we have had 14 consecutive quarters of economic growth.

House Republicans have faith in America's ability to grow our economy, and we look to the future with confidence. Our job in Congress is to hold the line on spending. And the unemployment rate has fallen to 5 percent, the lowest since September 2001, with nearly 4 million new jobs created in the last 2 years alone.

Sustained job growth, falling deficits, low interest rates and a booming housing market: America's economy is robust and getting stronger.

With fiscal responsibility and passing pro-growth bills, including the death tax repeal and legal reform, we continue to show our commitment to growing America's economy. But there is still work to do. I am hopeful that Congress will approve the highway and energy bills which will add new jobs to the economy, help improve our roadways, and decrease our dependence on foreign oil.

SOCIAL SECURITY AND WOMEN

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to speak about Social Security and the millions of American women who rely on it every day.

Women are among one of the largest groups of Social Security beneficiaries who stand to lose a great deal should Social Security be privatized. On average, women live 3 years longer than men. Any contributions to a private account would have to stretch out over more years.

Additionally, the private accounts do not have the guaranteed annual cost-of-living increase in Social Security which would jeopardize the retirement and economic security of older women through the gamble of the stock market.

Social Security is a good deal for women because it gives people with lower earnings a greater return on what they paid in, and women on average have lower incomes and less time in the workforce.

Mr. Speaker, it is high time we quit talking about privatizing Social Security and instead come up with ways to strengthen it.

CENTRAL AMERICAN FREE TRADE AGREEMENT

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

Mr. PORTER. Mr. Speaker, I rise today in support of the Central American Free Trade Agreement. The Central American Free Trade Agreement. We use this acronym frequently, CAFTA. It is Central America, our brothers and sisters and the future of the world when it comes to the corridor for an economic base that is unlimited into South America and Central America.

Exports to Central America from my home State of Nevada grew 56 percent from 2000 to 2004, far higher than the 16 percent average increase. In 2003 alone, Nevada experienced an 88 percent increase with significant gains in machinery, computer and electronic manufacturing.

Manufactured goods accounted for 69 percent of Nevada's exports to Central America. Not only will the passage of CAFTA immediately eliminate tariffs on 80 percent of exports on Nevada's manufacturers; it will also abolish all remaining tariffs within 10 years, including the tariff on chemicals, electronic equipment, machinery, and transportation equipment.

Mr. Speaker, Central American Free Trade Agreement, the future economic base of the world is Central and South America.

DEMOCRACY DEPENDS ON FREE SPEECH AND DISSENT

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

Mr. NADLER. Mr. Speaker, I heard the remarks of the majority leader a few minutes ago. Democracy depends on free speech and dissent. Free speech is stifled when dissent is labeled treason or is derided in time of war as not supporting our troops.

We all support our troops. One can point out the mistakes or the dishonesty of the administration while not stinting in supporting our troops. Pointing out that the administration misled the country about weapons of mass destruction in Iraq is not ''not supporting our troops.''

Pointing out that Karl Rove appears to have participated in a conspiracy to punish Ambassador Wilson for telling the truth about this by revealing the Ambassador's wife's CIA role is not ''not supporting our troops.''

Pointing out the administration's justification for keeping our troops in harm's way in Iraq flip-flops by the season is not ''not supporting our troops.''

Demanding proper investigation of evidence that the administration has disgraced this country by evading our laws against torturing prisoners is not ''not supporting our troops.''

A free society requires that all these accusations see the light of day. Let the administration rebut them if they can. But do not use the mantra of supporting our troops to stifle essential free speech.

STATE DEFENSE FORCES

(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, as the global war on terrorism continues, State Defense Forces are playing an increasingly critical role in ensuring that their communities are prepared for Homeland Security crises and recovery from hurricane damage.

As a 31-year veteran of the South Carolina Army National Guard, I am well aware of the valuable contributions of the South Carolina State Guard. From training monthly to supporting National Guard operations, these capable men and women honorably offer their time and experience for their communities.

To ensure that these volunteers are used to their greatest potential, the gentleman from Tennessee (Mr. DAVIS) and I have reintroduced the State Defense Forces Improvement Act. This legislation will recognize the importance of the State Defense Forces, authorize DOD and DHS to coordinate Homeland Security efforts with and provide training to State Defense Forces and allow State Defense Forces to receive surplus DOD equipment.

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

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CIVILIAN CASUALTIES IN IRAQ

(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, today's New York Times states that a London-based group of academics and researchers has released a report on civilian casualties in Iraq for the first 2 years of the war. The report, based on analysis of civilian casualties reported in the news media, states that 24,865 civilians were killed and about 42,500 wounded.

The report goes on to list its findings specifically. We also know that there is another study which was published in October of 2004 in the Lancet, the British medical journal, according to the New York Times, that says that some of the estimates of Iraqi civilian deaths range as high as 100,000.

I have stood on this floor many times and bemoaned the loss of our American troops, but I think in the name of humanity we have to start thinking

about the impact that this war is having on the civilians in Iraq. Their lives are being destroyed. Their families are being wiped out.

House Joint Resolution 55 sets the stage for bringing our troops home and ending this tragedy in Iraq.

EFFECTIVELY FIGHTING TERRORISM

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

Ms. FOXX. Mr. Speaker, though the two parties may disagree on aspects of the war in Iraq, I believe that terrorism is not a partisan issue. Yet minority party Members choose to align themselves solely with political rhetoric and hollow accusations. Instead of joining efforts to enhance America's security, Democrats continue to bring sensationalistic banter to this floor.

Republicans are pushing legislation forward that will improve the effectiveness of and bring more accountability to U.S. foreign assistance around the world and bring democracy even further into the light. It is no secret that terrorist groups continue to recruit and train at a rapid pace. This legislation assists in cutting off the outlets and supplies of terrorist organizations and helps sever their operational channels. We are vigorously closing their doors.

The foreign relations authorization addresses the pressing issues of our day such as U.N. reform, human rights and nuclear proliferation. This legislation authorizes assistance to America's allies and contains measures that continues breaking down elements of repressive foreign governments. As terrorists seek to debase the vision of peace and tear down hope, America will steadfastly provide a beacon of promise and allegiance.

CAFTA

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

Mr. PASCRELL. Mr. Speaker, I just heard a quote on the floor of the House of Representatives to send product to Central America or send troops. I have never heard anything more absurd or simplistic in my 9 years here in the House of Representatives. The people of these six countries oppose CAFTA. They say it is unfair. And it really is a corporate-inspired trade deal that hurts working people both in the United States and Central America.

Stop the hemorrhaging of American jobs. Protect American sovereignty. Put some backbone into both sides of the aisle on the independence of the legislative body. CAFTA is not only a spear into the heart of American independence but a heavy blow to the integrity of this House under Article I, Section 8 of the Constitution.

Do we have the backbone to stand for the common good, the basis for the Judeo-Christian foundation of this Nation? Or do we just invoke these principles when convenient?

CAFTA

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

Mr. REICHERT. Mr. Speaker, the United States is a leader in today's global economy. As countries around the world work and trade together at a rapidly growing pace, we must stay competitive to remain a contender. The Central American Free Trade Agreement will help us do just that.

My home State of Washington is the most trade dependent State in the country. One in three jobs in Washington depends on trade. We must embrace CAFTA and see it as an opportunity to stimulate our economy and be actively involved in a world market. The United States cannot afford to shrink from international trade and establish itself as an isolationist. The absence of our participation will only be seen as an opportunity by competing nations like China. Whether we are prepared to acknowledge it or not, we are in a global economy.

Mr. Speaker, this trade agreement builds America. In establishing an open exchange with the Central American countries, we build our foreign relations. By increasing circulation of goods, we build our economy. And in taking this step forward, we build on the future and the possibility that the entire Western hemisphere will one day be open to free trade. CAFTA looks to the future of our country. I urge my colleagues to support this agreement.

SERVICE IN IRAQ

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

Mr. STRICKLAND. Mr. Speaker, over the last few days I had the privilege of visiting in the home of John Bocerri. John Bocerri is a young Ohio State representative. He is the husband of Stacy, the father of two young daughters and just 3 days ago brought to his home from the hospital his third child, born 8 pounds, 8 ounces, young Matthew Bocerri.

I was in that home as John gave that young infant into the arms of his young daughters for the very first time. John is a pilot in the Air Reserves flying out of the Youngstown Air Base. He flies the large C–130 transport planes.

On Thursday of this week, tomorrow morning, at 10 o'clock, John Bocerri leaves his wife, leaves his two daughters and his new infant son to go to Iraq for the fourth time. For the fourth time. John Bocerri represents the hundreds, yea, the thousands of young Americans who are serving this country with honor and distinction. It is sad that John Bocerri's children will pay for the cost of this war.

DR–CAFTA IMPLEMENTATION LEGISLATION

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

Mr. LINDER. Mr. Speaker, I rise today in support of the Dominican Republic-Central America-United States Free Trade Agreement, also known as CAFTA. While CAFTA countries also enjoy duty-free access to U.S. markets for the majority of their products through U.S. trade preference programs, these countries often have high tariff and nontariff barriers for U.S. exports.

Under CAFTA, barriers to U.S. exports in these countries would be drastically reduced. More than 80 percent of U.S. consumer and industrial exports and over half of U.S. farm exports to Central America would become duty-free immediately with the agreement's enactment, and the rest would be phased out over time. CAFTA would also benefit the State of Georgia, which I represent, by providing new market access for our State's products.

CAFTA will also help the U.S. and CAFTA countries compete with China, a growing economic force in the world market. Seventy-one percent of apparel from CAFTA countries currently enters the United States using U.S. yarns and fabrics, while only one-tenth of 1 percent of apparel from China enters the United States using U.S. yarn or fabric.

Mr. Speaker, this body must pass CAFTA and give the United States the same access to the markets in South America that they have to ours.

IRAQ AND SOCIAL SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, my colleague just before me indicated the crisis that we have in America where a young man is sent off four times to Iraq and not able to see his family.

Well, maybe the young soldier that I buried the other day, Nathaniel Parker, who got liver disease in Iraq and died languishing in one of our military hospitals, or maybe the tragedy of 70 who died after a suicide explosion there are crises that we should be focusing on. Then, of course, our friends on the other side of the aisle want to insist that Americans change their basic infrastructure pension, that is, Social Security. We know that whatever plan they have is going to cut America's benefits. In fact, middle-class Americans will have their benefits cut 40 percent.

Social Security should not be privatized. It can be fixed. It can be extended. Ronald Reagan and Tip O'Neill did it in 1983.

Women most of all will be hurt. More than 24 million women receive Social

Security. So I say to my colleagues here in the House, the Democrats realize that a faulty plan is no plan on Social Security. A faulty plan on the war is no plan. Let us get together and solve America's problems.

EMINENT DOMAIN AND SUPREME COURT

(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 in support of legislation I have introduced to protect ordinary American citizens from tax abuse at the hands of our government. I was shocked when the United States Supreme Court ruled last month that governments could take private homes, businesses and churches and turn them over to land developers in the name of tax revenue.

My bill, the Eminent Domain Tax Relief Act, would prevent the government from adding insult to this injury. It would eliminate the capital gains tax that an individual has to pay on the money he receives for his condemned property. Eminent domain abuse on its own is intolerable. But taxing those who lose their property is even more deplorable. There is no excuse for making a person pay capital gains tax on something she did not want to sell in the first place.

Mr. Speaker, my legislation says this: No taxation on government condemnation. I ask all of my colleagues on both sides of the aisle to join me in supporting this bill.

SOCIAL SECURITY AND CAFTA

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

Mr. RYAN of Wisconsin. Mr. Speaker, the rhetoric we are hearing from the other side on Social Security and CAFTA is unbelievable. It is unbelievable because it is not factual. What we are proposing to do with Social Security is to stop the raid of the Social Security surplus and give that money to the worker to go toward their Social Security retirement benefit. If it does not stop the raid, then how come the CBO, the Congressional Budget Office, tells us that the deficit goes up by an equal amount? How can they tell us, Congress, you are either going to have to raise taxes, cut spending or borrow somewhere else because they will not get the Social Security benefit because it is going to workers?

On CAFTA, it is a one-way trade agreement we have today. This makes it two-way. They already have free access to the American markets. We do not have equal access to their markets. They already have lower standards on worker rights, on environment. This raises those standards. If we do not pass CAFTA, they get a free deal. We get no deal. They have low labor rights. If we do pass CAFTA, we not only improve their labor conditions, we improve the enforcement of their labor rights and we give the American worker and the American economy a fair trade deal like we are now giving them.

PATRIOT ACT REAUTHORIZATION

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

Mr. CARTER. Mr. Speaker, after 9/11, my fellow lawmakers wanted to make sure that the PATRIOT Act would protect Americans without trampling the civil rights that we cherish in this Nation. Mr. Speaker, today, 4 years later, the verdict is in. The PATRIOT Act works and is helping defeat terrorism. Those of us who thought the threat of terrorism receded can only look at Great Britain to know that this is not the case. Complacency allows waves of terror to come crashing over free nations. The attacks on London show that the war on terror is not over nor is it confined to a specific location. Securing our homeland is only one facet of the war. Spreading democracy in the savage lands where terrorism propagates is another.

The PATRIOT Act gives us enforcement tools that keep America safe. The PATRIOT Act has removed major legal barriers that prevented law enforcement agencies from coordinating their work. It has also allowed law enforcement to use surveillance against terror-related activities and allowed the issuance of nationwide search warrants. The PATRIOT Act is doing exactly what it is supposed to do. We cannot allow these terrorists to gain momentum in this fight.

DR–CAFTA

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

Ms. HARRIS. Mr. Speaker, I rise today to encourage our colleagues to pass the Dominican Republic-Central American Free Trade Agreement, or DR–CAFTA, when it comes before the House. DR–CAFTA is vital to our Nation's economic competitiveness in today's global marketplace and will serve as an economic engine for driving growth and economic opportunity in the United States and Central America.

In Florida, the Nation's gateway for trade with Central America, we recognize the importance of this regional bloc. The DR–CAFTA countries represent our State's largest export market and the second largest United States market in Latin America. By lowering trade barriers, we can expand this market even further. That is good news for Florida businesses, good news for Florida agricultural products, and good news for Florida workers. The American Farm Bureau estimates that United States exports for agricultural goods could increase by $1.5 billion each year.

This agreement has generated thoughtful bipartisan support from various agricultural, textile, business and political groups. Former United States President Carter as well as several key Clinton administration officials support DR–CAFTA. I encourage my colleagues to join me in supporting this crucial trade agreement that will help promote economic growth, political stability and regional security.

DR–CAFTA

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

Mr. DREIER. Mr. Speaker, let me begin by congratulating all of my colleagues who have stood up this morning in strong support of the Central American Free Trade Agreement. We have seen a very long and growing list of individuals here in the House, Democrats and Republicans, and organizations as well, U.S. businesses, large and small, conservatives and liberals, academia, foreign policy experts and prominent Central Americans.

But sometimes it is more telling to look at the opponents of a particular measure. One of the fiercest opponents of DR–CAFTA is Daniel Ortega, the former Nicaraguan Communist dictator responsible for years of violence and oppression. Today he is trying, as he has been for years, to stage a comeback. He is banking a great deal on the effort to defeat DR–CAFTA. Daniel Ortega knows full well that the economic opportunities that DR–CAFTA will bring would improve the quality of life for Nicaraguans, fight corruption through greater transparency, and solidify Nicaragua's commitment to economic and political freedom. For a dictator whose support stems from civil unrest and ability to manipulate Nicaragua's judicial and legislative systems, implementation of DR–CAFTA would be extremely bad news. I urge my colleagues to oppose the Ortega agenda and support DR–CAFTA.

□ 1045

PARLIAMENTARY INQUIRY

Mr. PASCRELL. Mr. Speaker, point of privilege.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman may state an inquiry.

Mr. PASCRELL. Mr. Speaker, I just wanted to respond to the last 1-minute. My request is that the words of the former speaker at the podium, to associate those of us who have been on the front lines of civil rights, both parties, both sides, with Ortega, this character in Central America, is the most ruthless thing I have heard in a long time. I have no association with that character. He belongs in jail, but simply because he has spoken on this, sir, do not associate me or anybody else with him.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry. Does the gentleman have a parliamentary inquiry?

Mr. PASCRELL. Yes, I do.

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

Mr. PASCRELL. Mr. Speaker, my parliamentary inquiry is that we cannot just say anything that we wish to say on the floor of the House. I cannot, no one else can; and when you invoke the integrity of Members of this House who have spoken out, regardless of what position they take, I think that is something that needs to be looked at.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. PASCRELL. Mr. Speaker, I would like the Chair to look into the words of the former speaker and see if any of his words should be taken down. I cannot be any more specific than that.

The SPEAKER pro tempore. A demand that words be taken down as unparliamentary must be made at the time the remarks are uttered. The House has passed that point at this stage.

Mr. PASCRELL. I rise for a point of personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The Chair is unaware of any basis for a point of personal privilege at this stage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later today.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR A CEREMONY TO HONOR CONSTANTINO BRUMIDI ON THE 200TH ANNIVERSARY OF HIS BIRTH

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 202) permitting the use of the Rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth.

The Clerk read as follows:

H. CON. RES. 202

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on July 26, 2005, for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

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

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

Mr. Speaker, I am pleased to rise in the House this morning in support of House Concurrent Resolution 202. This is a bill authorizing the use of the Rotunda of the United States Capitol for a ceremony on July 26 honoring Constantino Brumidi on the 200th anniversary of his birthday.

On June 22, 2005, President Bush issued a proclamation which honored and celebrated the 200th anniversary of the birth of Constantino Brumidi. That is the action that brings us here today, to permit a ceremony in Constantino Brumidi's honor to be held in the Capitol Rotunda.

Constantino Brumidi has been called the Michelangelo of the United States Capitol Building. House Concurrent Resolution 202 was introduced both to honor the life and also the work of Constantino Brumidi, who was an Italian immigrant also with strong family Hellenic roots who spent some 25 years, from 1855 to 1880, painting, decorating, and enhancing the beauty of our United States Capitol building. Brumidi was born in Italy in 1805 and he worked as an artist in Rome and the Vatican where he had many commissions, including a portrait of Pope Pius IX. In 1852, Brumidi immigrated to the United States and he dedicated the balance of his life to making our Capitol building one of the most impressive structures in this great Nation and really in the world.

In 1865, Brumidi spent some 11 months walking dangerously high atop the Capitol Rotunda laboring on his masterpiece which if you go to the center of the Rotunda and look up, you see his famous work entitled ''The Apotheosis of Washington,'' in the eye of the Capitol dome. Six years later, he created the first tribute to an African American in the Capitol when he placed the figure of Crispus Attucks at the center of the painting which memorializes and pays tribute to those patriots who were lost in the Boston Massacre.

In 1878 at the age of 72 and in poor health, Brumidi began his final work and that was on the Rotunda frieze around the edge of the center of the Capitol dome. That frieze chronicles the history of the United States.

Constantino Brumidi's life and work exemplifies the life of really millions of immigrants who came to the United States to seek opportunity and to seek freedom in America. Brumidi and many others who immigrated to the United States provided their skills and their hard work, and they bettered their lives and they bettered the lives of their children, their grandchildren, and their great grandchildren, many who serve in this Congress, many who serve across this land and whose daily lives enrich every day the United States of America.

NAIF, the National Italian-American Foundation, is an organization which promotes American and Italian relations, cultural and business relations and numerous other U.S. Italian groups that support this effort to recognize the outstanding work of Constantino Brumidi.

Constantino Brumidi is now part of the ages. He is deceased. However, his great artistic contributions all around us in this United States Capitol live on and give both beauty and also life, continuing life, to our Nation's Capitol building.

Mr. Speaker, 2005 is the bicentennial of Brumidi's birth, and I can think of no better way to honor this patriotic Italian-American's contribution to our great Nation than by passing this resolution.

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

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of House Concurrent Resolution 202 authorizing use of the Rotunda for a ceremony on July 26, 2005, to commemorate the 200th anniversary of the birth of a noted Italian-American artist, Constantino Brumidi.

Brumidi was in many ways a classic American success story. Born in Rome to Italian and Greek parents in 1805, he began preparing for an artistic career at age 13 by studying with distinguished sculptors and painters. Much of his artistic vision was based on the wall paintings of ancient Rome and Pompeii, and on studies of the Renaissance and the Baroque. He focused on work for the Catholic Church, including several Popes, Italian princes, and other wealthy patrons.

Forced to immigrate to the United States in 1852 from an Italy wracked by political turmoil, he became an American citizen in 1867 and established himself as a creator of historic frescoes and murals. Beginning in 1855 and lasting until his death in 1880, Brumidi is known today primarily for the murals he painted in a changing U.S. Capitol building over a 25-year period.

His training was well suited in the classical design of the Capitol building. These works of art lure the eyes of visitors upward towards sights of beauty, in addition to the historic design of the Capitol itself, as they wander through examples of his artistry in the Capitol Rotunda, committee rooms, and what has become known as the Brumidi corridors on the first floor of the Senate wing of the building.

Brumidi also accepted private commissions and periodically returned to his specialty of religious paintings for the Catholic Church which he had practiced extensively earlier in his career.

Brumidi's worked on decorations in hallways and rooms throughout the Capitol and in the Hall of the House of

Representatives and in the Capitol dome, which symbolizes the center of American democracy. His murals combine classical and allegorical subjects with portraits and scenes from American history and tributes to American values and inventions. His work on the monumental canopy, called ''The Apotheosis of George Washington'' in the newly constructed dome remained incomplete at his death in 1880, but the dome frieze was ultimately concluded in 1953. Other artists continued to work on his unfinished projects.

Brumidi's works are so admired that even in a constantly changing, crowded building where additional rooms for staff are created out of corridors which contain Brumidi's work, efforts are made to ensure that the walls and ceilings remain available to public viewing through transparent partitions.

Mr. Speaker, Constantino Brumidi has deservedly been called ''the Michelangelo of the Capitol.'' His legacy was recently chronicled and evaluated in a richly detailed 1998 book by Dr. Barbara A. Wolanin, curator for the Architect of the Capitol and published by the U.S. Government Printing Office.

It is fitting in another period of major change of the U.S. Capitol building with the anticipated completion of the U.S. Visitor Center in 2007, we honor Brumidi's lasting contributions.

I want to commend the sponsors of this concurrent resolution, the gentleman from New Jersey (Mr. PASCRELL), the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. MICA) for taking this initiative as well as the gentleman from New York (Mr. ISRAEL), who has sought a Presidential proclamation honoring Constantino Brumidi.

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

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS), who will relate some of the great Hellenic roots of Constantino Brumidi.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Florida (Mr. MICA) for taking the lead on this issue.

Mr. Speaker, I too rise today to support H. Con. Res. 202, a resolution permitting the use of the Capitol Rotunda for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth.

To some Brumidi is known only as the artist of the Capitol. However, to many others he is much more. With his astonishing allegorical art work, Brumidi links the birthplace of democracy, ancient Greece, to the world's newest land of liberty, America. Moreover, Brumidi himself represents what his masterpieces convey. As a political refugee, Brumidi illustrates the principles upon which this great Nation was founded: Freedom, liberty and opportunity.

On July 26, 1805, Constantino Brumidi was born in Rome to a Greek father and an Italian mother. He spent his childhood studying at the most prestigious art school in the city and quickly became a renowned artist, receiving a commission to work at the Vatican. He appeared to have a promising career ahead of him. However, due to political upheaval in Rome, Brumidi sought asylum in America, where he hoped to find independence and opportunity in a new land.

On September 18, 1852, 59 years to the day when George Washington laid the cornerstone of the Capitol building, Brumidi landed in New York.

□ 1100

Because of his love of democracy, it would not take Brumidi long to fully embrace his newly adopted home. That November he filed paperwork to become an American citizen.

Many of us have parents or grandparents who immigrated here from other countries, looking to escape oppression or to come to the land of opportunity to give their children a better life. Many of them succeeded in ways they never dreamed imaginable. Brumidi is one of those success stories. Who could imagine that an immigrant would be tasked with decorating the most significant building in the United States? I believe that it is a testament both to Brumidi's resolve and our great Nation's willingness to embrace those who want to share in the American Dream.

Hundreds of thousands of people walk through these halls every year, but they do not expect to see masterpieces that parallel those in famous European museums and cathedrals. When they walk through the Rotunda, they do no expect to look to the ceiling and see the magnificent Apotheosis of George Washington and the great symbolism it portrays. But when they do, they look up and see Freedom, an armed woman trampling terrified despots. Brumidi perfectly intertwined American themes with his classical Greco-Roman artwork.

Brumidi was not a soldier. He never lead an army against a tyrannical rule; but just as Francis Scott Key strikes a cord in our hearts when we hear the ''Star-Spangled Banner,'' Brumidi's legacy and contributions to democracy will live forever. I can think of no better place to commemorate the bicentennial of Brumidi's birth than in the Rotunda, under his most famous painting.

Mr. Speaker, Brumidi once said, ''My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on Earth in which there is liberty.''

There is no doubt in my mind, Mr. Speaker, that Constantino Brumidi did just that.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, Brumidi is alleged to have said, ''My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on Earth in which there is liberty.'' And to all of those who do come through this Capitol every day and see the beautiful artwork, this is what we will be honoring and recognizing next week.

This Capitol and the beautiful artwork and sculpture that is in it was done by immigrants. Most of them did not make much money and most of them died poor. But they had a deep love for America, America. And Constantino Brumidi was no exception. He was exceptional.

I want to thank the gentleman from Ohio (Chairman NEY) and the Committee on House Administration for bringing the resolution to the House floor. I also want to thank the gentleman from Florida (Mr. MICA) for managing the resolution. The gentleman from Florida (Mr. MICA) has been the foremost leader in the Congress in promoting Brumidi's prolific life and his extraordinary legacy.

It reminds me a bit of a sculptor, a famous Italian-American sculptor, Gaetano Federici, who came from Italy, and his sculpture exists all through the metropolitan area in New Jersey and New York. Similar backgrounds, came here not to accumulate a tremendous amount of wealth but to reflect their love of America, and they showed it and communicated it in their art. So it is a personal honor for me to lead the House of Representatives in remembering Brumidi with the gentleman from Florida (Mr. MICA).

The last time he was recognized in Congress was in 1980 at the 100th anniversary of his death. The late Congressman Peter Rodino, whom we eulogized just a few weeks ago at his passing, a great American, constituent, my friend, an inspiration, hosted the service. I know that Congressman Rodino is looking down on this ceremony today and will be here next week. Perhaps he is with George Washington in what Brumidi properly named in his most famous work, the Apotheosis of Washington. Twenty-five years later, I am humbled by the opportunity to continue a legacy that Congressman Rodino pursued with passion.

Yesterday, I enjoyed a discussion with a roomful of Italian-American high school students from all across the Nation. Mr. Speaker, they traveled to Washington on a trip to explore the roles that people of their ethnic background play in the Federal Government. We discussed our grand Italian-American heritage. We discussed ways to advance its image. And when I fielded questions, one student asked, What is being done now to elevate the positive image of our ethnic community? I was happy to respond to this timely question. I told the students that today Congress would act to authorize a ceremony to honor Constantino Brumidi, the artist of the Capitol, an American

immigrant of both Italian and Greek descent.

I explained that we live in a Nation of immigrants, that Brumidi is one of the greatest that we ever welcomed. He left Rome under unfortunate circumstances, having been imprisoned in the great fight in Italy for independence with both the Vatican and the state. Rome's loss was America's gain. When the French occupied Rome in 1849, Brumidi was accused by the Church of being a revolutionary. The work he had been doing in the Vatican came to an end. He set out for America where he hoped our free way of life would allow his talent to flourish. He arrived in New York City. Think of that day in 1852. He was a proud citizen 5 years later. Hear me, 5 years later. In fact, he was known to sign some of his work ''C. Brumidi Artist Citizen of the United States.'' How fitting.

After traveling the country for work, in 1855 Brumidi's unique style found its way to the empty walls of the United States Capitol. He was commissioned by the Congress. Brumidi soon provided a unique ability to apply a classical style to create American themes. Though paid handsomely at the start of his career, Brumidi was not inspired by financial gain. After 2 years of work, he never got a raise. But his work continued.

It continued in the Frieze of American History, in the Brumidi Corridor, in the Senate Appropriations Committee, in the reception room and in the President's Room, just to name a few. And on February 19, 1880, exactly 25 years to the day after Brumidi began work at the Capitol, he died of a kidney failure. He died in poverty. And following his death, Brumidi's name and work slipped into obscurity. Much of his artwork was painted over, in fact. He was looked at as irrelevant. It was immaterial. It was not until 1952 that his grave site was recognized by the Congress, the Congress that he dedicated his life to physically enhance. It was not until 10 years ago that his work has truly begun to be restored.

Brumidi was driven by enormous talent. He was driven by enormous patriotism. His passion allowed him to adorn the Capitol of his adopted country with the grand symbolism of a democratic Greco-Roman legacy.

The event that this resolution will authorize takes a step to ensure that Americans will never forget one of our greatest historical figures. It will work to ensure that every American, Italian, Greek, or whatever, will recognize the name of Constantino Brumidi, one of the greatest immigrants to ever grace America.

This is the 200th anniversary of his birth. This is the 150th anniversary of the beginning of his artistic career. And this is the 125th anniversary of his death. It is only fitting that Congress honor Constantino Brumidi in this showplace, in the Capitol Rotunda, on the bicentennial of his birth.

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

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentlewoman for yielding me this time and thank her for her leadership on this issue.

I also want to thank the gentleman from Florida (Mr. MICA) for his leadership, his passion for history, his leadership on behalf of the legacy of Constantino Brumidi in joining with me in urging the Stamp Advisory Commission to issue a United States postage stamp honoring Constantino Brumidi.

Mr. Speaker, all Americans of all faiths, of all backgrounds, of all experiences who come to this citadel of democracy are inspired by the legacy of Constantino Brumidi. All of us are influenced by him. I was just walking through the corridors of the Capitol, and this is a very busy, very crowded place. And everyone who comes to the Capitol today and during these weeks has no choice but to look at the work of Constantino Brumidi, to be affected and influenced by it.

Constantino Brumidi epitomizes the greatest democratic values that our country offers to the world: a sense of strength, a sense of pride, a sense of hope, the sense that one can come here with nothing and create an enduring and permanent legacy of their values.

Constantino Brumidi captures not just the history that we view in his works in the Capitol, but he also sends us a critical message about our future, our collective future. What he tells us in his work is that this is a special place in the world, that one can come to America and work hard, they can reach the literal zenith of their profession, and in that workforce all the rest of us can look up at what they have done. That is something that should not be taken for granted.

I would suggest that only in America could Constantino Brumidi's works be as cherished as they are. Only in America could his work force all the rest of us to look up at what he has done, and only in America could people from all faiths and backgrounds be so influenced and inspired by what he has done. That is the true lesson of Constantino Brumidi. He does not capture the past. He tells us that the best is yet to come.

So I support this resolution. I thank the gentlewoman and gentleman from Florida, and I urge my colleagues to adopt it.

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

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

In closing, I do thank both sides of the aisle for participating in this, the gentleman from New Jersey (Mr. PASCRELL) and the gentlewoman from California (Ms. MILLENDER-McDONALD) for their leadership, and others.

Rarely do we get to use the very center of the Capitol building, the Rotunda, in any ceremony. The Congress requires a joint resolution and that that resolution be considered by the other body for the purpose of honoring one of our citizens. So it is very rare. We paid tribute to Ronald Reagan. We have paid tribute to great Americans, Rosa Parks, in awarding the Congressional Gold Medal, leaders, political and social leaders.

□ 1115

How fitting it is that we take time as a Congress to recognize one of the artistic and cultural contributors to this great Capitol building on the 200th anniversary of Brumidi's birth. So we not only honor next week in this special ceremony Constantino Brumidi, but also all the sons and daughters of this great Nation, immigrants, who made not only this Capitol an incredible symbol of democracy and a beautiful place to work and visit and to have as our United States Capitol, but also to honor all those who have made this a great country.

Mr. Speaker, I urge the adoption of the resolution.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 202.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. 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. 202.

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

There was no objection.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2601.

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

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

The SPEAKER pro tempore (Mr. MICA). Pursuant to House Resolution

365 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2601.

□ 1117

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2601) to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes, with Mr. FOLEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 19, 2005, amendment No. 19 printed in part B of House Report 109–175 by the gentleman from New Jersey (Mr. SMITH) had been disposed of.

It is now in order to consider amendment No. 20 printed in part B of House Report 109–175.

AMENDMENT NO. 20 OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. ISSA:

At the end of title II, add the following new section:

SEC. 217. PASSPORT SECURITY ENHANCEMENT.

(a) REPORT ON DOCUMENTS RELATED TO PASSPORT ISSUANCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that describes existing security weaknesses of identification documents, including birth certificates, required for the issuance of a passport, and that includes, in accordance with paragraph (3), recommended criteria for birth certificates that will be acceptable to establish valid proof of identity and national origin of individuals for the issuance of passports to such individuals.

(2) CONSULTATION.—The Secretary shall consult with appropriate officials of States and cities identified as vital registration jurisdictions in the preparation of such criteria.

(3) ACCEPTANCE CRITERIA.—The criteria referred to in paragraph (1) shall include the establishment of minimum acceptance criteria for identification documents issued by such jurisdictions, including criteria related to—

(A) vital records security and procedures;

(B) security paper and printing for birth certificates;

(C) customer identification requirements;

(D) issuance of birth certificates, including duplicates;

(E) controlling access to birth certificate records to prevent identity fraud;

(F) data element definitions to facilitate electronic exchange of birth and death registration information with the Department of State for purposes of issuing passports; and

(G) routine matching of all birth and death records.

(b) BACKGROUND INVESTIGATION AND ESTABLISHMENT OF TRAINING PROGRAM FOR PASSPORT ACCEPTANCE AGENTS.—

(1) BACKGROUND INVESTIGATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a mandatory requirement for background investigations of passport acceptance agents.

(2) ESTABLISHMENT OF TRAINING PROGRAM.—Not later than one year after the date of the enactment of this Act, the Under Secretary for Management of the Department of State, acting through the Bureau of Consular Affairs of the Department, shall—

(A) establish a comprehensive training program for passport acceptance agents that includes instruction and training relating to identification document fraud detection, customer identification authentication, and the penalties for passport fraud by employees, agents, and passport applicants;

(B) establish a database that records when passport acceptance agents complete such training;

(C) require all newly appointed passport acceptance agents to complete such training before initial processing of passport applications; and

(D) establish a training schedule so that all existing passport acceptance agents have completed such training no later than three years after the date of the establishment of the training program under this paragraph.

(c) EXPANDED AUTHORITY OF SPECIAL AGENTS.—Section 203 of the Omnibus Diplomatic and Antiterrorism Act of 1986 (Public Law 99–399; 22 U.S.C. 4823) is amended—

(1) in the first sentence, by striking ''Special agent positions'' and inserting ''(a) Special agent positions''; and

(2) by adding at the end the following new subsection:

''(b) In connection with investigations of corruption, waste, fraud, and abuse by officers and employees of the United States Government, including the illegal sale of United States passports and visas and other United States criminal offenses, the Federal District Court for the District of Columbia shall have authority to issue warrants with respect to properties within the special maritime and territorial jurisdiction of the United States, as defined under section 7(9) of title 18, United States Code. Special agents under the direction of the Director of the Diplomatic Security Service shall have authority to execute such warrants.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary, or to reprogram funds otherwise obtained through receipts from the issuance of passports and visas, to carry out this section.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from California (Mr. ISSA) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before we take up amendment 20, I would like to step back to amendment 6 of yesterday. I had submitted an amendment made in order under the rule to strike proposed changes to U.S. economic and military aid to Egypt yesterday. I decided not to offer this amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, we are prepared to continue to work with the gentleman from California and the administration in order to protect the national interests broadly considered and help Egypt achieve the economic and political reform it needs.

Mr. ISSA. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from California.

Mr. LANTOS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the chairman and I are prepared to deal with all members of the committee on their ideas. We have explored the issue of the appropriate level of economic and military aid to Egypt; and the committee, as well as the House, has acted on this matter. But as with all matters, we have an open mind to discuss additional and new ideas.

Mr. ISSA. Mr. Chairman, reclaiming my time, I thank the gentleman from California. I appreciate the offer by the chairman and ranking Democrat to look at this, and I look forward to working with them and the administration on this matter.

On that, Mr. Chairman, I would like to move to amendment No. 20.

Amendment 20 was made in order because it is dealing with an important matter. This amendment takes the necessary and commonsense steps to enhance the security of American passports. It will help to eliminate three major loopholes currently present in the passport acquisition process that have been exploited by criminals, especially over the last 5 years.

First, it requires the Secretary of State to submit a report that describes the weaknesses of identification documents, including birth certificates, required for the issuance of passports. This report will lay out the minimum acceptable criteria for birth certificates issued by State and county governments in order for the certificates to be accepted by the State Department for the purpose of obtaining a passport.

Second, the amendment establishes a requirement that all passport agents undergo background investigations and comprehensive training programs to improve fraudulent document detection and thereby reduce fraud. This will make it harder for insiders to sell passports to criminals and terrorists and easier for government authorities to discover those who do. The Secretary of State would be authorized to determine requirements for both background checks and oversight of these agents.

Finally, Mr. Chairman, and without a doubt most importantly, this amendment expands the authority of the United States Government to investigate cases of illegal sales of passports and visas by U.S. Government personnel. It authorizes the Federal District Court of the District of Columbia to issue warrants in such cases and authorizes special agents under the direction of the director of the Diplomatic Security Service to execute such warrants.

It will also require foreign service officers and other personnel serving abroad in diplomatic positions, including ambassadors, to waive any challenge to the Federal court jurisdiction over matters involving the illegal sale of a passport or a visa or any other matter involving official corruption. The waiver would include any legal challenges to the diplomatic security conducting investigations for the same.

This will resolve the current impasse that happens in a significant number of foreign countries when local magistrates and police officials are barred under respective local laws from allowing investigations by anybody into the homes of diplomats.

Mr. Chairman, the requirements laid out in this amendment will raise the State Department's ability to detect and eliminate passport fraud. It is critical for our Nation's security that we implement the measures I have laid out.

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

Mr. LANTOS. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from California (Mr. LANTOS) is recognized for 15 minutes.

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

Mr. Chairman, passport security is a critical issue, and we need to be sure that the administration is doing everything it can to ensure that only U.S. citizens receive U.S. passports. However, while we are prepared to accept this amendment, we hope we can make some modifications as the legislative process moves forward.

Birth certificates are used by the State Department to help establish the nationality of an applicant, not their identity, and the Intelligence Reform and Terrorism Prevention Act of 2004 establishes a Federal process to standardize U.S. birth certificates. The State Department is a full participant in that process, along with other Federal agencies, the States and the association that represents the registrars of vital statistics. That process should be allowed to run its course, and it would be counterproductive for the Department of State to establish its own criteria for evaluating birth certificates.

In addition, it is unclear whether the training mandated by this provision should be the responsibility of the State Department or the U.S. Postal Service, which employs most of the passport acceptance agents.

We hope to address these issues as this amendment moves forward.

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

Mr. ISSA. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the sponsor of this amendment. It is important. I think that we need to do all we can to make sure the feeder documents, the primary documents upon which passports are issued, are safer than they are today. I think it is important that the Secretary of State and those in responsibility have a more thorough reporting process to us as to how these can be made safe.

So I want to commend the gentleman for bringing this forward. It is a good amendment, and we ought to support it.

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I would like to offer my assurances to the ranking member that it was never the intention of this amendment to eclipse the postal service's good efforts; and the portion of the amendment that deals with State Department developing in no way, shape, or form is intended to stop the training from being conducted by the appropriate agency in the appropriate place. I look forward to working with the ranking member to clarify that in any language necessary.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 21A made in order under the rule.

AMENDMENT NO. 21A OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Acting Chairman. Is the gentleman from New Jersey acting as the designee of the gentleman from Iowa (Mr. KING)?

Mr. SMITH of New Jersey. Mr. Chairman, I am.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21A offered by Mr. SMITH of New Jersey:

Page 300, after line 20, insert the following new section:

SEC. 1027. FUNDING FOR NONGOVERNMENTAL ORGANIZATIONS UNDER THE PRESIDENT'S EMERGENCY PLAN FOR AIDS RELIEF.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) identifies by name each nongovernmental organization that has received funding under the President's Emergency Plan for AIDS Relief on or after the date of the enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), the date on which the funding was provided to the organization, and the date on which the organization filed a statement with the Government of the United States certifying that the organization has in effect a policy explicitly opposing prostitution and sex trafficking; and

(2) contains a description of the plan of the Department of State to audit compliance by each nongovernmental organization that receives funding under the President's Emergency Plan for AIDS Relief to have and adhere to a policy explicitly opposing prostitution and sex trafficking and to submit to the appropriate congressional committees the results of such audit.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, this amendment simply requires that the State Department submit a report to Congress that one, identifies by name all NGOs receiving funding under the President's emergency plan for AIDS relief, the date that the funding was provided, and the date on which the NGO filed the statement certifying its policy explicitly opposing prostitution and sex trafficking.

Number two, it describes the Department of State's plans to audit the compliance by nongovernmental organizations receiving U.S. funding under the President's Emergency Plan for AIDS relief to have and adhere to an explicit policy opposing prostitution and sex trafficking and a description of the plan of the Department of State to transmit the results to the appropriate congressional committees.

□ 1130

Mr. Chairman, I would just note for my colleagues, this is a very simple amendment. When the Hyde historic legislation on HIV/AIDS was considered by the committee, I offered the amendment that was included in that bill to ensure that the NGOs, to which we provide considerable amounts of money and, in many cases, we are talking tens of millions of dollars, are not in any way complicit in sex trafficking nor in the promotion of prostitution and its legality.

I would point out to my colleagues that by way of historical background, I am the prime sponsor of the Trafficking Victims Protection Act of 2000 and the Trafficking Victims Protection Act Reauthorization and Expansion Act of 2003. We take very seriously our obligation to ensure that we as a government, we as a provider of significant Federal funding, in no way are enabling this modern-day slavery called sex trafficking or prostitution, which is its very close cousin.

I would hope that Members would realize that this is a very simple amendment. It just requires that we get basic information, which I think in our oversight capacity we have an obligation to do as a Congress and as certain committees of the Congress.

So I hope that Members will support this.

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

Mr. LANTOS. Mr. Chairman, I am not opposed to the amendment; I ask

unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Mr. SHAW). Is there objection to the request of the gentleman from California?

There was no objection.

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

Before I comment substantively on the gentleman's amendment, let me pay tribute to the gentleman from New Jersey (Chairman SMITH) for his leadership in this House in our joined fight against trafficking.

Mr. Chairman, there is no disagreement among Members of this body as to whether overseas recipients of U.S. HIV/AIDS funds should be promoting prostitution or trafficking. They obviously should not. To this end, in the original HIV/AIDS legislation Congress required that any grantee or subgrantee legally certify that they have a written policy against prostitution and trafficking.

This amendment, if approved, will place an onerous burden on the thinly staffed administrators of the global HIV/AIDS program to prepare within 90 days a report listing hundreds of grants and subgrants and retrieving policy statements from each one to satisfy the amendment. If Congress wants to set forth specific and reasonable guidelines for NGOs to follow, that is a different matter and should be addressed appropriately.

Mr. Chairman, because I support the intent of this amendment, I will not oppose it, but I believe that there are less burdensome ways to achieve this end, particularly by allowing for a greater period of time to prepare this information. I hope we will have a chance to work out appropriate language in conference.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. KING), who is actually the prime sponsor of this amendment.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from New Jersey (Mr. SMITH) for picking up this amendment and introducing it on my behalf. I introduced this amendment on behalf of the gentleman from Indiana (Mr. SOUDER), and we have all been working on this same cause; it has to do with sex trafficking and the dehumanization that comes from sex trafficking, Mr. Chairman.

I will just add to this debate that we know that it is dehumanizing and it is against the policy of the United States.

There was legislation that was introduced last year that went into the Federal code that would prohibit any funds from going to organizations that do not have a policy specifically opposing sex trafficking and prostitution. But we have not gotten a report back from the Secretary of State's office, in spite of the fact that there have been a number of letters written, by the gentleman from Indiana (Mr. SOUDER) in particular, requesting that report.

This amendment requires a report from the Secretary of State be delivered to the appropriate committees and allows this Congress to oversee the funding that we appropriated. Mr. Chairman, I will insert for the RECORD the letters that have been sent by the gentleman from Indiana (Mr. SOUDER). I would conclude my remarks with a request for support for this amendment.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, February 11, 2005.

Hon. CONDOLEEZZA RICE,
Secretary of State, Department of State, Harry S Truman Building, Washington, DC.

DEAR MS. SECRETARY: Attached you will find a letter dated October 22, 2004, in which the State Department was asked to provide the Subcommittee with a listing of any grants that have been awarded under the authority of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 or the Trafficking Victims Protection Reauthorization Act of 2003 that did not fully comply with anti-prostitution and sex trafficking provisions therein.

The deadline for the provision of this information, November 1, 2004, has long passed. Please update the Subcommittee regarding the status of this request by Wednesday, February 16, 2005.

Sincerely,

MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, October 22, 2004.

Hon. COLIN POWELL,
Secretary of State, Department of State, Harry S Truman Building, Washington, DC.

DEAR MR. SECRETARY: According to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), funds must not be used ''to promote or advocate the legalization or practice of prostitution or sex trafficking'' and organizations must have a policy ''explicitly opposing prostitution and sex trafficking.'' (citations are provided in the attached copy of the Office of Legal Counsel (OLC) guidance on the enforcement of this law).

On July 8th of this year, an amendment to the FY05 Committee, Justice, State Appropriations specifically reiterating this policy passed in the House by an overwhelming 306 to 115 vote.

Proper implementation of this provision of law is critical because it guarantees that our surrogates in foreign countries are not giving mixed messages to the victims of prostitution and sex-trafficking. Although the guidance attached to this letter is addressed to the Department of Health and Human Services, the Department of Justice has informed us that copies of this letter were provided to your agency and is binding upon it.

No later than November 1, please provide the Subcommittee a listing of any grants that have been awarded under the authority of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 or the Trafficking Victims Protection Reauthorization Act of 2003 that did not fully comply with the above-cited provisions or the OLC guidance of September 20, 2004.

As the next round of AIDS grant proposals are submitted, I remain confident that you will see to it that the grants are implemented and awarded in accordance with the law.

Sincerely,

MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGAL COUNSEL,
September 20, 2004.

Hon. Alex M. Azar II,
General Counsel, Department of Health and Human Services, Washington, DC.

DEAR ALEX: I understand that earlier this year the Department of Health and Human Services (HHS) asked the Department of Justice (DOJ) whether HHS could implement certain provisions of the TVPRA and of the AIDS Act. At this time, I understand that DOJ gave its tentative advice that the so-called ''organization restrictions'' set forth in 23 U.S.C.A. §7110()(2) and 22 U.S.C.A. §7631(f) could, under the Constitution, be applied only to foreign organizations acting overseas.

We have reviewed the matter further and are withdrawing that tentative advice. The statures are clear on their face that the organization restrictions were intended by Congress to apply without the limitations identified in our earlier advice. We have consulted with the Civil Division and, in these circumstances, given that the provisions do not raise separation of powers concerns and that there are reasonable arguments to support their constitutionality, we believe that HHS may implement these provisions. If the provisions are challenged in court, the Department stands ready to defend their constitutionality in accordance with its longstanding practice of defending congressional enactments under such circumstances.

Please do not hesitate to contract me if you have any further questions. I apologize for any confusion or inconvenience cause by our earlier tentative advice.

Sincerely,

DANIEL LEVIN,
Acting Assistant Attorney General.

HOUSE OF REPRESENTATIVES,
COMMITTE ON GOVERNMENT REFORM,
Washington, DC, July 15, 2005.

Hon. CONDOLEEZZA RICE,
Secretary of State, Department of State, Washington, DC.

DEAR MADAM SECRETARY: On October 22, 2004, and again on February 11, 2005, the State Department was asked to provide the Subcommittee with information relating to grants awarded under he authority of the United States Leadership Against HIV/AIDS, Turberculosis, and Malaria Act of 2003 [Public Law 108–25].

Now, nine months later, I find it necessary to file amendments on the State Department authorization bill with the House Rules Committee to provide your Department some additional incentives for its full cooperation with the oversight requests made by this subcommittee.

By August 22, 2005 (ten months to the day of my original request) I ask that the following information be provided to the Subcommittee (both paper and electronic copies): an Excel spreadsheet containing, in separate cells, the names and addresses, and points of contact of all Non-Governmental Organizations which, after the date of enactment of Public Law 108–25, received funding under authority of the President's Emergency Plan for AIDS Relief or the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. The spreadsheet must include the dates on which funding was awarded, the date the identified Non-Governmental Organizations filed statements with the Federal government asserting the Non-Governmental Organization has

a policy ''explicitly opposing prostitution and sex trafficking,'' and paper and electronic copies of the statements of the Non-Governmental Organizations arraigned alphabetically.

If there are any questions, please contact Malia Holst, clerk of the subcommittee.

Sincerely,

MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

July 15, 2005.

Hon. ANDREW NATSIOS,
Administrator, United States Agency for International Development, Ronald Reagan Building, Pennsylvania Avenue, NW., Washington DC.

DEAR MR. ADMINISTRATOR: As Members of Congress who advocate for the faith community, we write to express our deep concern about the way in which the United States Agency for International Development (USAID) is implementing the Communities Responding to the HIV/AIDS Epedemic (CORE). As a pillar of the Administration's faith-based outreach abroad, CORE is an innovative initiative that partners USAID with faith communities to address the HIV/AIDS epidemic.

CORE's operating consortium is composed of five groups including CARE USA, the World Council of Churches (WCC), the International Center for Research on Women (ICRW), the International HIV/AIDS Alliance (the Alliance), and the Johns Hopkins Bloomberg School of Public Health/Center for Communication Programs. We draw your attention to the first four organizations because their policies often run contrary to U.S. HIV/AIDS policy and frequently promote policies that are offensive to people of faith.

Most disconcerting is the consortium's primary contractor, CARE USA. The President of CARE, Peter Bell, has signed public attacks on the Administration's pro-life policies, calling them ''undemocratic'' and ''unethical''—and this is only the beginning of CARE's opposition to American policy.

CARE's programs in India, most notably the Sonagachi Project in Calcutta, have promoted a pro-prostitution agenda. Samarjit Jana, CARE's Assistant Country Director in India, is one of the world's leading crusaders for the legalization of prostitution for the right of HIV-infected prostitutes to have sex without a condom.

In Lesotho, CARE and USAID funding to campaign for a so-called ''rights-based'' approach to prostitution—in other words, for legalization of prostitution and its cultural acceptance as a legitimate form of employment. Despite the Administration's policy directive that all grantees of taxpayer monies for work overseas must pledge to oppose the legalization of prostitution, CARE continues to lead the CORE consortium.

We are also concerned about the policies of ICRW, another CORE member. In 2001, ICRW held a conference to plan strategy for an agenda that included the legalization of prostitution. Its pro-prostitution stance is radical that ICRW even objected to the late Senator Paul Wellstone's Trafficking Victims Protection Act (S. 1842, 106th Congress) because ''the legislation does not currently distinguish between forced prostitution and voluntary prostitution. Thus [ICRW argued] it may be used as a punitive measure against voluntary sex workers.

ICRW also holds other policy views that most faith-based groups would find offensive. ICRW president Geeta Rao Gupta is a strong critic of abstinence programs, arguing that ''the traditional norm of virginity for unmarried girls that exists in many societies, paradoxically, increase young women's risk of infection because it restricts their ability to ask for information about sex out of fear that they will be thought to be sexually active.'' Gupta also objects to the ''stigamatizing [of] sex workers'' because it ''increase[es] their vulnerability to infection and violence.

The Alliance is the third CORE consortium organization of concern. The Administration's own policy may prohibit this group from receiving government grants because of its veiled support for the legalization of prostitution. The Alliance appears to be the vanguard of prostitution legalization efforts through its many activities. In one instance, it employs two highly placed associates of the Network of Sex Work Projects, an outspoken pro-prostitution advocacy group. In another instance, the Alliance purposefully organizes with pro-prostitution groups. Nonetheless, USAID is working with the Alliance to implement the Administration's HIV/AIDS policy among faith-based groups.

The fourth disturbing CORE consortium member is the WCC. With a reputation for more than half a century of unrelenting criticism of the United States, WCC consistently seeks to undermine American foreign policy.

A study published in 2004 by the well-regarded Institute on Religion and Democracy surveyed WCC's public statements on human rights over the past several years. The report discovered that 21% of all WCC complaints about human rights were directed against the United States and 43% were directed against Israel, though WCC cited no human rights violations in China. Apparently, WCC believes that China is not culpable for any violation of human rights, while the United States and Israel account for two-thirds of the world's violations. This is a distortion of the meaning of ''human rights.''

Astonishingly, such propagandistic condemnation is not an isolated incident. WCC issued a statement which linked the tsunami in the Indian Ocean to the U.S. refusal to sign the Kyoto Protocol on Global Warming. After September 11, WCC General Secretary Konrad Raiser attacked the U.S. war against terrorism as ''outside the rule of law,'' and claimed that our anti-terrorism efforts have led to the ''harsh suppression'' of the ''people's struggles for social justice'' because they appear as ''potential manifestations of terrorism.'' Raiser also dismissed the tragedy of September 11, stating that it would ''create a sense of solidarity in pain with those who had been exposed to the structural violence of a global economic system which serves the interests of a minority of rich people and countries.

Last year, three of USAID's CORE consortium members (CARE, the International HIV/AIDS Alliance and the World Council of Churches) joined with eight other organizations to produce a so-called ''Code of Good Practice for NGOs Responding to HIV/AIDS,'' which includes statements antithetical to American policy. The document states that, ''In the context of individual behavior change, abstinence, fidelity and use of condoms all have a role to play in reducing HIV transmission. However, it is critical that abstinence and fidelity are not promoted as the preferred approach, with condoms as a last resort, thereby stigmatizing [sic] condom use.''

The code also calls for ''the full range of prevention options'' to be available to injecting drug users ''in a manner that is free of judgment,'' including ''utilizing [sic] non-injecting methods of drug use and effective use of sterile injecting equipment.'' The code states that ''the illegality and stigma associated with injecting drug use invariably lead to discrimination against people who use drugs and create barriers to accessing services'' and protests the ''failure to protect the human rights of people who inject drugs,'' linking it to the ''undermining [of] HIV prevention efforts.'' If the sponsors of this code seriously believe that legalizing drug use and making drugs and equipment available—protecting the ''human rights'' of drug users—will prevent the spread of HIV, then we cannot understand why USAID would contract with these organizations.

Furthermore, the code advances the legalization of prostitution, stating that ''the stigma associated with sex work in many countries around the world creates significant barriers to sexual health and HIV prevention efforts among sex workers and their clients. . . . Supporting sex workers, including through collective action, empowers them to negotiate transactions, and address the health and social contexts that increase their vulnerability to HIV infection.'' Apparently, the code considers the legalization of prostitution to be a way to improve HIV prevention efforts.

Such policy statements are clearly contrary to American foreign policy and offensive to a vast majority of religious adherents the world over—though they are made by contractors for the Administration's central faith-based response to the HIV/AIDS policy.

Any reasonable pre-award evaluation by USAID of its contractors should have confronted the records of CARE, ICRW, the Alliance and WCC. If such an evaluation failed to uncover the concerns we have enumerated above, we must question USAID's procedures for selecting its contractors. We would be most concerned, however, to learn that USAID had initiated its collaboration with these CORE consortium members with full knowledge of their policy positions.

U.S. government outreach to the range of faith-based communities delivered by anti-American, anti-abstinence, pro-prostitution and pro-drug use groups should not be allowed to undermine the work of the Administration. Organizations entrusted with taxpayers' money and charged with a mission to represent our nation to people abroad must themselves represent the values inherent in American foreign policy.

Thank you for considering these views, and for your work to ensure that people of faith may participate fully in the public square.

Mr. SOUDER. Mr. Chairman, I rise in support of the amendment offered by my friend and colleague, Representative STEVE KING. This amendment seeks to obtain information necessary for Congressional oversight of State Department activities, to ensure that the Congressional policy against prostitution and human trafficking for the sex trade is reflected by those activities.

The King amendment will assist the Congress in ensuring compliance with current law. Specifically, this amendment would require a report (within 90 days) describing by name all non-governmental organizations (NGOs) which received funding for AIDS relief after the enactment of the President's Emergency Plan for AIDS Relief or the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25). That law required that any recipient of funding under the act have taken an official, public stand opposing the legalization of prostitution.

Regrettably, many NGOs involved in AIDS-related work have promoted legalizing prostitution, in the misguided belief that this will somehow reduce the spread of AIDS. In fact, promoting prostitution not only threatens to increase risky sexual behavior and thereby worsen the AIDS epidemic, it also legitimizes this degrading "business" that has enslaved so many women and children in the Third World and elsewhere.

Despite the enactment of Public Law 108–25, we have learned that the State Department in fact awarded grants to NGOs that support legalizing prostitution. The Department has refused, however, to provide a complete accounting of this funding. Hence, this amendment would require the State Department to inform Congress about the dates on which funding was awarded, the date each identified NGO filed a statement with the Federal Government asserting the NGO has a policy "explicitly opposing prostitution and sex trafficking," and a copy of the statement.

Mr. Chairman, I thank Congressman KING for his efforts on this important issue, and I urge my colleagues to support this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in part B of House Report 109–175.

AMENDMENT NO. 22 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. KING of Iowa:

Page 312, after line 8, insert the following new section:

SEC. 1110A. STATEMENT OF POLICY REGARDING THE ATTACKS ON UNITED STATES CITIZENS BY PALESTINIAN TERRORISTS.

(a) FINDINGS.—Congress finds the following:

(1) Since the late Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 53 United States citizens, including one unborn child, have been murdered by Palestinian terrorists.

(2) On December 1, 1993, in a drive-by shooting north of Jerusalem, Hamas killed United States citizen Yitzhak Weinstock, 19, whose family came from Los Angeles.

(3) On October 9, 1994, Hamas kidnapped and murdered United States citizen Nachshon Wachsman, 19, whose family came from New York City.

(4) On April 9, 1995, an Islamic Jihad bomb attack on a bus near Kfar Darom killed United States citizen Alisa Flatow, 20, from West Orange, New Jersey.

(5) On August 21, 1995, in a Hamas bus bombing in Jerusalem, United States citizen Joan Davenny, from New Haven, Connecticut, was killed.

(6) On September 9, 1995, Mara Frey of Chicago was stabbed in Ma''ale Michmash resulting in her unborn child''s death.

(7) On February 25, 1996, three United States citizens, Sara Duker of Teaneck, New Jersey, Matthew Eisenfeld of West Hartford, Connecticut, and Ira Weinstein of New York City, were killed in a Hamas bus bombing in Jerusalem.

(8) On May 13, 1996, United States citizen David Boim, 17, of New York City, was killed in a drive-by shooting near Beit El, north of Jerusalem.

(9) On June 9, 1996, United States citizen Yaron Ungar was killed in a drive-by shooting near Beit Shemesh.

(10) On July 30, 1997, United States citizen Leah Stern of Passaic, New Jersey, was killed in a Hamas bombing in Jerusalem"s Mahane Yehuda market.

(11) On September 4, 1997, a Hamas bombing on Ben-Yehuda Street, Jerusalem, killed Yael Botwin, 14, of Los Angeles.

(12) On April 19, 1998, an attack near the Israeli town of Maon killed United States citizen Dov Dribben, 28.

(13) On October 8, 2000, Rabbi Hillel Lieberman, 36, of New York City, was stabbed and killed near Nablus.

(14) On October 30, 2000, United States citizen Esh-Kodesh Gilmore, 25, was shot in Jerusalem.

(15) On December 31, 2000, Rabbi Binyamin Kahane, 34, and his wife, Talia Hertzlich Kahane, both formerly of New York City, were killed in a drive-by shooting near Ofra.

(16) On May 9, 2001, Jacob ''Koby'' Mandell, 13, of Silver Spring, Maryland, was killed in an attack near Tekoah.

(17) On May 29, 2001, Sarah Blaustein, 53, of Lawrence, New York, was killed in a drive-by shooting near Efrat.

(18) On August 9, 2001, two United States citizens, Judith L. Greenbaum, 31, and Malka Roth, 15, were killed in the Jerusalem Sbarro pizzeria bombing.

(19) On November 4, 2001, Shoshana Ben-Yishai, 16, of New York City, was shot and killed during an attack on a Jerusalem bus.

(20) On January 15, 2002, Avraham Boaz, 72, of New York City, was killed in a shooting near Bethlehem.

(21) On January 18, 2002, United States citizen Aaron Elis, 32, was killed in a shooting in Hadera.

(22) On February 8, 2002, United States citizen Moranne Amit, 25, was killed in a stabbing in Abu Tor Peace Forest, Jerusalem.

(23) On February 15, 2002, United States citizen Lee Akunis, was shot and killed near Ramallah.

(24) On February 16, 2002, Keren Shatsky, 14, of New York City and Maine, and Rachel Thaler, 16, of Baltimore, Maryland, were killed in a bombing in Karnei Shomron.

(25) On March 24, 2002, Esther Kleinman, 23, formerly of Chicago, was shot and killed near Ofra.

(26) On March 27, 2002, United States citizen Hannah Rogen, 90, was killed in a bombing at a hotel Passover seder in Netanya.

(27) On June 18, 2002, Moshe Gottlieb, 70, of Los Angeles, was killed in a bus bombing in Jerusalem.

(28) On June 19, 2002, United States citizen Gila Sara Kessler, 19, was killed in a bombing at a Jerusalem bus stop.

(29) On July 31, 2002, five United States citizens were killed in a bombing of a Hebrew University cafeteria: Marla Bennett, 24, of San Diego, Benjamin Blutstein, 25, of Susquehanna Township, Pennsylvania, Janis Ruth Coulter, 36, of Massachusetts, David Gritz, 24, of Peru, Massachusetts (and of dual French-United States citizenship), and Dina Carter, 37, of North Carolina.

(30) On March 5, 2003, Abigail Leitel, 14, who was born in Lebanon, New Hampshire, died in a bus bombing in Haifa.

(31) On March 7, 2003, a shooting occurred in the home of United States citizens Rabbi Eli Horowitz, 52, who grew up in Chicago, and Dina Horowitz, 50, who grew up in Florida, and both were killed.

(32) On June 11, 2003, Alan Beer, 47, who grew up in Cleveland, was killed in a bus bombing in Jerusalem.

(33) On June 20, 2003, a shooting attack on a car driving through the West Bank killed United States citizen Tzvi Goldstein, 47, who grew up in the State of New York.

(34) On August 19, 2003, Mordechai Reinitz, 49, Yitzhak Reinitz, 9, Tehilla Nathanson, 3, of Monsey, New York, Goldie Taubenfeld, 43, of New Square, New York, and Shmuel Taubenfeld, 3 months, of New Square, New York, were killed in a homicide bombing on a bus in Jerusalem.

(35) On September 9, 2003, a homicide bomber killed United States citizens David Applebaum, 51, originally of Cleveland, and Nava Applebaum, 20, originally of Cleveland, in a cafe in Jerusalem.

(36) On October 15, 2003, United States citizens John Branchizio, 36, of San Antonio, Texas, John Martin Linde, Jr., 30, of Washington, Missouri, and Mark T. Parson, 31, of the State of New York were killed in a car bombing in Gaza.

(37) On September 24, 2004, a mortar strike on a housing community killed Tiferet Tratner, 24, a dual United States-Israeli citizen.

(38) At least another 83 United States citizens have been injured in Palestinian terrorist attacks.

(39) Palestinian terrorism continues to happen as demonstrated by the bombing in Tel Aviv on February 25, 2005, despite the recent elections and a new sense of optimism in the region.

(40) The United States is willing to continue to work with Palestinian leaders under the condition that the newly elected Palestinian leadership reject and take verifiable steps to prevent terrorism.

(b) STATEMENT OF POLICY.—Congress—

(1) condemns the attacks on United States citizens by Palestinian terrorists and demands that the Palestinian Authority work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities; and

(2) offers its condolences to the families and loved ones of United States citizens who were killed by Palestinian terrorist attacks.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to urge support of this amendment which condemns the attacks made by radical Muslims since the Oslo Peace Accords in September of 1993. These attacks claimed the lives of 53, at least 53 innocent American victims and at least one unborn child in Israel.

My amendment is simple in procedure, but it is sincere in its substance. It honors those innocent Americans that have fallen victim to the terror of radical Islam by listing each victim's name, age, place of residence, location of his or her death, and the cause of their death. My amendment also demands that the Palestinian Authority work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities.

We should honor the victims killed by terrorists in Israel and all over the world with the same spirit that we have honored our victims of September 11. The September 11 victims and those killed in Israel are all victims of radical Islam and, sadly, the death toll continues to rise as evidenced by the recent London bombings of July 7.

The terrorists who attacked us on 9/11 are the same kind of terrorists who blow themselves up on buses or in

crowded shopping areas in Israel and kill our soldiers on the streets of Baghdad. Terrorism does not discriminate between women and men or between children and adults. This is because terrorists hate freedom and worship death. It is with heavy hearts that we as freedom-loving people are bound together across language barriers and religious beliefs. Together, we fight radical Islam which preaches a culture of death.

My amendment is a small, heartfelt measure to honor those Americans killed in Israel by radical Islamists. I am hopeful that it will send a message to their loved ones that we are all in this together. Our fight to defend our God-given rights to freedom will honor those who have died at the hands of the culture of death and properly preserve our freedom for future generations.

I urge a ''yes'' vote on this amendment, Mr. Chairman.

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

Mr. LANTOS. Mr. Chairman, I do not oppose this amendment, and I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

I want to commend my friend from Iowa for offering this amendment. As the amendment soberly points out, 52 American citizens have been murdered by Palestinian terrorists since the PLO forswore the use of violence in the 1993 Oslo Accords.

This amendment acts, in effect, as a memorial, recording the name of each victim and offering condolences to their families.

It also demands that the Palestinian Authority work with Israel to protect all innocent individuals, of whatever citizenship, from terrorist atrocities. This is an important message at any time, but particularly now as Israel prepares to undertake a historic disengagement from the Gaza Strip. The Palestinian Authority must do its best, and it certainly has not done so lately, to ensure that this disengagement takes place in an orderly fashion and not under a hail of grenades and Kassam rockets that would only cast doubt on the viability of a Palestinian controlled Gaza as a neighbor for Israel.

Mr. Chairman, I hope the Palestinian Authority takes the antiterrorist message of this resolution to heart.

Let me also say, Mr. Chairman, that as our distinguished Secretary of State, Dr. Condoleeza Rice, leaves for the region she could not be going at a more appropriate and urgent time, and she fully understands that her prime responsibility is to make it clear to the Palestinian Authority that it must guarantee order and peace by using its military forces in Gaza to break the back of militant terrorist groups.

I urge all of my colleagues to join in supporting this resolution.

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

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from California (Mr. LANTOS) for his remarks and his support and his defense for the freedom and the safety of people across this globe for decades. I say to the gentleman, as to the small part that I add to the effort that he has brought, I feel it a privilege to be standing on this floor together with the gentleman speaking for freedom and safety of freedom-loving people everywhere. We so often and so easily forget that there are people dying in the Middle East that do not show up on the front page of our papers, and we stand with the people in Israel, we stand with all freedom-loving people.

I urge a ''yes'' vote on this amendment that honors them.

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

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XXVIII, further proceedings on the amendment offered by the gentleman from Iowa (Mr. KING) will be postponed.

It is now in order to consider amendment No. 23 printed in part B of House Report 109–175.

AMENDMENT NO. 23 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. KUCINICH:

Page 312, after line 8, insert the following new section:

SEC. 1110A. INTERNATIONAL TREATY BANNING SPACE-BASED WEAPONS AND THE USE OF WEAPONS AGAINST OBJECTS IN SPACE IN ORBIT.

The President shall direct the United States representatives to the United Nations and other international organizations to immediately work toward negotiating, adopting, and implementing an international treaty banning space-based weapons and the use of weapons to destroy or damage objects in space that are in orbit.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

The Kucinich amendment would require the President to direct the U.S. representatives to the United Nations and other international organizations to commence negotiations on an international treaty banning space-based weapons. Though the U.S. and the former Soviet Union long dominated the use of space, currently many states are investing in space assets and have developed or are developing the ability to use space peacefully.

Serious multilateral discussions about rules of the road for space are needed. This is especially important for the United States, as we own and operate the vast majority of satellites orbiting today, and space has become critical to U.S. economic, scientific, and military interests. Continuing the peaceful use of space will require refined international laws for space-faring States. The legal framework addressing the weaponization of space is far from comprehensive.

The international community, including Russia, China, Canada, and the EU, support creating a ban on weapons through a treaty to ban weapons from outer space. The United Nations has called for peace in space.

For nearly a half century, the cooperative and peaceful uses of space have yielded immense benefits to humans worldwide. Despite Cold War tensions and the technical capability to do so, no nation has deployed destructive weapons in space or destroyed the satellites of another nation.

The policy of preserving peace in space has not only been an international policy, Mr. Chairman, it has also been a national policy. The National Aeronautic and Space Act passed in 1958 stated that it ''is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.''

Yet despite any amendment to law or consideration by Congress, the policy of preserving peace in space changed significantly, behind closed doors.

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Why this policy has changed is a mystery. No other country has taken any steps to develop space-based weapons. Space assets of the United States have received no national security threats. Our national security threats are far from outer space. They are on the ground. Yet, with little public debate, the Pentagon has already spent billions of dollars developing space weapons and preparing plans to deploy them.

The Air Force has recently sought President Bush's approval of a national security directive that could move the U.S. closer to fielding space weapons. This new policy would alienate our friends and mobilize our potential enemies.

Moving forward with plans to weaponize space would create an arms race in space. It would be counterproductive to U.S. national security to give potential adversaries reasons to accelerate development of space weapons technology. Pursuing space weapons would also bankrupt our Nation

with a hefty price tag of up to $1 trillion according to published studies by leading weapons scientists, physicists, and engineers. The financial repercussions of a space-based weapons system would trickle down to every sector of our society: our national security, economy, health care, education, social services, and foreign policy.

It would be very easy to prevent the inevitable catastrophe that would result from an armed race in space. The United States, the only country moving forward with plans to put weapons in space, despite any national security threat, would need to stop in its tracks and work with other nations to negotiate an international legal framework for the peaceful use of space.

Support the Kucinich amendment to commence negotiations for an international treaty banning space-based weapons. This country should not make of the planet Earth a death star. We need to support international cooperation for the peaceful use of technology in space. Support the Kucinich amendment.

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

Mr. EVERETT. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN (Mr. SHAW). The gentleman from Alabama (Mr. EVERETT) is recognized for 5 minutes.

Mr. EVERETT. Mr. Chairman, I yield myself such time as I may consume.

I rise today in opposition to this amendment. This amendment attempts to commit the United States to a policy that would be detrimental to our national security. U.S. space assets underpin the economic livelihood of our Nation and provide critical capabilities for our warfighters around the world. It would be irresponsible not to ensure that we have the means to protect these assets and our troops. We should not be forced to enter into an agreement that would prematurely tie our hands from the ability to freely and peacefully operate in space.

This Congress and the administration are seriously concerned with the potential problems we have with our existing space satellites, both economically and militarily. As a Member of the House Armed Services Committee and chairman of the Subcommittee on Strategic Forces, we have had several sessions in order to fully understand how to best protect these assets. We are currently engaged in constructive discussions on how to best proceed on this very complex issue. The American people deserve and the Congress must engage in the first ever national discussion on space control before we can even begin to think of approaching the rest of the world, as this amendment would have us do.

This amendment forces a course that would greatly hamper our economy and our national security. I strongly oppose this amendment and urge my colleagues to do the same.

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

Mr. KUCINICH. Mr. Chairman, I have the right to close. I will continue to reserve the balance of my time.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I appreciate the gentleman from Alabama, my colleague and friend, yielding to me. I join with the gentleman in opposition to this amendment.

As my colleague knows, just this morning we were at a Space Power Caucus breakfast. My colleague has emphasized that we have a tremendous amount invested in our space assets. It would be a shame and actually worse than that to have those assets jeopardized.

I think this amendment harms our ability to protect our assets in space. We have assets out there that are protecting us, giving us intelligence information, protecting us, giving us weather information. And I think this amendment charts a dangerous course that would not allow us to continue to invest money in research and development and protect those assets. I think we should oppose this amendment.

Mr. EVERETT. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from Alabama has 2 minutes left. The gentleman from Ohio has 1 minute left.

Mr. EVERETT. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I rise in very strong opposition to the Kucinich amendment. A key element in a robust defense against ballistic missiles is the deployment of space-based weapons to intercept them in flight. We are talking about in all cases nonnuclear interceptors to stop an incoming nuclear device.

I think the amendment, while well intentioned, and I respect the gentleman from Ohio, is very counterproductive and puts our cities and our population at risk. I strongly oppose this amendment and urge my colleagues to defeat it.

Mr. EVERETT. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Texas (Mr. REYES), who is the ranking member of my committee, unfortunately or fortunately we have moved the discussion this morning on this bill forward kind of rapidly. And I am at liberty to say that he was going to also oppose this amendment. As I said, the gentleman from Texas (Mr. REYES) is the ranking member of the strategic subcommittee. And I might point out that the gentleman from Alabama (Mr. CRAMER) is the ranking member of the Intelligence oversight committee.

We do not even know what a weapon in space is. We are having the first-ever hearings in the history of this country to try to define the course of action that we should take in the future regarding our space assets. Our space assets underpin the economy of our Nation, in addition to being so helpful, as a matter of fact, very necessary to our military. It is a multibillion dollar economy. If we were to go blind in space, if for some reason someone should shut down our assets in space, you would not be able to use a cell phone. You would not be able to use any communications, television or any other kind of communications. You would not be able to use your ATM machine. It would literally cause this entire country to go blind.

This is not a well-conceived amendment. I do not know the purpose of the amendment. I know the gentleman is not on the House Armed Services Committee. I know he is also not on the Intelligence Committee. And I just would have to say I am not real certain of the gentleman's knowledge of this subject.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

If the gentleman had the opportunity to read the amendment, he would see that it has to do with commencing negotiations on an international treaty banning space-based weapons. The U.S. Space Command has a program called Vision 2020 which really is about U.S. domination of space.

Now, the American people ought to know whether their Members of Congress are prepared to spend up to a trillion dollars so we start the next arms race in outer space. This is apart from the issue of protecting our Nation with antiballistic missiles. It is a whole different debate. This is about taking the arms race into outer space. And what I am asking for is for an international treaty where all nations would agree we should not do that.

But some in this Congress want to take weapons to go to outer space so the United States can control the world from outer space. Mr. Chairman, that is simply nuts. And what I am suggesting is that we ought to be talking to other nations about eliminating an arms race in outer space to protect future generations. You know, a long, long time ago in a galaxy far, far away people were not talking about killing each other. We should be talking about a treaty to ban weapons in space.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. EVERETT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) will be postponed.

It is now in order to consider amendment No. 24 printed in part B of House Report 109–175.

AMENDMENT NO. 24 OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. LANTOS:

Redesignate title XI as title XII and redesignate sections 1101 through 1126 as sections 1201 through 1226, respectively.

Insert after title X the following new title:

TITLE XI—OPENING DOORS FOR FOREIGN STUDENTS

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Opening Doors for Foreign Students Act of 2005''.

SEC. 1102. FINDINGS.

Congress finds the following:

(1) Opening doors to well-intentioned foreign students and exchange visitors has wide-ranging benefits to the United States.

(2) Upon their return to their countries of origin, foreign students and exchange visitors disseminate the core values of the United States as they relate their positive experiences with the democratic form of governance, the dynamic multicultural society, and the entrepreneurial spirit of the United States.

(3) The United States earns approximately $13,000,000,000 a year in tuition and living expenses paid by foreign students, making higher education the United States' fifth largest service export.

(4) Since the terrorist attacks on America on September 11, 2001, the United States institutions of higher education and nongovernmental exchange sponsors have faced great challenges in retaining their competitive position in the market for foreign students.

(A) During the 2002–2003 academic year, the first year after the 9/11 attacks, the growth of overall international student enrollment in the United States slowed to 0.6 percent after having increased by 6.4 percent in the two previous academic years. During the 2003–2004 academic year, according to the Institute of International Education, the number of international students studying in the United States declined 2.4 percent to 572,509. This was the first overall decline in international students studying in the United States since the 1971–72 school year.

(B) Community Colleges have been particularly hard-hit by overall declines in enrollments of foreign students. During the 2003–2004 academic year, the number of foreign students enrolled a public two-year schools fell by 10 percent, according to the Institute of International Education.

(5) Some foreign students have expressed anxiety and alarm about the new visa processes. A survey conducted in 2004 at the University of California of 1,700 foreign students found that 60 percent reported that they had to endure ''unreasonable delays'' to obtain student visas.

(6) Competitors in the marketplace for higher education, including Canada, Australia, New Zealand, Germany and the United Kingdom, are aggressively recruiting students to take advantage of changed perceptions of the United States.

(7) If the United States is to regain its competitive advantage in attracting foreign students and exchange visitors, it will be essential for the Department of State to work to ensure that new visa procedures are administered in the most efficient and user-friendly possible manner. Furthermore the Department must continue to engage in public outreach designed to dispel negative perceptions about study in the United States.

SEC. 1103. DEVELOPMENT OF A COMPREHENSIVE STRATEGY TO ATTRACT FOREIGN STUDENTS TO STUDY IN THE UNITED STATES.

(a) DEVELOPMENT OF STRATEGY.—Not later than one year after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Education, and the Secretary of Commerce, shall develop a comprehensive strategy to counter widespread perceptions among foreign students that the United States no longer welcomes them to study in the United States or to participate in exchange programs, and to increase applications by foreign students to come to the United States for study and exchange. Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a written account of this strategy.

(b) CONSULTATIONS WITH STAKEHOLDERS.—Beginning not later than 180 days after date of the enactment of this Act, the Secretary of State shall undertake annual consultations with individuals and organizations involved in international education, including consultations with nongovernmental institutions concerned with the recruitment of foreign students to the United States; officials from United States educational institutions concerned with the recruitment of foreign students, foreign student representatives, nongovernmental organizations designated by the Department of State as sponsors in the Exchange Visitor Program, and other concerned parties for the purpose of discussing and seeking input on the development of the comprehensive strategy described in subsection (a).

SEC. 1104. IDENTIFICATION OF PRIORITY MISSIONS AND MISSIONS EMPLOYING BEST PRACTICES FOR ATTRACTING STUDENT VISA APPLICANTS.

(a) REVIEW OF STUDENT VISA APPLICATIONS.—The Secretary of State shall review the application and issuance rates for F–1 and J–1 nonimmigrant visas (issued under subparagraphs (F) and (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) at every diplomatic or consular mission of the United States providing consular services. Such review shall encompass the five-year period immediately preceding the date of the enactment of this Act and shall be used to identify missions that have experienced significant declines in such visa applications, the issuance of such visas, or both, and shall also identify diplomatic or consular missions that have experienced recovery in the rate of such applications or such issuances after experiencing significant declines in such applications, such issuances, or both.

(b) OBTAINING INFORMATION ON BEST PRACTICES FOR GAINING INCREASES.—Upon identifying diplomatic or consular missions that have experienced recoveries in the rates of such visa applications, issuances, or both, the Secretary shall direct the chiefs of mission of such missions to submit to the Secretary a report concerning consular, public diplomacy, public outreach, or other practices that may have contributed to such recoveries.

(c) CORRECTIVE MEASURES.—Upon identifying diplomatic or consular missions in key foreign policy countries that have suffered significant declines in the rates of such applications, issuances, or both without experiencing recovery in either or both of such rates in accordance with the review required under subsection (a), the Secretary shall direct the chiefs of mission of such missions to develop a plan appropriate to each such mission to attract additional F–1 and J–1 visa applicants and to address any inefficiencies in processing visa applications specific to each such mission.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary shall submit to the appropriate congressional committees a report concerning trends in the application and issuance rates for F–1 and J–1 visas at all diplomatic and consular missions of the United States providing consular services.

(2) REPORT ELEMENTS.—

(A) STATISTICAL INFORMATION.—The first report submitted pursuant to this section shall contain data from the five-year period immediately preceding the date of the enactment of this Act. The second report shall contain updated data covering the calendar year preceding the issuance of the report and comparisons with previous data.

(B) BEST PRACTICES.—Each report shall contain a ''Best Practices'' section identifying diplomatic or consular missions that have experienced a recovery in the rates of such applications, such issuances, or both after experiencing declines in the rates for such applications, such issuances, or both. For each diplomatic or consular mission so identified, the report shall include post activities that may have contributed to such recovery.

(C) PRIORITY POSTS.—Each report shall also contain a section entitled ''Priority Posts'' that identifies critical diplomatic and consular missions from key foreign policy countries that have experienced declines in the rates of such applications, such issuances, or both without experiencing a significant recovery in any of such rates. For each diplomatic or consular mission so identified, the report shall contain an action plan that describes new initiatives, such as consular services, public diplomacy, and public outreach, that are designed to improve the rates of such applications and such issuances.

SEC. 1105. ENHANCED TRAINING IN PROCESSING AND FACILITATING STUDENT VISAS.

(a) TRAINING PROGRAMS.—Chapter 7 of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) (relating to career development, training, and orientation) is amended by adding at the end the following new section:

''SEC. 708. TRAINING IN PROCESSING AND FACILITATING VISA APPLICATIONS FOR STUDENTS AND EXCHANGE VISITORS FOR STUDY IN THE UNITED STATES.

''The Secretary shall establish a training program for members of the Service who have responsibilities related to the issuance of visas to prepare such members for the unique challenges that visa applicants face in completing the F–1 and J–1 nonimmigrant visa application process and to provide such members with proven tools, including in the area of consular services, public diplomacy, outreach to non-governmental institutions and educational institutions, and public outreach to combat perceptions that the United States is no longer a welcoming place for foreign citizens to study or to participate in exchange programs.''

SEC. 1106. ENHANCED DIPLOMATIC EFFORTS TO NEGOTIATE FAVORABLE RECIPROCAL AGREEMENTS WITH FOREIGN GOVERNMENTS CONCERNING STUDENT VISA TERM LIMITS.

The Secretary of State should undertake a sustained diplomatic dialogue with key foreign governments, including the Government of the People's Republic of China and the Government of the Russian Federation, aimed at renegotiating the terms of existing reciprocal agreements to provide for extended validity of student and exchange visas in order to reduce the need for frequent renewals of F–1 and J–1 nonimmigrant visas by foreign students.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from California (Mr. LANTOS) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

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

I want to offer my sincere thanks to the chairman of the International Relations Committee (Mr. HYDE), my dear friend, for working closely with me in a joint effort to tackle the critical problem of declining rates of foreign students seeking to study in the United States.

I also want to thank the gentlewoman from Minnesota (Ms. MCCOLLUM), who has worked with us on this problem for years.

Mr. Chairman, opening doors to well-intentioned foreign students is as critical to the security of the United States as is the task of identifying those who are engaged in terrorism and other hostile acts against us.

Foreign students who come to the United States to study and disseminate the core values of the American people as they relate their positive firsthand experience when they return to their countries of origin.

The education of foreign students is a critical part of the United States economy as well, and it is a key American export. Not many people know, Mr. Chairman, the United States earns $13 billion a year in tuition and expenses paid to us by foreign students.

Since 9/11, U.S. colleges and universities have faced great challenges in retaining their competitive position in the market for foreign students. These challenges have begun to erode our dominance as the world's leading and most desired destination for foreign students. During the 2003–2004 academic year, according to the Institute for International Education, the number of international students studying in the United States declined by almost 2½ percent. This was the first overall year-to-year decline in the number of international students since the 1971–1972 school year.

It appears, Mr. Chairman, that much of the problem stems from negative misperceptions by potential foreign students about new U.S. visa processes and fears that the United States has become a less friendly place for them to study.

Mr. Chairman, my amendment seeks to address this problem by encouraging the Department of State to work with the U.S. educational and academic community and with other Federal agencies to develop effective practices aimed at reversing these negative perceptions so that we may once again reestablish our competitive position as the choice destination for the world's best and brightest international students. I urge all of my colleagues to support this amendment.

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

Mr. HYDE. Mr. Chairman, I ask unanimous consent to take the time in opposition, although I do not oppose this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

Mr. Chairman, I just want to say that we are delighted to accept this amendment. It is a far-reaching visionary help to public diplomacy, an area where we can use all the help in the world possible.

I want to congratulate the gentleman from California (Mr. LANTOS) on producing this very useful, important amendment. And we are delighted to accept it.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the distinguished gentleman for yielding.

I want to associate myself with the remarks of the gentleman from Illinois (Chairman HYDE). This is a very creative amendment; 9/11 should not mean that the welcome mat has been pulled. As the gentleman from California (Mr. LANTOS) points out in the amendment's findings, $13 billion every year is earned from foreign students coming in. But it is not the money, per se, although that helps our colleges and universities. It is the fact that these students have the opportunity to learn what democracy is all about, to learn what a capitalist system can produce for their people when they return. They can also learn skills that will save lives in the area of medicine as well as in law and so many other areas.

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It is a very, very creative amendment, I think, and will lead to best practices that will result in more students taking the good infection back to their respective countries. I again want to congratulate the gentleman on this excellent amendment.

Mr. HYDE. Mr. Chairman, I yield back the balance of my time.

Mr. LANTOS. Mr. Chairman, I want to thank my good friends, Chairman HYDE and Chairman SMITH, for their words and their comments. I hope we can all support this amendment.

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

The Acting CHAIRMAN (Mr. SHAW). The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. LANTOS) will be postponed.

It is now in order to consider amendment No. 25 printed in part B of House Report 109–175.

AMENDMENT NO. 25 OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. MACK:

Page 24, beginning line 4, add the following new paragraph:

(5) BROADCASTING TO VENEZUELA.—For broadcasting to Venezuela, such sums as may be necessary for fiscal year 2006 and such sums as may be necessary for fiscal year 2007, to remain available until expended, to allow the Broadcasting Board of Governors to carry out broadcasting to Venezuela for at least 30 minutes per day of balanced, objective, and comprehensive television news programming, radio news programming, or both.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 5 minutes.

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

Mr. MACK. Mr. Chairman, I yield myself such time as I may consume. I want to thank Chairman HYDE and Ranking Member LANTOS for their strong leadership in moving this important legislation forward. As a member of the International Relations Committee, it has been an honor in my short career here to serve with both of them and all of the members of the committee on this fine piece of legislation.

As a new member of the committee, I have closely followed the events in Latin America and particularly in Venezuela. In fact, this weekend during his weekly radio and television program, President Hugo Chavez urged Venezuelans to embrace, and I quote, his 21st century socialism. This is not surprising considering that since he has taken office in 1999, Chavez has forged strong relations with his Communist friend Fidel Castro. As part of his fiery nationalist rhetoric, Chavez makes almost daily verbal attacks against the United States Government and against freedom, calling it an imperialist menace to world peace and accusing it of trying to topple his regime and kill him.

Most of us are concerned by Chavez's anti-American, anti-freedom speech. However, this rhetoric, coupled with his ever-growing crackdown on freedom and his rapidly increasing domination of the Venezuelan airwaves, has caused many of us to become increasingly alarmed.

Chavez, who already dominates the Venezuelan airwaves, is financing a new state-run TV network patterned after Al-Jazeera. What is more, new laws, including the Law of Social Responsibility in Radio and Television, are being used to snuff out anyone who uses the airwaves to oppose Chavez and his government. Many Venezuelan journalists believe that Chavez is trying to squelch criticism before it starts.

My amendment would focus the resources of the United States Government to counter Chavez's anti-American, anti-freedom messages. It would provide an outlet to the Venezuelan people to hear about the positive ideals of freedom, security and prosperity.

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

Mr. LANTOS. Mr. Chairman, I am not opposed to the amendment. I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

I commend my good friend from Florida for offering this important amendment to increase the flow of objective information about the United States and world events into Venezuela. Recently, Reuters reported that Chavez had launched a new television station, Telesur, to counter what he considers to be pro-globalization bias in European and American news networks, like CNN. Chavez has also reportedly entered into a $200 million deal with China's National Space Administration to launch a satellite into orbit from which he could beam his anticipated hateful media content into homes across Latin America, the Caribbean and beyond.

As Chavez ramps up his information campaign, we should be prepared to present balanced news to the people of Venezuela so that they can be better able to make informed decisions about the activities of their government. I encourage all of my colleagues to support the amendment of my friend from Florida.

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

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Florida (Mr. MACK). I want to commend the gentleman from Florida for his leadership on this very important issue.

We are currently engaged in a war on terror halfway around the world, a war to bring freedom and democracy to a part of the world that has never seen it. That is a noble and just fight. However, we must also ensure the viability of freedom and democracy in our own neighborhood. Twenty years ago, we fought against Communist forces attempting to gain footholds in the Western hemisphere, and now we face threats from an agent of Castro, China and Iran.

On several occasions, President Chavez has attempted to intimidate the United States and has launched unfounded attacks on our President. He has threatened to shift all oil sales away from the United States and towards China. He has aligned himself with the only remaining Communist dictator in the Western hemisphere. And he has allegedly approached Iran in search of nuclear technology.

Since his election, Chavez has worked to break down the most basic principles of freedom, including the right to free speech and unbiased information. He has restricted the media that has been critical to his government and he has opened a state-run media outlet. This amendment would create parity of information and allow the people of Venezuela the opportunity to hear more than just the propaganda of Hugo Chavez. It will allow the people of Venezuela to hear the truth.

I urge my colleagues to support this pro-democracy amendment. I thank the gentleman from Florida for bringing this to the floor.

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

Mr. MACK. Mr. Chairman, I yield myself the balance of my time.

Simply put, this amendment would authorize the Broadcasting Board of Governors to initiate radio and television broadcasts to Venezuela much like we currently do with Radio and TV Marti in Cuba. Since Chavez came to power, he has moved sharply away from democracy and closer to socialism and maybe even beyond. The United States must take action to ensure that the message of freedom reaches the people of Venezuela. I urge my colleagues to support and vote for this important amendment.

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

The Acting CHAIRMAN (Mr. LATHAM). The question is on the amendment offered by the gentleman from Florida (Mr. MACK).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 26 printed in part B of House Report 109–175.

AMENDMENT NO. 26 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. ROGERS of Michigan:

Page 312, after line 8, insert the following new section:

SEC. 1110A. STATEMENT OF POLICY REGARDING MANAGEMENT AUTHORITY OVER THE GREAT LAKES.

(a) FINDINGS.—Congress finds the following:

(1) The water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the Great Lakes States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and by the Canadian Provinces of Ontario and Quebec.

(2) Authority over the Great Lakes is vested in the Governors of the Great Lakes States by the Water Resources Development Act of 1986 (Public Law 99–662).

(3) Section 1109(b)(2) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(b)(2)) encourages the Great Lakes States, in consultation with the Canadian Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin.

(4) Section 1109(d) of such Act (42 U.S.C. 1962d-20(d)) requires the approval of the Governor of each of the Great Lakes States prior to the diversion or export of Great Lakes water.

(5) The Great Lakes Charter of 1985 is a voluntary international agreement that provides the procedural framework for prior notice and consultation by the Great Lakes States and the Canadian Provinces of Ontario and Quebec concerning the withdrawal of water from the Great Lakes Basin.

(6) Whereas the Council of Great Lakes Governors and Premiers has drafted amendments to the Great Lakes Charter of 1985, known as ''Annex 2001''.

(7) One of the primary purposes of Annex 2001 is to strengthen the authority of Great Lakes Governors and Premiers to make decisions concerning proposals to divert or export Great Lakes water by establishing a common conservation standard by which such decisions will be made.

(8) The final commitments proposed in Annex 2001 to affirm in-basin authority by way of enacting a basin-States compact and a cross-border accord with the Provinces of Ontario and Quebec will be presented to Congress for final approval.

(b) STATEMENT OF POLICY.—Congress—

(1) recognizes and affirms the efforts of the Great Lakes Governors and Premiers in developing a common standard for decisions relating to the withdrawal of water from the Great Lakes that lead to improvement of this binational resource; and

(2) urges that the management authority over the waters of the Great Lakes should remain vested with the Governors and Premiers of the eight Great Lakes States and two Great Lakes Provinces that share stewardship over this vast and valuable natural resource.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Michigan (Mr. STUPAK) each will control 5 minutes.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is an important day for the Great Lakes and an important amendment to tell the rest of the country how really important they are—about 94,000 square miles of fresh water, beautiful lakes, beautiful not only in the summer but beautiful in the winter. What we have done over time in the Great Lakes is come to the realization that the people best suited to make the decisions about the Great Lakes are not bureaucrats from Washington, DC, whose only experience with Lake Superior might have been an article in the National Geographic, or our friends from Texas or Arizona or California that certainly have an interest in diverting some of our water but do not understand the environmental impact that that may make to the States that count so dearly on our water. And we have made progress.

After the 1986 annex bill that allowed the States to work together to solve issues of common interest, issues that Wisconsinites and Michiganders and folks from Ohio and Indiana understand are so important, this really reaffirms that. It says we believe that

these folks, including Canada, the provinces that touch the Great Lakes, should have the ability to control water diversion. It is working. We have gotten progress. We have come together. It was really the first piece of legislation that brought Canada to the table to talk about the issues important to all of the Great Lakes States.

Mr. Chairman, there are 18 Great Lakes Members that support this language. The chairman supports this language. Why? Because we understand that 20 percent of the world's fresh water is worth fighting for. It is worth protecting. But it is worth protecting in the sense that we give the authority to Great Lakes Governors and Great Lakes legislators for the purpose of protecting what they know. If you want our water, you really should have to live there in February. It is a beautiful place. Beautiful lakes. Beautiful fresh water. And it is worth protecting. Let us not diffuse the issue. Let us not stop the progress of the Great Lakes Governors and the Great Lakes legislators and the provincial leaders in Canada. We have made huge progress. The lakes are starting to turn around. We have identified mutual areas of interest where we can make even more progress to keep those Great Lakes alive.

This is the amendment, Mr. Chairman, that says we will and we do understand the importance of the Great Lakes Governors and the Great Lakes legislators making the determinations in accordance with law that has passed these bodies several times before.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. I thank the gentleman for yielding. I rise only to say we are very pleased to accept this excellent amendment. We hope it passes.

Mr. ROGERS of Michigan. Mr. Chairman, I reserve the balance of my time.

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as someone who has worked more than 12 years to protect the Great Lakes, I have serious concerns about this amendment and I would urge my colleagues to oppose it. To be clear, I strongly support the amendment's stated intent. Congress should encourage the Great Lakes Governors to work together to develop a common standard for Great Lakes water withdrawal. But there is little similarity between the gentleman from Michigan's stated intent and the real effect of his amendment.

The Rogers amendment would, for the first time ever, put Congress on record as granting all management authority over the Great Lakes to the eight State Governors and two provincial governments of Canada. In doing so, it would undermine our efforts to protect the lakes from oil and gas drilling, wastewater blending, invasive species, and water diversions. In short, the Rogers amendment would be a recipe for disaster for the Great Lakes.

This amendment is absurd. Would Congress cede control of coastal portions of the Atlantic Ocean to a foreign government? Would we allow Mexico the power to decide whether or not to drill for oil and gas in the Gulf off the coast of Florida, Louisiana or Mississippi? The answer is absolutely not. So why would Congress cede management control over the Great Lakes, the source of drinking water for over 33 million Americans, to Canada or any other foreign power? If you vote for the Rogers amendment, that is exactly what you would be doing, giving away our national sovereignty.

□ 1215

Current law already allows the States a great deal of input into Great Lakes management. It strikes the appropriate balance between the State and the Federal Government. It is the right way to protect the Great Lakes. It ensures that we have one smart policy to protect the Great Lakes, not eight. That is why Annex 2001 requires congressional approval.

Specifically, this amendment uses the phrase ''remain vested'' when referring to the Great Lakes States' management authority. Congress has never provided full management authorities of the Great Lakes to the States. How can the States ''remain vested'' with authority that Congress has never granted?

This language is not a minor detail. In reality, it would mean the Federal Government would be ceding its lead role in protecting the Great Lakes to several States and to Canada. This is not a recipe for a smart, coordinated effort to protect our Great Lakes.

As Members decide how they will vote on the Rogers amendment, I ask them to consider the following: The Federal Government does have a role in the policies regarding the Great Lakes, just as we have a role in policies governing coastal issues along our ocean borders.

If Members support the environment and want to protect our country's largest source of fresh water, vote no on the Rogers amendment. We cannot risk having eight different policies from eight different Great Lakes States.

If Members support the Constitution, vote no on the Rogers amendment. We should never cede control of our natural resources to two Canadian premiers.

This amendment is inconsistent with constitutional interpretation, and could provide States more leverage to negotiate directly with other countries on interests of national concerns regarding the Great Lakes. A simple reading of the Rogers amendment, especially the last paragraph, could only lead to two conclusions: Either the amendment fails to understand law or it is purposely attempting to undermine existing Great Lakes protections. In either case, the amendment should be defeated.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I join my colleague from Michigan and echo a couple of points that he made in opposition to the Rogers amendment.

This is nothing but a backdoor attempt to permit oil drilling in the Great Lakes. We have all cited the statistic that 20 percent of the world's fresh water comes from the Great Lakes, that in fact 30 million Americans get their daily drinking water from the Great Lakes. If we were to have eight separate policies, the impact just to Lake Michigan, if Michigan decided to start drilling in the Great Lakes and have an accident, it would affect Indiana, Wisconsin, Illinois and all of the individuals of the States who get their fresh drinking water from that area.

This is a backdoor attempt to do what has been tried before. We tried in past legislation to deal with banning an official because the moratorium is up on oil drilling in the Great Lakes. This is a backdoor attempt to allow oil drilling in the Great Lakes and endanger what has been a bipartisan consensus when it came to the Great Lakes. We should not concede Federal responsibility and role in maintaining a standard for the Great Lakes and for the 20 million Americans who get their daily drinking water from the Great Lakes.

I commend the gentleman from Michigan (Mr. STUPAK) for his opposition to this amendment.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

It is horribly unfortunate to see partisanship creep into this amendment. Nowhere in this amendment does it talk about oil drilling. This is about the stewardship of the Great Lakes. This recognizes current law that we passed in 2000 by over 300 votes and in 1986 by over 300 votes.

This is about stewardship of the Great Lakes and recognizing the successes of those Governors and those legislatures and the progress that we have made. It is disappointing that we have reached this point. I urge support of this amendment. The Great Lakes Governors and the Great Lakes legislatures deserve our praise.

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

Mr. STUPAK. Mr. Chairman, I yield the balance of my time to the gentlewoman from Minnesota (Ms. MCCOLLUM), who has been a champion on this issue.

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

Ms. MCCOLLUM of Minnesota. Mr. Chairman, it is unfortunate that we were unable to have a full hearing on this. It is most unfortunate that it is on the floor without a hearing.

There is nowhere in current law the word ''vested'' is used with the Governors. This is a radical change. This amendment is a radical change to current law. Thirty-five million people

whose water source is not only for drinking but for working and their way of life is dependent upon a quality that has jointly been maintained in the Great Lakes.

Mr. Chairman, I rise in strong opposition to this amendment. As a fellow Member of a Great Lakes state, I appreciate what a valuable resource the Great Lakes are to my state, our region, our country and the world.

I regret that this amendment does not share those sentiments. This amendment gives broad and unconditional authority over the management of the Great Lakes to the governors and premiers of the Great Lakes states and provinces. While I support the role these governors and premiers play in developing a common standard for water withdrawal, the authority granted by this resolution is too vast and the responsibility too great to cede to ten individuals.

I believe there is a better model for honoring the diverse interests of the 35 million people whose water, work, and way of life depend on the Great Lakes. Two weeks ago, in my home state of Minnesota, local, state, federal, tribal, and other diverse stakeholders came together to develop a Great Lakes Regional Collaborative Strategy. This is the kind of approach I believe is needed for the issues facing this large and complex ecosystem.

Instead, this amendment, on which no public hearings have been held, calls for a simplistic and unilateral approach. I have serious concerns with the implications of this amendment and urge my colleagues to join me in opposing this amendment.

Mr. DINGELL. Mr. Chairman, I rise today in strong opposition to the amendment before us for consideration. Although the Gentleman from Michigan, Mr. ROGERS, is a capable Member whom I am pleased to call my friend, I believe that this approach to the very serious issue of Great Lakes water diversion is misguided.

Mr. Chairman, the language is this amendment is overly broad, governing more than just water diversion. In fact, it urges that "management authority" over the Great Lakes should "remain vested" with the eight Great Lakes States and Canada. This put Congress, for the very first time, on record as providing full and broad management to the states.

Now, I have the deepest respect and admiration for the Governor of Michigan, Jennifer Granholm. I have the utmost confidence in her ability to protect Michigan greatest natural resources, the Great Lakes. However, there is so much more are issue here.

For example, this amendment gives our neighbors to the north, Canada, broad authority over all of the Great Lakes, including Lake Michigan, which lies completely within the United States. Second, this language puts at risk any national protection and restoration strategy that many of us from the Great Lakes states have been working on for several years now. One of the biggest issues facing the Great Lakes right now is invasion species. How can we deal with this issue if eight states and another Nation all have different policies, Mr. Chairman? Unfortunately, these pesky little critter do not now to stop at the border between Illinois and Michigan. What about sewage blending or oil and gas drilling? Should we have eight different standard for those also?

This also brings into questions who would be responsible for negotiating treaties and international agreements regarding the Great Lakes if not the federal government. Are we now designating that authority to individuals states? Mr. Chairman, this hardly seems wise or reasonable.

Mr. Chairman, we are in Michigan are blessed with the Great Lakes. We owe our tourism industry largely to the Great Lakes, where people come from around the country to recreate, hunt, fish and relax. This Lakes as a transportation system provided Michigan with the means to turn our great State into a manufacturing powerhouse.

We owe it to our children and grandchildren to ensure that we do our utmost to protect this national treasure. The best way we can do this is by defeating this unwise amendment.

Mr. ROGERS of Michigan. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. LATHAM). The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. ROGERS) will be postponed.

It is now in order to consider amendment No. 27 printed in part B of House Report 109–175.

AMENDMENT NO. 27 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. TANCREDO:

In subtitle B of title XI, add at the end the following new section:

SEC. 1127. UNITED STATES-CHINA RELATIONS.

It is the sense of Congress that—

(1) the comments by Chinese General Zhu Chenghu advocating the use of nuclear weapons against the United States are both damaging to United States-China relations and a violation of China's commitment to resolve its differences with Taiwan peacefully; and

(2) the Government of China should renounce the use of force against Taiwan, disavow General Zhu's statements, and relieve General Zhu from his command.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, earlier this week Chinese Major General Zhu Chenghu told a group of reporters that China should consider nuclear first strikes against the United States. Zhu made these comments in the course of threatening a Chinese invasion of the democratic nation of Taiwan. General Zhu Chenghu's comments are one of many examples that reveal China's hostile intentions toward both Taiwan and the United States.

In 1995, another Chinese general, who is now the Deputy Chief of the General Staff of the People's Liberation Army, told a former Pentagon official that China would consider using nuclear weapons in a Taiwan conflict, then warned that Americans should worry more about Los Angeles than Taipei.

Mr. Chairman, the U.S. decision to recognize Communist China in 1979 was predicated on China's commitment to resolve its differences with Taiwan peacefully. But General Zhu Chenghu's statements, coupled with the "anti-secession law" passed by China's rubber stamp congress a short time ago, made it increasingly clear that China has no interest in adhering to this commitment.

These developments have caused damage to an already tense U.S.-China relationship. My amendment would call on the Chinese government to deal with General Zhu Chenghu the same way President Truman dealt with General MacArthur when he made similar statements during the Korean War that did not reflect official U.S. policy.

The amendment expresses the sense of Congress that the Communist government in Beijing disavow General Zhu Chenghu's statements and remove him from his position. It also asks the Chinese authorities to reiterate their commitment to resolving differences with Taiwan peacefully, and to unequivocally renounce the use of force against the island nation. I ask for an aye vote on the amendment.

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

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do not object to the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

Mr. Chairman, I strongly support this amendment and urge all of my colleagues to do so as well. The bilateral relationship between the United States and China has become increasingly complex and nuanced over the past decade. A new generation of Chinese diplomats has come into power, fluent in the language of diplomacy and international negotiations.

Unfortunately, the comments made by Chinese General Zhu demonstrate that key elements of the Chinese military continue to live in the long forgotten past when the United States and China were bitter enemies. General Zhu's comment that China might launch a preemptive nuclear strike against the United States in the event of a conflict over Taiwan are the height of lunacy, recklessness and irresponsibility. A nuclear strike by China against the United States would trigger a nuclear exchange which would

leave hundreds of millions of casualties.

China's political leadership fully understands that fact of life, and it is my hope that they will quickly repudiate General Zhu's comments and ease him into a long overdue retirement. I urge all of my colleagues to support this amendment.

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

Mr. TANCREDO. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I rise in support of the Tancredo amendment. I think it is high time that we brought this to the floor of the Congress. I also associate myself with the remarks of the gentleman from California (Mr. LANTOS).

We have a lot of broad international issues, and we are here debating them on this floor. I have an issue that I think has not been properly heard, and I appreciate the time to address it. It is the issue of AIDS in Africa.

Mr. Chairman, I have traveled to Africa. First, I sat on this floor, and I believe the date was January 28, 2003, when about 10 feet behind me the President of the United States in his State of the Union address spoke to the issue of committing our resources to AIDS in Africa. I watched as we had a standing ovation that was led from this side of the aisle and with great enthusiasm I applauded the President's initiative because I had been reading the information on Uganda and the ABC policy that had come from Uganda on AIDS prevention, which they had done without resources from the United States: Abstinence, Be faithful, and if those fail, then Condoms.

I went to Africa less than a year ago, particularly Southern Africa, and I went to the AIDS orphanages and to the hospitals and to the clinics. I met with the people distributing the anti-retroviral drugs and the condoms. I looked for the A, the abstinence, and the B, Be faithful, and I had a lot of trouble finding its existence in Southern Africa.

So when I raised the issue before a large meeting in one of those countries in Southern Africa, and in that meeting I recall there were 24 people, among them USAID people, Peace Corps people, Centers for Disease Control people, people from the U.S. Council and others, the team that is administering the resources that are going to AIDS in Africa. And I asked them, What are you doing about promiscuity?

Their answer was we cannot change the culture, so we are distributing drugs and condoms.

But if they have a sexual life expectancy of another 25 to 30 years, how many more people are infected? Can we treat our way out of this problem, or must we find another way to solve it in conjunction with our anti-retroviral drugs?

Their answer was you cannot change the culture. But what they are doing is seeking to change the culture by promoting condoms, not by promoting a lifestyle that will protect them from this disease. So we are not addressing promiscuity.

I will agree with the USAID, the Peace Corps, the CDC, and a number of others that are out there, sometimes you cannot change the culture. Our difficulty is changing their culture, not the difficulty in supporting the people in Africa who have a culture that can be supported that can help eradicate this disease.

So I call for that. I appreciate the work done by the gentleman from New Jersey (Mr. SMITH) as well. We have had good discussions on this. We have some insight into this, and they are working with the gentleman from Illinois (Mr. HYDE), but I am asking sincerely that we can have some hearings to have some insight into the actual results of the U.S. resources that are committed into Africa. I want to protect them and get them cured of this disease, but we need to do it in the appropriate way so we save the maximum number of lives.

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

Mr. Chairman, I wish to briefly respond to the comments by the gentleman from Iowa (Mr. KING) on efforts to promote abstinence in Africa.

America's efforts to stop the transmission of HIV/AIDS overseas are firmly based on the ABC model: Abstinence, Being faithful, and Condoms. As we have seen in Uganda, the successful reduction in HIV/AIDS infection rates is dependent upon using all three elements of the ABC approach, not simply one.

Our committee has conducted extensive investigations into U.S. HIV/AIDS efforts abroad, and we have seen no evidence whatsoever that abstinence efforts are being denigrated by NGOs receiving U.S. funds. Groups across Africa receiving HIV/AIDS funds from our country are effectively implementing abstinence programs as part of the ABC model, exactly as Congress intended.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

□ 1230

The Acting CHAIRMAN (Mr. LATHAM). It is now in order to consider amendment No. 28 printed in part B of House Report 109–175.

AMENDMENT NO. 28 OFFERED BY MS. WATSON

Ms. WATSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Ms. WATSON: Page 312, after line 8, insert the following:

SEC. 1110A. STATEMENT OF POLICY REGARDING TRANSFER OF CHARLES TAYLOR FOR TRIAL FOR WAR CRIMES.

It shall be the policy of the United States Government to seek the expeditious transfer of Charles Ghankay Taylor, former President of the Republic of Liberia, to the jurisdiction of the Special Court for Sierra Leone to undergo a fair and open trial for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentlewoman from California (Ms. WATSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I yield myself such time as I may consume.

This amendment, which I am offering with the gentleman from California (Mr. ROYCE), would confirm that it is the policy of the United States to bring Charles Taylor to justice.

Charles Taylor is one of the most notorious criminal thugs loose in the world today. He bears great personal responsibility for the series of wars that have wracked West Africa over the last 2 decades.

The Liberian civil war was noted for its barbarism, and Taylor was the most barbaric of the bunch. He was celebrated for his widespread use of child soldiers, which he organized into the so-called ''Small Boys Units.''

Taylor's efforts extended beyond the borders of Liberia. The Special Court for Sierra Leone has indicted Taylor on 17 counts of war crimes. According to the court, Taylor provided ''guidance and direction'' to a ''joint criminal enterprise which was to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone . . . ''

The court's indictment says Taylor and his cronies were responsible for ''unlawful killings, abductions, forced labor, physical and sexual violence, use of child soldiers, looting and burning of civilian structures.'' Taylor ''participated in this joint criminal enterprise as part of his continuing efforts to gain access to the mineral wealth of Sierra Leone and to destabilize the government of Sierra Leone.''.

Mr. Chairman, I include the full text of the court's indictment of Taylor in the RECORD:

THE SPECIAL COURT FOR SIERRA LEONE, CASE NO. SCSL–03–I, THE PROSECUTOR AGAINST CHARLES GHANKAY TAYLOR ALSO KNOWN AS CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR

INDICTMENT

The Prosecutor, Special Court for Sierra Leone, under Article 15 of the Statute of the Special Court for Sierra Leone (the Statute) charges: CHARLES GHANKAY TAYLOR also known as (aka) CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR with CRIMES AGAINST HUMANITY, VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II and OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, in violation of Articles 2, 3 and 4 of the Statute as set forth below:

THE ACCUSED

1. CHARLES GHANKAY TAYLOR aka CHARLES GHANKAY MACARTHUR DAPKPANA TAYLOR (the ACCUSED) was born on or about 28 January 1948 at Arthington in the Republic of Liberia.

GENERAL ALLEGATIONS

2. At all times relevant to this Indictment, a state of armed conflict existed within Sierra Leone. For the purposes of this Indictment, organized armed factions involved in this conflict included the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC).

3. A nexus existed between the armed conflict and all acts or omissions charged herein as Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II and as Other Serious Violations of International Humanitarian Law.

4. The organized armed group that became known as the RUF, led by FODAY SAYBANA SANKOH aka POPAY aka PAPA aka PA, was founded about 1988 or 1989 in Libya. The RUF, under the leadership of FODAY SAYBANA SANKOH, began organized armed operations in Sierra Leone in March 1991. During the ensuing armed conflict, the RUF forces were also referred to as ''RUF'', ''rebels'' and ''People's Army''.

5. The CDF was comprised of Sierra Leonean traditional hunters, including the Kamajors, Gbethis, Kapras, Tamaboros and Donsos. The CDF fought against the RUF and AFRC.

6. On 30 November 1996, in Abidjan, Ivory Coast, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement which brought a temporary cessation to active hostilities. Thereafter, the active hostilities recommenced.

7. The AFRC was founded by members of the Armed Forces of Sierra Leone who seized power from the elected government of the Republic of Sierra Leone via a coup d'état on 25 May 1997. Soldiers of the Sierra Leone Army (SLA) comprised the majority of the AFRC membership. On that date JOHNNY PAUL KOROMA aka JPK became the leader and Chairman of the AFRC. The AFRC forces were also referred to as ''Junta'', ''soldiers'', ''SLA'', and ''ex-SLA''.

8. Shortly after the AFRC seized power, at the invitation of JOHNNY PAUL KOROMA, and upon the order of FODAY SAYBANA SANKOH, leader ofthe RUF, the RUF joined with the AFRC. The AFRC and RUF acted jointly thereafter. The AFRC/RUF Junta forces (Junta) were also referred to as ''Junta'', ''rebels'', ''soldiers'', ''SLA'', ''ex-SLA'' and ''People's Army''.

9. After the 25 May 1997 coup d'état, a governing body, the Supreme Council, was created within the Junta. The governing body included leaders of both the AFRC and RUF.

10. The Junta was forced from power by forces acting on behalf of the ousted government of President Kabbah about 14 February 1998. President Kabbah's government returned in March 1998. After the Junta was removed from power the AFRC/RUF alliance continued.

11. On 7 July 1999, in Lomé, Togo, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement. However, active hostilities continued.

12. The ACCUSED and all members of the organized armed factions engaged in fighting within Sierra Leone were required to abide by International Humanitarian Law and the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 12 August 1949, and Additional Protocol II to the Geneva Conventions, to which the Republic of Sierra Leone acceded on 21 October 1986.

13. All offences alleged herein were committed within the territory of Sierra Leone after 30 November 1996.

14. All acts and omissions charged herein as Crimes Against Humanity were committed as part of a widespread or systematic attack directed against the civilian population of Sierra Leone.

15. The words civilian or civilian population used in this Indictment refer to persons who took no active part in the hostilities, or who were no longer taking an active part in the hostilities.

INDIVIDUAL CRIMINAL RESPONSIBILITY

16. Paragraphs 1 through 15 are incorporated by reference.

17. In the late 1980's CHARLES GHANKAY TAYLOR received military training in Libya from representatives of the Government of MU'AMMAR AL-QADHAFI. While in Libya the ACCUSED met and made common cause with FODAY SAYBANA SANKOH.

18. While in Libya, the ACCUSED formed or joined the National Patriotic Front of Liberia (NPFL). At all times relevant to this Indictment the ACCUSED was the leader of the NPFL and/or the President of the Republic of Liberia.

19. In December 1989 the NPFL, led by the ACCUSED, began conducting organized armed attacks in Liberia. The ACCUSED and the NPFL were assisted in these attacks by FODAY SAYBANA SANKOH and his followers.

20. To obtain access to the mineral wealth of the Republic of Sierra Leone, in particular the diamond wealth of Sierra Leone, and to destabilize the State, the ACCUSED provided financial support, military training, personnel, arms, ammunition and other support and encouragement to the RUF, led by FODAY SAYBANA SANKOH, in preparation for RUF armed action in the Republic of Sierra Leone, and during the subsequent armed conflict in Sierra Leone.

21. Throughout the course of the armed conflict in Sierra Leone, the RUF and the AFRC/RUF alliance, under the authority, command and control of FODAY SAYBANA SANKOH, JOHNNY PAUL KOROMA and other leaders of the RUF, AFRC and AFRC/RUF alliance, engaged in notorious, widespread or systematic attacks against the civilian population of Sierra Leone.

22. At all times relevant to this Indictment, CHARLES GHANKAY TAYLOR supported and encouraged all actions of the RUF and AFRC/RUF alliance, and acted in concert with FODAY SAYBANA SANKOH and other leaders of the RUF and AFRC/RUF alliance. FODAY SAYBANA SANKOH was incarcerated in Nigeria and Sierra Leone and subjected to restricted movement in Sierra Leone from about March 1997 until about April 1999. During this time the ACCUSED, in concert with FODAY SAYBANA SANKOH, provided guidance and direction to the RUF, including SAM BOCKARIE aka MOSQUITO aka MASKITA.

23. The RUF and the AFRC shared a common plan, purpose or design (joint criminal enterprise) which was to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas. The natural resources of Sierra Leone, in particular the diamonds, were to be provided to persons outside Sierra Leone in return for assistance in carrying out the joint criminal enterprise.

24. The joint criminal enterprise included gaining and exercising control over the population of Sierra Leone in order to prevent or minimize resistance to their geographic control, and to use members of the population to provide support to the members of the joint criminal enterprise. The crimes alleged in this Indictment, including unlawful killings, abductions, forced labour, physical and sexual violence, use of child soldiers, looting and burning of civilian structures, were either actions within the joint criminal enterprise or were a reasonably foreseeable consequence of the joint criminal enterprise.

25. The ACCUSED participated in this joint criminal enterprise as part of his continuing efforts to gain access to the mineral wealth of Sierra Leone and to destabilize the Government of Sierra Leone.

26. CHARLES GHANKAY TAYLOR, by his acts or omissions, is individually criminally responsible pursuant to Article 6.1. of the Statute for the crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in this Indictment, which crimes the ACCUSED planned, instigated, ordered, committed or in whose planning, preparation or execution the ACCUSED otherwise aided and abetted, or which crimes were within a joint criminal enterprise in which the ACCUSED participated or were a reasonably foreseeable consequence of the joint criminal enterprise in which the ACCUSED participated.

27. In addition, or alternatively, pursuant to Article 6.3. of the Statute, CHARLES GHANKAY TAYLOR, while holding positions of superior responsibility and exercising command and control over his subordinates, is individually criminally responsible for the crimes referred to in Articles 2, 3 and 4 of the Statute. The ACCUSED is responsible for the criminal acts of his subordinates in that he knew or had reason to know that the subordinate was about to commit such acts or had done so and the ACCUSED failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

CHARGES

28. Paragraphs 16 through 27 are incorporated by reference.

29. At all times relevant to this Indictment, members of the RUF, AFRC, Junta and/or AFRC/RUF forces (AFRC/RUF), supported and encouraged by, acting in concert with and/or subordinate to CHARLES GHANKAY TAYLOR, conducted armed attacks throughout the territory of the Republic of Sierra Leone, including, but not limited, to, Bo, Kono, Kenema, Bombali and Kailahun Districts and Freetown. Targets of the armed attacks included civilians and humanitarian assistance personnel and peacekeepers assigned to the United Nations Mission in Sierra Leone (UNAMSIL), which had been created by United Nations Security Council Resolution 1270 (1999).

30. These attacks were carried out primarily to terrorize the civilian population, but also were used to punish the population for failing to provide sufficient support to the AFRC/RUF, or for allegedly providing support to the Kabbah government or to pro-government forces. The attacks included unlawful killings, physical and sexual violence against civilian men, women and children, abductions and looting and destruction of civilian property. Many civilians saw these crimes committed; others—returned to their homes or places of refuge to find the results of these crimes—dead bodies, mutilated victims and looted and burnt property.

31. As part of the campaign of terror and punishment the AFRC/RUF routinely captured and abducted members of the civilian population. Captured women and girls were raped; many of them were abducted and used as sex slaves and as forced labour. Some of these women and girls were held captive for years. Men and boys who were abducted were also used as forced labour; some of them were also held captive for years. Many abducted boys and girls were given combat

training and used in active fighting. AFRC/RUF also physically mutilated men, women and children, including amputating their hands or feet and carving ''AFRC'' and ''RUF'' on their bodies.

Counts 1–2: Terrorizing the Civilian Population and Collective Punishments

32. Members of the AFRC/RUF supported and encouraged by, acting in concert with and/or subordinate to CHARLES GHANKAY TAYLOR committed the crimes set forth below in paragraphs 33 through 58 and charged in Counts 3 through 13, as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone, and did terrorize that population. The AFRC/RUF also committed the crimes to punish the civilian population for allegedly supporting the elected government of President Ahmed Tejan Kabbah and factions aligned with that government, or for failing to provide sufficient support to the AFRC/RUF.

By his acts or omissions in relation, but not limited to these events, CHARLES GHANKAY TAYLOR, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 1: Acts of Terrorism, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.d. of the Statute;

And:

Count 2: Collective Punishments, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.b. of the Statute.

Counts 3–5: Unlawful killings

33. Victims were routinely shot, hacked to death and burned to death. Unlawful killings included, but were not limited to, the following:

Bo District

34. Between 1 June 1997 and 30 June 1997, AFRC/RUF attacked Tikonko, Telu, Sembehun, Gerihun and Mamboma, unlawfully killing an unknown number of civilians;

Kenema District

35. Between about 25 May 1997 and about 19 February 1998, in locations including Kenema town, members of AFRC/RUF unlawfully killed an unknown number of civilians;

Kono District

36. About mid February 1998, AFRC/RUF fleeing from Freetown arrived in Kono District. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF unlawfully killed several hundred civilians in various locations in Kono District, including Koidu, Tombodu, Foindu, Willifeh, Mortema and Biaya;

Bombali District

37. Between about 1 May 1998 and 31 July 1998, in locations including Karina, members of AFRC/RUF unlawfully killed an unknown number of civilians;

Freetown

38. Between 6 January 1999 and 31 January 1999, AFRC/RUF conducted armed attacks throughout the city of Freetown. These attacks included large scale unlawful killings of civilian men, women and children at locations throughout the city, including the State House, Parliament building, Connaught Hospital, and the Kissy, Fourah Bay, Upgun, Calaba Town and Tower Hill areas of the city.

By his acts or omissions in relation, but not limited to these events, CHARLES GHANKAY TAYLOR, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 3: Extermination, a CRIME AGAINST HUMANITY, punishable under Article 2.b. of the Statute;

In addition, or in the alternative:

Count 4: Murder, a CRIME AGAINST HUMANITY, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

Count 5: Violence to life, health and physical or mental well-being of persons, in particular murder, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.a. of the Statute.

Counts 6–8: Sexual violence

39. Widespread sexual violence committed against civilian women and girls included brutal rapes, often by multiple rapists. Acts of sexual violence included, but were not limited to, the following:

Kono District

40. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF raped hundreds of women and girls at various locations throughout the District, including Koidu, Tombodu, Kissi-town (or Kissi Town), Foendor (or Foendu), Tomendeh, Fokoiya, Wondedu and AFRC/RUF camps such as ''Superman camp'' and Kissi-town (or Kissi Town) camp. An unknown number of women and girls were abducted from various locations within the District and used as sex slaves;

Bombali District

41. Between about 1 May 1998 and 31 July 1998, members of AFRC/RUF raped an unknown number of women and girls in locations such as Mandaha. In addition, an unknown number of abducted women and girls were used as sex slaves;

Kailahun District

42. At all times relevant to this Indictment, an unknown number of women and girls in various locations in the District were subjected to sexual violence. Many of these victims were captured in other areas of the Republic of Sierra Leone, brought to AFRC/RUF camps in the District, and used as sex slaves;

Freetown

43. Between 6 January 1999 and 31 January 1999, members of AFRC/RUF raped hundreds of women and girls throughout the Freetown area, and abducted hundreds of women and girls and used them as sex slaves.

By his acts or omissions in relation, but not limited to these events, CHARLES GHANKAY TAYLOR, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 6: Rape, a CRIME AGAINST HUMANITY, punishable under Article 2.g. of the Statute;

And:

Count 7: Sexual slavery and any other form of sexual violence, a CRIME AGAINST HUMANITY, punishable under Article 2.g. of the Statute;

In addition, or in the alternative:

Count 8: Outrages upon personal dignity, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.e. of the Statute.

Counts 9–0: Physical violence

44. Widespread physical violence, including mutilations, was committed against civilians. Victims were often brought to a central location where mutilations were carried out. These acts of physical violence included, but were not limited to, the following:

Kono District

45. Between about 14 February 1998 and 30 June 1998, AFRC/RUF mutilated an unknown number of civilians in various locations in the District, including Tombodu, Kaima (or Kayima) and Wondedu. The mutilations included cutting off limbs and carving ''AFRC'' and ''RUF'' on the bodies of the civilians;

Freetown

46. Between 6 January 1999 and 31 January 1999, AFRC/RUF mutilated an unknown number of civilian men, women and children in various areas of Freetown, including the northern and eastern areas of the city, and the Kissy area, including the Kissy mental hospital. The mutilations included cutting off limbs.

By his acts or omissions in relation, but not limited to these events, CHARLES GHANKAY TAYLOR, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 9: Violence to life, health and physical or mental well-being of persons, in particular cruel treatment, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

Count 10: Other inhumane acts, a CRIME AGAINST HUMANITY, punishable under Article 2.i. of the Statute.

Count 11: Use of child soldiers

47. At all times relevant to this Indictment, throughout the Republic of Sierra Leone, AFRC/RUF routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities. Many of these children were first abducted, then trained in AFRC/RUF camps in various locations throughout the country, and thereafter used as fighters.

By his acts or omissions in relation, but not limited to these events, CHARLES GHANKAY TAYLOR, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 11: Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, punishable under Article 4.c. of the Statute.

Count 12: Abductions and forced labour

48. At all times relevant to this Indictment, AFRC/RUF engaged in widespread and large scale abductions of civilians and use of civilians as forced labour. Forced labour included domestic labour and use as diamond miners. The abductions and forced labour included, but were not limited to, the following:

Kenema District

49. Between about 1 August 1997 and about 31 January 1998, AFRC/RUF forced an unknown number of civilians living in the District to mine for diamonds at Cybord Pit in Tongo Field;

Kono District

50. Between about 14 February 1998 and 30 June 1998, AFRC/RUF forces abducted hundreds of civilian men, women and children, and took them to various locations outside the District, or to locations within the District such as AFRC/RUF camps, Tombodu, Koidu, Wondedu, Tomendeh. At these locations the civilians were used as forced labour, including domestic labour and as diamond miners in the Tombodu area;

Bombali District

51. Between about 1 May 1998 and 31 July 1998, in Bombali District, AFRC/RUF abducted an unknown number of civilians and used them as forced labour;

Kailahun District

52. At all times relevant to this Indictment, captured civilian men, women and children were brought to various locations within the District and used as forced labour;

Freetown

53. Between 6 January 1999 and 31 January 1999, in particular as the AFRC/RUF were being driven out of Freetown, the AFRC/RUF abducted hundreds of civilians, including a large number of children, from various areas within Freetown, including Peacock Farm and Calaba Town. These abducted civilians were used as forced labour.

By his acts or omissions in relation, but not limited to these events, CHARLES GHANKAY TAYLOR, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 12: Enslavement, a CRIME AGAINST HUMANITY, punishable under Article 2.c. of the Statute.

Count 13: Looting and burning

54. At all times relevant to this Indictment, AFRC/RUF engaged in widespread unlawful taking and destruction by burning of civilian property. This looting and burning included, but was not limited to, the following:

Bo District

55. Between 1 June 1997 and 30 June 1997, AFRC/RUF forces looted and burned an unknown number of civilian houses in Telu, Sembehun, Mamboma and Tikonko;

Kono District

56. Between about 14 February 1998 and 30 June 1998, AFRC/RUF engaged in widespread looting and burning in various locations in the District, including Tombodu, Foindu and Yardu Sando, where virtually every home in the village was looted and burned;

Bombali District

57. Between 1 March 1998 and 30 June 1998, AFRC/RUF forces burned an unknown number of civilian buildings in locations such as Karina;

Freetown

58. Between 6 January 1999 and 31 January 1999, AFRC/RUF forces engaged in widespread looting and burning throughout Freetown. The majority of houses that were destroyed were in the areas of Kissy and eastern Freetown; other locations included the Fourah Bay, Upgun, State House and Pademba Road areas of the city.

By his acts or omissions in relation, but not limited to these events, CHARLES GHANKAY TAYLOR, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 13: Pillage, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.f. of the Statute.

Counts 14–17: Attacks on UNAMSIL personnel

59. Between about 15 April 2000 and about 15 September 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL peacekeepers and humanitarian assistance workers within the Republic of Sierra Leone, including, but not limited to locations within Bombali, Kailahun, Kambia, Port Loko, and Kono Districts. These attacks included unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and humanitarian assistance workers who were then held hostage.

By his acts or omissions in relation, but not limited to these events, CHARLES GHANKAY TAYLOR, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

Count 14: Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission, an OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, punishable under Article 4.b. of the Statute;

In addition, or in the alternative:

Count 15: For the unlawful killings, Murder, a CRIME AGAINST HUMANITY, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

Count 16: Violence to life, health and physical or mental well-being of persons, in particular murder, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.a. of the Statute; In addition, or in the alternative:

Count 17: For the abductions and holding as hostage, Taking of hostages, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II, punishable under Article 3.c. of the Statute.

Dated this 3rd day of March 2003, Freetown, Sierra Leone.

DAVID M. CRANE,
The Prosecutor.

Mr. Chairman, today war criminals such as Milosevic and Saddam Hussein are behind bars; yet Charles Taylor lives on a Nigerian estate. The message we risk sending is that European and Middle Eastern despots will be brought to justice and African despots will be given oceanside villas.

But it is more than a principle at stake. Charles Taylor remains a major source of instability for West Africa. Taylor has recently been accused of seeking to assassinate the President of Guinea. It is also alleged that Taylor worked hand in hand with al Qaeda operatives, helping them to move their financial resources around using diamonds. A recent ''Dateline NBC'' report details the al Qaeda allegations. I include this report in the RECORD:

LIBERIA'S FORMER PRESIDENT, A FRIEND TO TERROR?

(By Chris Hansen)

[From Dateline NBC, July 17, 2005]

Even before the recent bombings in London, it was the question many Americans were asking: Is our government doing everything it should to stop terrorism?

A ''Dateline'' investigation reveals that some of the world's most dangerous terrorists may have found a new safe haven, a new source of money, and are thriving unchecked.

Have U.S. officials missed—or dismissed—a vital link in the terror network?

A GLOBAL WAR ON TERROR?

On September 11, 2001, President Bush put America's enemies on notice: ''We will make no distinction between the terrorists who committed these acts and those who harbor them,'' he said.

And in the days that followed, he defined who our enemies are in the war on terror. ''Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists,'' the president said.

He sent American forces to Afghanistan to destroy al-Qaida's sanctuary. When he deemed Saddam Hussein a threat, he sent troops to Iraq. He enlisted nations around the globe to help target al-Qaida terrorists.

But some investigators fear al-Qaida may have moved into another hot spot, one they say is fast becoming a terrorist outpost: West Africa.

West Africa is a place most Americans and their government haven't paid much attention to—war-torn, remote and desperately poor. But that might be about to change. War crimes investigators have uncovered evidence that al-Qaida terrorists—before and after 9/11—were using West Africa as a hideout and a place to launder money. And they say U.S. inaction has allowed al-Qaida to move into West Africa.

''Right now, it's a safe haven for terrorist activity,'' says Al White, who for 16 years served as a senior investigator at the Pentagon, handling sensitive intelligence and law enforcement matters. ''They are actively setting up shop. They're training in various countries over there. They're recruiting.''

White says West Africa could become the next Afghanistan. ''If we fail to act, and act soon-mark my words, that's exactly what's going to happen,'' he says.

White says, those terrorists may be planning new attacks on America.

''MAD MAX THUNDERDOME'' IN WEST AFRICA

For the last three years, White was on loan from the Pentagon to the special court for Sierra Leone, set up by the U.N. to prosecute war crimes that took place when Charles Taylor was president of Liberia.

Taylor allegedly sent a rebel force into neighboring Sierra Leone to seize that country's diamond mines, in a conflict that resulted in the murder, rape and mutilation of 1.2 million people.

And in 1998, White says, Charles Taylor went into business with al-Qaida.

''This man is a terrorist,'' White says of the former Liberian president. ''He's also aided and abetted al-Qaida operatives. Now he's actively working with these people again. If we don't bring him to justice immediately, there will be some significant consequences in the future.''

But why would al-Qaida flock to West Africa in the late 1990s? According to investigators, it's simple.

''There was no accountability, there was no rule of law. And so, it was literally Mad Max Thunderdome here in West Africa for 10 years,'' says David Crane, who served as a high-level Pentagon and defense intelligence official and was that U.N. court's chief prosecutor.

He says al-Qaida found a friend in Charles Taylor who was looking to sell the diamonds he'd seized in Sierra Leone. The group turned to diamonds, he says, because they're virtually untraceable—the perfect currency for terror financing.

Hansen: Do you believe that Taylor himself was personally involved in these dealings with the al-Qaida operatives?

Crane: Yes.

Hansen: In what way?

Crane: Physically handing over diamonds for cash.

Hansen: And you have witnesses who have seen this?

Crane: Yes. We don't make this stuff up. This is stuff that is told to us by our informants who have been living and breathing in this area for decades.

Both Crane and White say they have developed information that proves al-Qaida has been, and still is operating in West Africa.

''We've been able to positively identify ten of the 21 FBI's most wanted terrorists, operating actively and freely in West Africa, from 1997 up to modern day,'' says White.

And they say they have the witnesses to prove it. Witnesses that include Charles Taylor's own brother-in-law—Cindor Reeves.

AL-QAIDA PRESENCE

Reeves, who ''Dateline'' interviewed in disguise, is currently in witness protection. He told investigators that as a trusted insider, he escorted Taylor's special guests around Liberia, including a man who went by the name ''Mustafah.''

Although Reeves didn't know it at the time, he now believes that ''Mustafah'' was, in fact, Abdullah Ahmed Abdullah, the alleged mastermind of the 1998 al-Qaida bombings of U.S. embassies in Kenya and Tanzania.

Cindor Reeves: I know the man. I didn't just see him one day in '98. He came back the second time, he came back the third time, and we stayed together for more than two, three months.

Hansen: You're positive that this man was actually Abdullah Ahmed Abdullah?

Reeves: Exactly. A 100 percent positive.

He says other al-Qaida operatives were there as well—all with cash in hand to buy diamonds from Liberia's president, Charles Taylor. Reeves told us the men first stayed at a hotel in the capital, Monrovia, before moving to the safe house. On the wall of the safe house is a photo of a familiar face.

Hansen: And who did this picture turn out to be?

Reeves: Osama Bin Laden.

Hansen: Osama Bin Laden?

Reeves: Yeah.

Shortly after September 11, Reeves told his story to Doug Farah, who at the time was a reporter for the Washington Post.

Doug Farah: I said, you know, ''You gotta be kidding right?'' He said, ''No, I knew—I know these people.'' And I sold diamonds with them. And my first thought was, 'Well then, how would you ever verify this, right?' And I said, 'You know, I only have my reputation. You only have your reputation. If you're lying to me on this, we're both hamburger meat.' ''

Farah's article piqued the interest of officials in Washington D.C. But the CIA and FBI said they found his source, Cindor Reeves, unreliable. Still, the FBI, under pressure from Congress, continued to investigate.

''We couldn't establish that al-Qaida had in fact been involved in conflict diamonds,'' says Dennis Lormel, who headed the FBI's terror financing section.

What about all this information that Charles Taylor had provided safe haven for some al-Qaida operatives?

''We investigated that,'' says Lormel. ''The people around Taylor and other people denied that that ever happened.''

But as ''Dateline'' discovered, one of the people the FBI relied on to discredit the story was Ibrihim Bah, who Middle Eastern intelligence sources tell ''Dateline'' has longstanding terrorist ties of his own in Afghanistan, Lebanon and Libya.

THE 9/11 COMMISSION INVESTIGATION

The 9/11 Commission, which conducted its own investigation, agreed with the FBI.

Vice Chairman Lee Hamilton: Our conclusion, the conclusion of the commission was that there was simply no persuasive evidence of a link between al-Qaida and diamonds.

Hansen: We have talked to the chief prosecutor and the chief investigator for the Special Court of Sierra Leone. They remain adamant that not only were al-Qaida operatives in Liberia but they were——

Hamilton: We don't deny that.

Hansen: That they were——

Hamilton: Yeah.

Hansen:—trying to do diamond deals with Charles Taylor and others.

Hamilton: We don't even deny that. Trying to do is one thing, doing it is another. We were not charged with the responsibility of finding out what people were trying to do, we were charged with the responsibility of finding out what they did.

The commission's mandate was narrowly focused on the events and failures directly leading to 9/11.

But Al White, who was the war crimes tribunal's chief investigator says, when it comes to al-Qaida in West Africa, the 9/11 Commission didn't look hard enough.

''The 9/11 Commission missed the boat. I'll just be very candid,'' says White.

White says the 9/11 Commission failed to interview credible witnesses offered by the court.

''How can you assess the credibility of someone you've never talked to?'' questions White. ''That's what I find suspicious. And that's what I find quite frankly unprofessional.''

The 9/11 Commission says while it may not have interviewed the court's witnesses, the FBI did, and that both the FBI and the 9/11 Commission concluded they were not credible.

But could it be that the 9/11 Commission—along with the CIA and FBI—just got it wrong?

''DATELINE'' IN LIBERIA

Mike Shanklin is a U.S. intelligence veteran. Now retired, Shanklin headed the CIA's operations in Liberia in the 1990s, at a time when Taylor was coming to power.

''Dateline'' asked Shanklin, who had previously been consulted by the special court, to come on our behalf to Sierra Leone and Liberia to help sort out allegations of al-Qaida's presence and diamond-dealing in the region. Together, we uncovered evidence that U.S. officials appear to have missed.

''Al Qaida, Bah, Taylor, they were there,'' says Shanklin. ''There is no question in my mind these people were there. They were there during the period in question. And clearly they were involved in some sort of a diamond business. That's a fact.''

Ironically, Shanklin says, a few years ago, a top Liberian security official—unaware that his boss, Charles Taylor might have been doing business with al-Qaida—naively launched an investigation into the terrorist group's activities in Liberia.

But the investigation ended before it could begin.

''Charles Taylor quashed it, said, 'You don't need to worry about this.' And that was the end of it,'' says Shanklin.

Several witnesses at the hotel (where al-Qaida operatives are said to have met) confirmed to ''Dateline'' that al-Qaida fugitives had stayed there as quests about six years ago.

What's more, a senior Liberian official told ''Dateline'' that around the same time, a couple of unwitting Liberian investigators apparently went to the hotel and tried to have the men arrested—again, not realizing they were guests of their president, Charles Taylor.

''Taylor had the government investigators arrested . . . and freed the al-Qaida operatives,'' says Shanklin.

Hansen: What does that say about the relationship between al-Qaida operatives and Charles Taylor?

Shanklin: Well, it certainly says that Charles Taylor didn't want these people under arrest.

What's most ominous is that the special court's former chief investigator believes al-Qaida is still active in the region. And he's desperately trying to convince the U.S. government to do something about it.

''They're here. They're absolutely here,'' says White. ''I can't tell you the number. But, what I can tell you is that there's a significant presence in West Africa. I don't know exactly what the al-Qaida operatives are doing. That's what concerns me. And, again, the problem is that's not my mission. It's the FBI's mission to come over and find that out.''

IS THE U.S. GOVERNMENT DOING ENOUGH?

There is one man who could settle the disagreement over al-Qaida's presence and diamond-dealing in West Africa: former Liberian president Charles Taylor.

Two years ago, after the special court charged Taylor with 17 counts of war crimes committed in Sierra Leone, the U.S. helped broker a deal in which Taylor left office in Liberia and went into exile at his estate in Nigeria.

Despite repeated requests from the international community, Nigeria's president has so far refused to turn Taylor over to the special court for prosecution.

And the United States—which considers Nigeria a vital ally and oil supplier—has seemed reluctant to really press the issue.

But Al White, who's just finished a three-year stint in West Africa, says Charles Taylor is still conspiring with terror suspects, and that bringing him to justice may be the only way to prevent further bloodshed.

Al White: We've lost three years. Three years of time in actively pursuing these terrorists. Can we afford to waste another three years by denying that their presence is over there?

Hansen: And what has al-Qaida gained in those three years?

White: [In the three years] they've gained momentum. They have absolutely no problem pursuing their agenda and training in West Africa because they're off limits.

Shanklin agrees: ''We're fighting a war and we're talking about going after al-Qaida. We had an opportunity to go after al-Qaida here. Maybe we didn't do it as aggressively as we should have. Charles Taylor was dealing with these people. And we should be doing something about Charles Taylor. This isn't tough. This doesn't even fall in the category of tough. This is pretty easy. Let's do it.''

There is new evidence that Charles Taylor may be meddling in his former nation's coming election, and thus violating the terms of his exile agreement. With that in mind, the United States has joined the chorus of nations requesting that Taylor be turned over to the U.N. War Crimes Tribunal. Taylor's host, the Nigerian president, still refuses to cooperate.

Mr. Chairman, these allegations are controversial, but what should be clear is that instability in West Africa creates a national security challenge for the United States. Charles Taylor is a source of that instability. Both the national security imperatives of the United States and the cause of justice compel us to make sure that the policy of our government remains seeking Taylor's expeditious transfer to the jurisdiction of the Special Court for Sierra Leone.

I ask the Members to please vote for the Watson-Royce amendment.

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

Mr. ROYCE. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, I yield myself 3½ minutes.

I am pleased to join the gentlewoman from California (Ms. WATSON), a colleague on the Committee on International Relations, in offering this important amendment. As the gentlewoman has explained, this amendment states that it shall be the policy of the United States to seek the expeditious transfer of Charles Taylor to the Special Court for Sierra Leone so that he can be tried for war crimes.

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

And those atrocities were, indeed, widespread. Human rights violations there were grave. During the 1990s, then-President Taylor of Liberia supported what was called the Revolutionary United Front. That was designated by the State Department as a terrorist organization. He supported them in Sierra Leone, and they were notorious for hacking off the limbs and the arms and the legs even of young children. When I chaired the Africa Subcommittee, we hosted some of those victims on Capitol Hill, child victims; and we held numerous hearings examining the chaos in West Africa caused by this one man, Charles Taylor.

In May, the House overwhelmingly passed Resolution 127, and the Senate concurred, calling on the Nigerian Government to transfer Taylor to the Special Court. I still have hope; yet today, Charles Taylor continues to safely reside in exile in Nigeria. In August of 2003, some believed that removing Taylor from Liberia and giving him exile would prevent Liberia and West Africa from destabilization.

Instead of facing justice at the Special Court in Freetown, though, Taylor was given a seaside villa in Calabar, Nigeria; and in exchange, Taylor was supposed to refrain from political activity, but Taylor broke that deal. So 2 years after the exile deal, Taylor is still very much involved in undermining Liberian politics as the nation prepares for elections. He is working to undermine a peace process that has been supported by the United States and Congress with hundreds of millions of dollars, and he said he will return to Liberia.

I believe, and I think my colleagues believe, that he is going to try to return because we remember his words. He said, when he got on that plane, ''God willing, I'll be back.''

Mr. Chairman, Charles Taylor remains a serious and continuing threat to West African peace and security, which is counter to U.S. interests. I am convinced that there will be no chance for peace in West Africa until Taylor is removed. We underestimate him at our peril, and it must be the policy of the United States to seek the transfer of Charles Taylor to the Special Court. This has to be a pillar in our policy towards West Africa. We need to press harder than we have been. Bringing Charles Taylor to justice will help further U.S.-Nigeria relations, help bring peace to Liberia, and strengthen the rule of law on the continent.

It is time for Charles Taylor to face up to his crimes. This amendment deserves the strong support of this House of Representatives.

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

Ms. WATSON. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my colleague for yielding me this time, and I strongly support this most important amendment by the distinguished gentlewoman from California (Ms. WATSON). I encourage all of my colleagues on both sides of the aisle to do the same.

Mr. Chairman, there is no doubt in my mind that our friend and ally, the country of Nigeria, should transfer Charles Taylor to the Special Court for Sierra Leone without any delay.

Taylor has been charged personally with 17 counts of war crimes and crimes against humanity. These charges include mutilations, rape, sexual slavery, forced recruitment of child soldiers, child abduction, and multiple killings. Many Members of this Congress witnessed the testimony of some of Charles Taylor's child victims, all of whom had amputated arms and legs, their bodies disfigured, and their lives transformed forever.

Mr. Chairman, there will be no justice for the people of Sierra Leone until Charles Taylor stands in the dock. I urge my colleagues to support this amendment.

Mr. ROYCE. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), chairman of the Africa, Global Human Rights and International Operations Subcommittee.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time.

I thank the gentleman from California (Mr. ROYCE) for his outstanding work on this issue, and I rise in strong support of the gentlewoman from California's (Ms. WATSON) very important amendment.

Mr. Chairman, in August of 2003, the Government of Nigeria, at the urging of the governments of the United States and Great Britain, gave asylum to then-Liberian President Charles Taylor. The purpose was to prevent further bloodshed and to allow for a transition back to a democratically elected government in Liberia. The deal was struck in spite of the indictment of Taylor by the Special Court for Sierra Leone in June of that year on 17 counts of war crimes, including mass murder, sexual slavery, rape, hostage-taking, amputations, forced conscriptions of children and adults, arson, looting, and many other abuses of human rights.

Nevertheless, the action by the Nigerian Government likely saved thousands of lives and is providing at least a chance for free elections in Liberia in October. However, the deal was not without conditions, and there is ample evidence that Charles Taylor has violated this asylum agreement.

For example, Taylor is alleged to be cooperating with international terrorist organizations. He is engaged in illicit trade in blood diamonds in violation of U.N. sanctions and is linked to the proliferation of small arms throughout the region. He has also destabilized the entire subregion of West Africa, leaving thousands dead and millions displaced in its wake.

Nigerian President Obasanjo refuses to end the asylum agreement, however, unless there is irrefutable evidence of violations by Taylor. I would point out to my colleagues that on March 17, Kofi Annan reported to the Security Council that Taylor's former military commanders, party leaders, and business associates maintain regular contact with him and are planning to undermine Liberia's return to democracy.

I urge strong support for this amendment. It is an outstanding one.

A few days later, Jacques Klein, the UN Special Representative to the Secretary-General on Liberia confirmed that Taylor is ''still very, much involved'' in Liberian politics.

Outgoing Chief Prosecutor for the Sierra Leone Court, David Crane continues to accuse Taylor of ''ruling the country from his house arrest in Calabar'' In southern Nigeria.

So, yes President Obasanjo, there is plenty of evidence that Charles Taylor has violated the terms of his asylum. Has he continued to destabilize not only Liberia, but also Cote d'Ivoire and Guinea? That has yet to be proven in court, but there is enough evidence for him to be sent to the court in Sierra Leone to find out.

President Bush raised this issue with President Obasanjo at a meeting in May, but U.S. policy must consist of more than a brief discussion. Whatever evidence we have must be shared with the Nigerian government, and then they must make up their mind if they want to continue in the direction of helping West Africa to heal or if they want to close their eyes to continued interference and further upheaval.

Surely, the time has come for Charles Taylor's reign of terror in the region to reach its final, conclusive end.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATSON) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 29 printed in part B of House Report 109–175.

AMENDMENT NO. 29 OFFERED BY MS. WATSON

Ms. WATSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Ms. WATSON:

Page 24, after line 3, insert the following:

SEC. 107. ENHANCING PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

In addition to such amounts as may otherwise be authorized to be appropriated for such purpose, there are authorized to be appropriated for the Department of State, $5,000,000 to carry out the following activities to enhance intellectual property laws and enforcement in countries that are not members of the Organization for Economic Cooperation and Development (OECD):

(1) Provision of equipment and training for foreign law enforcement, including in the interpretation of intellectual property laws.

(2) Training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) Assistance in complying with obligations under appropriate international copyright and intellectual property treaties and agreements.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentlewoman from California (Ms. WATSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I yield myself such time as I may consume.

This amendment, which I am offering with the gentleman from California (Mr. ISSA), would authorize $5 million for the State Department to work to improve intellectual property law and enforcement in developing countries. Specifically, the Watson-Issa amendment would direct the funding to activities in countries that are not members of the Organization for Economic Cooperation and Development under the auspices of the State Department's Economic Bureau. These funds could be used for a wide range of activities, including posting IP experts abroad to help train foreign officials and improve enforcement of intellectual property laws.

According to the recent figures from the International Intellectual Property Association, worldwide motion picture piracy losses for 2003 are estimated to be between $3 billion and $4 billion. More than 52 million illegal optical discs of MPAA member companies were seized worldwide during the same year, a result of 31,000 raids and more than 65,000 investigations. These numbers do not include the illegal file-sharing on the Internet.

Our government continues to work to secure legal protections for American-produced intellectual property.

□ 1245

We work with numerous countries to improve their legal codes and law enforcement training, to enforce intellectual property protections, but we also found that if the political will in foreign capitals to enforce these protections is lacking, all the training in the world will fail to reduce piracy and counterfeiting. For that reason, we must make sure that our State Department has adequate funding and tools to engage foreign governments and convince them of the need to enforce these laws.

I want to note that this sensible, bipartisan amendment has been adopted twice in the full House within the past 2 years. Unfortunately, the Senate never passed this authorization. So I look forward to having this amendment adopted once again as part of the foreign relations authorization bill.

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

Mr. ISSA. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN (Mr. LATHAM). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support and to help offer this amendment along with my colleague the gentlewoman from California (Ms. WATSON). We have worked together in the past to address these issues of intellectual property theft, and I look forward to continuing to work with her to address these issues in the future.

Intellectual property theft continues to be one of the biggest threats to American companies doing business abroad. While we have begun to focus on the biggest offenders, China and Russia, where intellectual property theft costs American companies billions of dollars each year, we cannot afford to ignore the copyright piracy taking place in other regions of the world.

This amendment would direct the funding to activities in countries that are not members of the Organization for Economic Cooperation and Development, OECD, under the auspices of the State Department's Economic Bureau. These funds will be used for a wide range of activities, including assistance in procuring equipment to combat piracy, posting intellectual property experts abroad to help train foreign officers and to improve local enforcement of intellectual property laws.

This amendment will help ensure that the State Department has the adequate tools to engage with foreign governments and to assist them in developing an infrastructure to enforce their laws. I urge my colleagues to support the Watson-Issa amendment.

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

Ms. WATSON. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. LANTOS).

The Acting CHAIRMAN. The gentleman from California is recognized for 2½ minutes.

Mr. LANTOS. Mr. Chairman, I want to thank my friend for yielding me time.

Mr. Chairman, I want to commend the gentlewoman from California (Ms. WATSON) for her continued leadership on behalf of the protection of intellectual property. The gentlewoman's amendment will provide a modest authorization of $5 million to assist less developed countries in their efforts to draft and to enforce laws aimed at protecting intellectual property in compliance with international treaties and agreements. This authorization would also be available to train judges and prosecutors in these countries in the proper application of new and existing statutes related to the protection of intellectual property.

Mr. Chairman, this is a very worthwhile amendment. The potential benefits to the American economy in terms of the protection of intellectual property of our artists and of our inventors that could result from this amendment passing are enormous, far outweighing its modest costs.

Mr. Chairman, I urge all of my colleagues to support this thoughtful measure.

Mr. ISSA. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 3½ minutes.

Mr. SMITH of New Jersey. Mr. Chairman, on behalf of the majority of the committee, I want to express our strong support for this amendment.

This amendment, the Watson-Issa amendment, will continue to support programs similar to those that were begun in fiscal year 2004. The State Department has designed programs to target areas of the world that have significant rates of intellectual property rights piracy with unique law enforcement assistance. This assistance has been tailored to particular activities in various regions of the world. It is critical to support the intellectual property rights community, Mr. Chairman, as the United States is the world's single largest creator, producer and exporter of copyrighted materials.

Rampant piracy of creative works poses a significant risk to U.S. creative work products, including music, movies, video games and other software. As the U.S. copyright industry alone accounts for nearly 6 percent of this Nation's GDP, it is an economic security issue as well for the United States.

Mr. Chairman, I commend my two colleagues for offering this very important amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATSON).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments printed in part B of House Report 109–175 on which further proceedings were postponed in the following order: amendment No. 22 offered by the gentleman from Iowa (Mr. KING); amendment No. 23 offered by the gentleman from Ohio (Mr. KUCINICH); amendment No. 24 offered by the gentleman from California (Mr. LANTOS); amendment No. 26 offered by the gentleman from Michigan (Mr. ROGERS); amendment No. 28 offered by the gentlewoman from California (Ms. WATSON).

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

AMENDMENT NO. 22 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 10, as follows:

[Roll No. 390]

AYES—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Brady (TX)
Brown (SC)
Davis (KY)
Feeney
Hinojosa
Jindal
McMorris
Simmons
Slaughter
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. LATHAM) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1314

Mr. DOYLE changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. DAVIS of Kentucky. Mr. Chairman, on rollcall No. 390, the King amendment No. 22, I was unavoidably detained and am not recorded. Had I been present, I would have voted "aye."

Ms. SLAUGHTER. Mr. Chairman, on rollcall No. 390, had I been present, I would have voted "aye."

Miss McMORRIS. Mr. Chairman, on rollcall No. 390, I was detained due to a meeting. Had I been present, I would have voted "aye."

AMENDMENT NO. 23 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 302, not voting 7, as follows:

[Roll No. 391]

AYES—124

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Capps
Capuano
Carson
Clay
Cleaver
Conyers
Crowley
Cummings
Davis (IL)
DeFazio
Delahunt
Dingell
Doggett
Doyle
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick (MI)
Kucinich
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders

Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—302

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Brady (TX)
Brown (SC)
Davis (KY)
Hinojosa
Jindal
Rush
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. LATHAM) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1322

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. DAVIS of Kentucky. Mr. Chairman, on rollcall No. 391, the Kucinich amendment, I was unavoidably detained and am not recorded. Had I been present, I would have voted "no."

AMENDMENT NO. 24 OFFERED BY MR. LANTOS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. LANTOS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 373, noes 56, not voting 4, as follows:

[Roll No. 392]

AYES—373

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)

Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—56

Akin
Barrett (SC)
Bartlett (MD)
Bilirakis
Blackburn
Bonilla
Brown-Waite, Ginny
Burgess
Coble
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
Doolittle
Duncan
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Goode
Gutknecht
Hayworth
Hefley
Herger
Hostettler
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Manzullo
Marchant
McHenry
Miller (FL)
Miller, Gary
Myrick
Norwood
Nussle
Otter
Paul
Pombo
Radanovich
Renzi
Rohrabacher
Royce
Sessions
Shaw
Shuster
Smith (TX)
Tancredo
Taylor (NC)
Walden (OR)
Westmoreland
Young (FL)

NOT VOTING—4

Brady (TX)
Brown (SC)
Hinojosa
Jindal

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1332

Messrs. ROHRABACHER, SHAW and ROYCE changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MR. ROGERS OF MICHIGAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 273, not voting 4, as follows:

[Roll No. 393]

AYES—156

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Culberson
Davis (KY)
Davis, Jo Ann
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gohmert
Goode
Granger
Graves
Green, Gene
Hall
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Issa
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Knollenberg
Kolbe
Kuhl (NY)
Latham
Lewis (CA)
Lewis (KY)
LoBiondo
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Mica
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pitts
Poe
Porter
Price (GA)
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Simpson
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—273

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Foxx
Frank (MA)
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kline
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—4

Brady (TX)
Brown (SC)
Hinojosa
Jindal

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. LATHAM) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1340

Mr. MEEK of Florida changed his vote from ''aye'' to ''no''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 28 OFFERED BY MS. WATSON

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 2, not voting 9, as follows:

[Roll No. 394]

AYES—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble

Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Dreier
Paul

NOT VOTING—9

Brady (TX)
Brown (SC)
Cantor
Diaz-Balart, M.
Hinojosa
Jindal
McKinney
Simmons
Waters

□ 1347

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. LATHAM). It is now in order to consider amendment No. 30 printed in part B of House Report 109–175.

AMENDMENT NO. 30 OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Ms. BERKLEY:

Page 220, after line 15, insert the following:

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to promote the emergence of a democratic Palestinian government that—

(1) denounces and combats terrorism;

(2) has agreed to disarm and dismantle any terrorist agency, network, or facility;

(3) has agreed to work to eliminate incitement and the commemoration of terrorists in Palestinian society;

(4) has agreed to respect the boundaries and sovereignty of its neighbors; and

(5) acknowledges, respects, and upholds the human rights of all people.

Page 220, line 16, strike ''(a)'' and insert ''(b)''.

Page 221, line 3, strike ''LIMITATION'' and insert ''LIMITATIONS''.

Page 221, line 3, strike ''Assistance'' and insert the following:

''(1) CERTIFICATION REQUIREMENT.—Assistance''.

Page 221, after line 6, insert the following new paragraph:

''(2) AMOUNT OF ASSISTANCE REQUIREMENT.—Of the total amount of funds that are available for assistance under this Act or any other provision of law to the Palestinian Authority during a period for which a certification described in subsection (b) is in effect, not more than 25 percent of such amount may be obligated and expended during any calendar quarter.''.

Page 223, line 13, strike the closing quotation marks and the second period.

Page 223, after line 13, insert the following new subsection:

''(e) DEFINITION OF CALENDAR QUARTER.—In this section, the term 'calendar quarter' means any three-month period beginning on January 1, April 1, July 1, or October 1 of a calendar year.''.

Page 223, line 14, strike ''(b)'' and insert ''(c)''.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentlewoman from Nevada (Ms. BERKLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume, and I want to begin by thanking the chairman, the gentleman from Illinois (Mr. HYDE), and my dear friend, the ranking member, the gentleman from California (Mr. LANTOS), for helping with this amendment.

Since the 1993 Oslo Accord, the United States has given more than $1.8 billion to the Palestinians. In that same time we have given over $130 million directly to the Palestinian Authority. We have given this assistance despite no accountability, no modern financial controls, no transparency, and no actual knowledge of where our taxpayers' dollars are going.

The amendment I have introduced, along with the gentleman from New York (Mr. CROWLEY), would force the Palestinian Authority to be accountable, finally, for the money given by the United States. It would also provide Congress with the ability to end the aid if the certification requirements of this bill are not met.

My amendment mandates only 25 percent of direct aid to the Palestinian Authority can be spent in any one calendar quarter, instead of all the money being obligated at the beginning of the year. Each quarter the Palestinian Authority can spend another 25 percent of the total aid package as long as they meet the certification requirements. The overall aid package remains unchanged.

The amendment contains a declaration of policy that the United States should promote the emergence of a democratic Palestinian government that denounces and combats terrorism; that works to eliminate terrorist incitement; that has agreed to respect the boundaries and sovereignty of all of its neighbors; and that respects the human rights of all people.

If at some point during the year Congress is unsatisfied with how the money is being spent or if the Palestinian Authority fails to meet their certification requirements; if the PA has not taken concrete steps to end terrorism; if the Palestinian Authority has not made demonstrable progress towards democracy; if the PA has not dismantled the terrorist infrastructure and ended incitement, Congress can stop the flow of money.

If the Palestinian Authority lives up to its responsibility and honors its commitment, then our aid to the Palestinians will flow unfettered, and in the exact same amount. However, if the Palestinian Authority fails to live up to its responsibility and violence consumes the region, if another intifada begins, if it turns out that our aid is used to fund Hamas, Islamic jihad, or other terrorist organizations,

then Congress should discontinue the aid. This amendment gives us that option.

To be clear, the amendment would not end humanitarian aid and assistance within the territories controlled by the Palestinian Authority. It would not affect the overall amount of aid provided to the Palestinian Authority. It requires the accountability that should be a necessary component of foreign aid and that Congress should expect from all of those entities that accept foreign aid from the United States and our taxpayers. I urge the adoption of the amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a two-page amendment. If it were a one-page amendment, I would be an enthusiastic supporter. The declaration of policy urging our government to promote the emergence of a democratic Palestinian government is greatly to be desired.

I must say the fifth item, insisting that it acknowledges, respects, and upholds the human rights of all people, if they would do everything else here, respect the right of Israel to exist, repudiate terrorism, that would be sufficient for me. We have some people we work with who do not uphold the human rights of all people. But in general I like the declaration. I do not think, however, that we should impose these restrictions on the funding.

This is an issue on which I trust President Bush and Prime Minister Sharon. Those are not people with whom I am always allied. I believe that Prime Minister Sharon, a political figure with whom I have not always found myself in agreement, I have said if I lived in Israel, I would not vote for Ariel Sharon. If he lived in Brookline, he would not vote for me. We can get along. Although I think he probably occupies more of my thinking than I do of his. But I admire his willingness to go forward with a policy that I think is very much in the interest of Israel.

I, as an American Jew, and I will be in Israel in August and I will be there again in January, I share the goal of a secure Israel as a Jewish democratic nation, and I admire the insight of Prime Minister Sharon and Deputy Prime Minister Olmert, that an Israel which governs millions of hostile Palestinians will have a hard time being Jewish and democratic, and, therefore, I support Israel's effort to reach peace. There is no guarantee that it is possible. It is a difficult situation. But I do not think we in Congress should make it more difficult.

There are people within Israel who do not agree with what Prime Minister Sharon is doing, but they have not been able to get a majority in the Israeli parliament, the Knesset. I do not want to see them win a partial victory in the U.S. House of Representatives that they cannot win in the Knesset.

While I agree with the declaration of policy, I believe that restrictions on funding to the Palestinian Authority ought to be left to the decision of the executive branch. I trust George Bush on this, and I trust this administration. I believe they are as committed to the declaration of policy as any of us. And I think in this case it is important for them to have some flexibility.

I do not find the Palestinian Authority any model of democratic governance, but it is clearly in everybody's interest, and the Israeli government agrees to this, to have the Palestinian Authority strengthened vis-a-vis the terrorists of Hamas. Maybe the right way to do it will be to cut back; maybe it will not be. I do not think that is a judgment we can make here.

Again, when we have in power an Israel and a United States with democratically elected governments that are committed to this process, having these congressional restrictions, I believe, is a hindrance; and this notion no more than 25 percent can be spent in a quarter does not, to me, have any substantive policy reason. Maybe there will be a joint decision by Prime Minister Sharon and President Bush that the Palestinian Authority is in fact doing what it should do and they want to be able to give them more money in a period of time. I do not think it is appropriate for this Congress to restrict that.

So I agree with the declaration of policy. If we were in the whole House, I would ask unanimous consent that the amendment be modified for that purpose, but I cannot do it in the Committee of the Whole, and I would vote for that. But I do not think we should impose these restrictions on the funding for the Palestinian Authority as a sign we do not trust President Bush and the Government of Israel jointly to make those decisions.

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

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume, and I am delighted the gentleman from Massachusetts agrees with the declaration, but I would like to point out to those of us who are voting here that these are American taxpayer dollars and Congress has a responsibility to have some accountability and ensure some transparency before we give money away.

The United States Congress has no apology to make to the Palestinian Authority. Since 1993, we have given over $1.8 billion to the Palestinian Authority. We have yet to get an accounting for a single one of those dollars. And also included in this amendment is a waiver, a Presidential waiver. If he is unsatisfied or wants to waive our restriction, he has the ability to do so. This gives the President an additional tool.

Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIRMAN (Mr. KOLBE). The gentlewoman from Nevada has 2 minutes remaining.

Ms. BERKLEY. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman from Nevada for yielding me this time, and I rise in support of the amendment offered by my good friend and myself.

The Prime Minister of Israel and the Israeli people have taken the first bold steps through the disengagement plan. Now it is time for the Palestinian Authority to match its words with its actions and live up to its commitment to be a true partner for success and stability in the Middle East.

Our amendment will tighten up language dealing with aid to the Palestinian Authority. Both the gentlewoman from Nevada and I believe that we should be doing all we can to help the Palestinian Authority, but that benchmarks need to be set in place. Over the past 10 years, Congress has had little to no accountability over the aid we have given to the Palestinian Authority. As aid from the United States begins to flow into the Palestinian Authority, we must use this aid to promote a true democratic government for the Palestinian people.

Mr. Chairman, our amendment would force accountability over this money and provide Congress with the ability to end the flow of funding, or quite frankly would allow the President to end the flowing and the funding of this money if the certification requirements in the bill are not met.

□ 1400

This amendment will make sure our aid to the Palestinian Authority is tied to the emergence of a democratic Palestinian government that is working to overcome four important issues.

The first is that they denounce and combat terrorism and work to disarm terrorists; secondly, agree to work to eliminate terrorist incitement, including their textbooks and what the children are taught; thirdly, agree to respect boundary and sovereignty of its neighbors; and finally, respect human rights for all people.

I believe we must have full accountability over the aid we give to make sure that the emergence of a democratic Palestinian government can take place.

As was pointed out, these are U.S. Federal taxpayer dollars being expended. We want accountability as to how those moneys are expended, and there is a Presidential waiver. This is, quite simply, a tool that the President can use to coax and to move the Palestinians toward a peaceful settlement.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

I am always puzzled when in defense of an amendment we are told that it is really not going to mean anything. We are told the President can waive it. Well, frankly, I think the purpose of an amendment is not to waive it, W-A-I-V-E, but for some of us to wave it, W-A-V-E, as a sign of what we think.

I am all in favor of this declaration, but I think the amendment's operative part restricting funding might get in the way. The single most important issue, it seems to me, is that the Palestinian Authority should agree to disarm and dismantle any terrorist agency network or facility. I agree that is essential. They have to be willing to confront Hamas, but they cannot do it without money. What are they going to do it with, rhetoric?

We are taking a gamble, there is no question. If the Palestinian Authority is in the end unwilling or unable to meet these responsibilities, then there will not be peace. That will be a tragedy for all concerned, but mostly for the Palestinians. No one should ask Israel to go forward if that is not the case.

That makes it all the more important to do everything we can to enable the Palestinian Authority and pressure them to do this. The problem is playing yo-yo with the funding does not work.

The President has the authority now to stop. We cannot force him to spend foreign aid. The President will do this in consultation with the Israeli government, with Vice Premier Paris, who works on this.

I believe this is an unwise intrusion of Congress. We do not have a disagreement here. We say we agree with Sharon's government of trying to see if peace can be made. We agree with the administration. I do not think that this kind of intervention by Congress is going to be helpful with a difficult and delicate peace process.

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

The problem the Palestinian Authority has has nothing to do with money. They have had millions. As a matter of fact, Arafat has stolen millions and millions of American taxpayer dollars over the last several years.

This amendment denounces and combats terrorism, works to eliminate terrorist incitement, and states that the Palestinians agree to respect the boundaries and sovereignty of all of its neighbors and respect human rights. That is not asking a lot. This Congress has a responsibility to ensure that is something the Palestinians can do for this money.

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to this amendment. I want to associate myself with the gentleman from Massachusetts (Mr. FRANK) who spoke so eloquently in opposition on the Floor.

At this particular moment, it is clearly in our national interests to strengthen the democratically elected Abbas government. This is especially true in the face of the imminent Israeli withdrawal from Gaza and because the Palestinian Authority is up against a strong challenge from Hamas in the upcoming parliamentary elections.

The amendment states that the United States should promote the emergence of a Palestinian government that combats terrorism. We all agree with that. But at the same time, we must continue to urge the Israeli government to stop settlement activity and ease the conditions of occupation. Both sides have obligations under the Road Map.

And more than anything, the U.S. government must use this opportunity to work with both parties to ensure that the turnover of Gaza from Israel to the Palestinians is carefully coordinated and that the myriad of security, economic, and infrastructure issues are dealt with fairly and quickly.

Mr. Chairman, not only must the Berkley amendment be defeated, but I wish the underlying bill would not have included such onerous conditions and limitations on Palestinian aid.

I support the efforts of President Bush who has twice used his waiver authority to grant funding directly to the Palestinian Authority and who opposes the inflexible language in this bill.

Instead of passing one-sided and punitive amendments like this one, it is incumbent upon the United States Congress to try to help both Prime Minister Sharon and President Abbas confront the extremists on each side who seek to derail the peace process.

Fragile as it may be, a flicker of hope and optimism has been kindled in the Middle East.

But it may truly be our last hope.

And what a great tragedy it would be—for Israel, for the Palestinians, and for America—if we didn't do everything in our power to bring an end to this terrible conflict.

Defeat the Berkley amendment.

Mr. BLUMENAUER. Mr. Chairman, I voted against the Berkley/Crowley amendment to cap assistance to the Palestinian Authority. Under the new leadership of President Mahmoud Abbas, progress is being made—slowly—on the path to democracy and peace. It is ironic that these additional restrictions are proposed on Abbas, yet were never applied to Yasser Arafat. In light of Israel's impending withdrawal from Gaza, I believe that we need to maintain President Bush's flexibility to use United States assistance to promote American interests in the region. Already, aid to the Palestinian Authority is the most heavily restricted, audited, and projectized assistance in the world with aid going directly to the Palestinian Authority only when the President signs a specific waiver. This amendment is one more unnecessary restriction that ties the President's hands to support any movement towards peace and security.

The Acting CHAIRMAN (Mr. KOLBE). The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY) will be postponed.

It is now in order to consider amendment No. 31 printed in part B of House Report 109–175.

It is now in order to consider amendment No. 32 printed in part B of House Report 109–175.

AMENDMENT NO. 32 OFFERED BY MS. ESHOO

Ms. ESHOO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Ms. ESHOO:

Page 246, after line 7, insert the following new section:

SEC. 956. SENSE OF CONGRESS REGARDING ASSISTANCE FOR CHALDOASSYRIANS AND OTHER INDIGENOUS CHRISTIANS IN IRAQ.

(a) FINDINGS.—Congress finds the following:

(1) ChaldoAssyrians and other indigenous Christians in Iraq welcome the opportunity following Iraq's liberation to move beyond the days of repression and persecution and toward greater prosperity by cooperating in the development of a democratic, pluralistic state.

(2) Religious and ethnic discrimination has driven half of Iraq's indigenous Christians into diaspora since the 1960s and now threatens to create a mass exodus, thereby depriving Iraq of one of its oldest and most distinctive ethnic communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all relevant departments and agencies of the Government of the United States should pay special attention to the welfare of ChaldoAssyrians and other indigenous Christians in Iraq in order to prevent a mass exodus that would detrimentally affect the preservation of diversity in the Middle East and the promotion of general tolerance for others; and

(2) the President, acting through the Administrator of the United States Agency for International Development, should allocate funds specifically for the promotion of the welfare, education, and resettlement of ChaldoAssyrians and other indigenous Christians in Iraq where they may be currently prevented from returning to their homes.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentlewoman from California (Ms. ESHOO) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I yield myself such time as I may consume.

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

Ms. ESHOO. Mr. Chairman, I rise today to offer this amendment expressing the sense of Congress that our government should recognize the unique challenges facing Iraq's indigenous Christian communities, including the Chaldeans, Jacobites, Armenians, Assyrians and Greek Orthodox Christians.

I am a first generation American of Assyrian and Armenian descent. My grandparents fled their ancestral homeland in the early part of the 20th century. In fact, my mother received her First Communion in Baghdad in 1919. I am the only Assyrian American serving in Congress today, and one other did many years ago, the distinguished Adam Benjamin of Indiana.

There are approximately 250,000 Assyrian Americans in the United States, representing the largest population of Chaldo-Assyrians outside Iraq. All Chaldo-Assyrians are Christian. Because they are, they have been subjected to persecution in their homeland.

Today, there are between 1 to 1.5 million Christians remaining in Iraq,

mainly in the Nineveh plain in the north around Mosul. They live in villages that can trace their history back over 2,000 years. And a large number, because of their geography, have now come under the authority of the Kurdistan Regional Government.

Among indigenous Iraqi Christians, the Chaldeans represent the oldest rite under Rome. Along with the Assyrians who worship with the Holy Apostolic Catholic Assyrian Church of the East, they represent the oldest surviving Christian population in the world and one, without help during this critical transition period, that could be on the brink of extinction.

These communities have welcomed the opportunity before them since the fall of Saddam Hussein's regime to move toward greater prosperity and stability by cooperating in the development of a democratic, pluralistic state. Unfortunately, religious and ethnic tensions as well as discrimination continue to plague these Christian communities. I continue to receive troubling reports from religious leaders indicating that Iraq's Christian population is not receiving their fair share of development assistance. Because they are such a small minority, the indigenous Iraqi Christian population has one independently elected Chaldo-Assyrian in the entire Iraqi National Assembly, Younadam Kanna, whom I have met with and hold in high regard. Within the Kurdistan Regional Government in northern Iraq, representatives from Iraqi Christian communities hold five out of 100 seats. Because the Assyrian community is so very small, such a minority in Iraq with one representative in national politics, funding for reconstruction, housing and education are parceled out to those who control the villages and the regions where they reside without sufficient transparency to ensure the proper parity.

The visible result of these misallocations has been the emigration of as many as 80,000 Iraqi Christians since the fall of Saddam Hussein's regime. The majority of these individuals, approximately 50,000, have fled to Syria, while others have spread out to Jordan, the Gulf Emirates and Turkey, all living in desperate circumstances as refugees from their homes.

This needs to be dealt with. If a fully functioning and sustainable democracy is to emerge in Iraq, the basic rights and needs of all minority groups must be safeguarded. My amendment seeks to affirm that commitment by ensuring that all relevant U.S. Government agencies and departments pay special attention to the needs of this minority and ensure that they will continue to reside and thrive in their ancestral homeland.

I urge my colleagues to support this amendment. I want to particularly thank Tim Carey of my staff for the very hard, diligent and closely held sincere belief in this issue. Without him, I do not think I would be on the floor today with this amendment.

IRAQI CHRISTIANS FIND SAFETY IN SYRIA—RELIGIOUS VIOLENCE PROMPTED MANY TO FLEE HOMELAND

(By Joshua E.S. Phillips)

DAMASCUS, SYRIA.—Seated in his parish office, Father Sarmad Yousef reflected on his hard choices: to disobey his archbishop by remaining in Syria or to return to Iraq, where his name has appeared on a death list. ''After the Americans came, I was one of the people telling the Iraqi Christians not to leave,'' he said. ''After the violence started, I stopped telling them that.''

Christians all over Iraq face a similar dilemma as relentless violence engulfs the country, some directly targeting them. Staying in the midst of the threats is dangerous, yet leaving means abandoning communities, church property and a heritage with centuries-old roots.

Before the U.S.-led war, roughly 750,000 Christians lived in Iraq, out of a population of 25 million. Most were Chaldean and Assyrian, but there also were Armenian, Jacobite and Greek Orthodox Christians and a small number of Protestants. Most of them lived either in Baghdad or in northern Iraq around Mosul.

Since then, 15,000 to 20,000 Christians have fled to Syria, according to Christian groups, out of ''about 700,000'' Iraqis, most of them in flight from the war, according to the U.N. high commissioner for refugees.

Yousef, a 30-year-old Chaldean Catholic who came here in August 2004, was the parish priest of Baghdad's St. Pathion Church, with 800 families under his stewardship. Today, he occupies a simple office in Damascus, decorated with small portraits of St. Therese, the patron saint of his new church, cradling a bouquet of pink roses.

He says he actively supported the United States when coalition troops first entered Baghdad in April 2003 and helped organize community meetings on their behalf. Such support came with grave risks, and he narrowly missed two drive-by shooting attacks. But when the Abu Ghraib prison scandal came to light, Yousef says, his view changed. Nor was he alone. ''Before that, Iraqis loved Americans,'' said Yousef, his eyes lowered. ''Directly after that—those photos, that scandal directly destroyed the dignity of Iraqis.''

Muneeb, an Iraqi Christian parishioner of St. Therese who didn't reveal his last name because he said he did not want to attract local attention, said general resentment toward the Americans was transferred to Iraqi Christians. ''Americans are Christians,'' he said, ''so we're automatically considered to be part of them.''

Christian-owned liquor stores and beauty salons were attacked. While kidnapping has soared—both for terrorism and financial gain—Christians felt particularly targeted since they are often associated with successful businesses and financial support of families living abroad.

With the rise of Islamic militancy, Muneeb said, his sister, a doctor, was ordered to wear a veil outside her home—a requirement that didn't exist, he said, when Saddam Hussein was in power. ''I never thought of leaving Iraq,'' Muneeb said. ''But as a minority, we have no support.''

Emmanuale Khoshaba, a member of the Assyrian Democratic Movement, who regularly commutes back and forth to Iraq, is more optimistic. Through his job as the movement's Syrian representative, he promoted Iraq's Jan. 30 elections among absentee voters in Syria.

''Don't see the glass half-empty,'' said Khoshaba, who is the organization's Syrian representative. ''Now, we have rights: We have our names, we have members of the National Assembly, and we have 35 schools that teach Syriac.'' Under Hussein, teaching Syriac—the language used by Assyrians and other Iraqi Christians, and one of the Middle East's oldest languages—was strictly forbidden.

''We have coexisted for thousands of years,'' Khoshaba said. ''The problem was the repressive regime, and today we are in a transitionary stage. But one has to stay and sacrifice something for it.''

There have been many examples of such sacrifice.

One Sunday last August, a spate of bombings that struck five churches in Baghdad and one in Mosul left 11 dead and scores wounded. Yousef's church was spared, but he said Iraqi Christians increasingly had started to leave soon after.

When Yousef took a previously planned trip to Damascus, he learned his was one of 18 names on a death list. Thirteen of those people had been killed the previous month. ''I decided not to go back—I felt that I was too young to die,'' said Yousef. He left behind friends, family and his parish. The archbishop of Baghdad instructed him return to his post, but he stayed in Damascus to fill an opening at St. Therese.

Yousef's new church, wedged within Danlascus' Old City of cobblestone streets and crumbling houses, overflows with worshipers during Sunday Mass. Of the 2,000 families now connected to St. Therese, 90 percent are recent Iraqi refugees. Just outside the church doors, a group of parishioners from Yousef's old Baghdad parish discussed how their lives have changed.

''Life was better—we didn't have any problems,'' said Jamila Tama, referring to the relative peace between religious sects under Hussein. ''There's killing, bombing and kidnapping. We have nothing now—even our house is sold.''

Her son, Bassam Bahnam, was grateful for the haven in Syria. ''But I have three boys who worked in Baghdad, and they're all unemployed now,'' he said.

Bahnam and his family want to return to Iraq—when the violence ebbs. ''Of course there's no place like home,'' said his younger brother, Hisham Bahnam. But he criticized Christian leaders' calls to stay in Iraq. ''They're asking us to stay, but they're not giving us any solution,'' he said. ''Even Christian leaders need an army to protect them whenever they go outside.''

George Abona, a former priest who attended a seminary with Yousef, agrees. ''When my Christian leaders say, 'Don't leave your heritage,' what are they going offer me?'' he said. ''What will heritage do for me and my son?''

In Iraq, Abona worked for the United Nations for seven years, before and during the war, and was in its Baghdad compound when it was bombed in August 2003. He survived, but the blast killed his brother, along with the top U.N. envoy in Iraq, Sergio Vieira de Mello, and 20 other U.N staffers.

Then last October, he was kidnapped for 19 days. He was released after another brother paid a $20,000 ransom. Despite all that, he said, ''The security issue is not a big issue—it's that I'm not ready to raise my son in an extremist Islamic society.''

Syria has relaxed immigration rules for its Arab neighbors. But aside from Palestinians, refugees are not allowed to hold jobs in Syria, forcing most Iraqi newcomers to live off their savings. Government assistance—especially health care—is limited, and the refugees must return home periodically to get their temporary visas renewed.

Yousef tries to provide his new community in Syria with food and money for medical needs. The main reason he and other Christians have fled Iraq, he said, is ''because we don't feel it is our country any more.''

''I have bad memories now,'' he said of events since the invasion. ''Most of my friends were killed there, and we only saw cruelty and blood. I don't think I'll ever be able to go back.''

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CARDOZA), who represents a very large community of Assyrian Americans in his congressional district.

Mr. CARDOZA. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California (Ms. ESHOO) on the situation facing Assyrians and other Christians in Iraq. I strongly support her amendment which calls for the Bush administration to use its diplomatic leverage to ensure that the new Iraqi government respects the rights of all Iraqis, regardless of sex or religious affiliation.

Additionally, it calls on the administration to allocate USAID funds for the welfare and resettlement of Assyrians and other Christian groups in Iraq. The Eshoo amendment is consistent with my recent work on this issue, including a letter I sent on July 6 to the Bush administration asking that the rights of Assyrians and Christians in Iraq be protected in the new Iraqi Constitution.

Like my colleague, I represent a large Assyrian community in central California, one of the largest concentrations of Assyrian Americans anywhere in the United States.

Since the January 2005 elections, many in the community have expressed their deep concerns over the direction of Iraq's constitutional process. Namely, they are concerned that the new Iraqi Constitution will subject Iraqis of all religious and cultural backgrounds to strict Islamic law.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I support the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Chairman, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me this additional time.

As I was saying, the Iraqi Constitution, unless we intercede, will subject Iraqis of all religious and cultural backgrounds to strict Islamic law.

Additionally, I recently met with His Beatitude Mar Emmanuel III Delly, the Chaldean Assyrian Catholic Patriarch, one of the most widely respected religious and political leaders in the world, who expressed similar concerns. He and I met for over an hour on this topic.

I believe the United States has an obligation to guarantee the rights of all Iraqis, particularly women and Christians, so they are not overlooked in the constitutional process. Throughout history, the Assyrian people have suffered greatly in their attempts to obtain greater freedom and recognition. Despite this oppression, the Assyrians were central partners in the Iraqi opposition movement and paid dearly with the assassination of many of their political leaders under Saddam Hussein's regime.

We must make certain that ethnic and religious groups who suffered and sacrificed under Saddam Hussein's regime are afforded human rights guarantees in the permanent constitution. We must ensure that the political and religious persecution seen under Saddam Hussein's brutal regime are never repeated in that country.

I urge my colleagues to support the Eshoo amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we appreciate the concern of the gentlewoman from California (Ms. ESHOO) and the gentleman from California (Mr. CARDOZA), and for their strong statements here. The problem of the Chaldo-Assyrians has been brought to the attention of the committee. The committee has brought these concerns to the attention of the administration.

I have met with people myself who have expressed concerns about this, and believe that they should not get short shrift when it comes to U.S. foreign aid and efforts being made in Iraq. The administration has prepared materials attempting to show it has been fair and inclusive in its distribution of assistance, but this amendment puts every one of us on guard that we need to watch this very carefully to make sure that they are not shown the door or in any way denied the kind of assistance that we are capable of offering and I think we are obligated to provide to them. I appreciate the gentlewoman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 33 printed in part B of House Report 109–175.

AMENDMENT NO. 33 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. FOSSELLA:

Page 12, after line 9, insert the following new subparagraph:

(I) DISSEMINATION OF NAMES OF FUGITIVES RESIDING IN CUBA.—Of the amounts authorized to be appropriated under subparagraph (A), an appropriate amount of such funds for each of the fiscal years 2006 and 2007 are authorized to be appropriated for the U.S. Interests Section, Havana, to disseminate the names of fugitives, such as Joanne Chesimard and William Morales, who are residing in Cuba, and any rewards for their capture.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

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

□ 1415

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment, along with the gentleman from New York (Mr. KING) as well as the gentleman from New Jersey (Mr. MENENDEZ). Very simply, it deals with disseminating the truth in Havana, Cuba. Many have different opinions as to how this country should deal with Cuba; and for the record this, in my opinion, has nothing to do with travel or trade or some of the more contentious issues that surround our relationship with Cuba. In my opinion, this is very clear and unequivocal.

In Cuba right now, there are fugitives from justice. The reality is, for those who do not know, Cuba is a haven or sanctuary for cold-blooded killers like Joanne Chesimard, who murdered a police officer in cold blood in New Jersey. She now goes by the name of Assata Shakur, so I am told. She is living peacefully in Cuba. The FBI is offering a $1 million reward for information leading to the capture of Ms. Chesimard.

William Morales is a bomb maker who was affiliated with the FALN terrorist organization that wreaked havoc not just in New York but throughout the country. Victims of the FALN included three New York City police officers, Detective Anthony Senft, Detective Richard Pastorella, as well as Officer Rocco Pascarella. New York City is offering $50,000 for information leading to the capture of Mr. Morales.

And those two are not alone. The fact as we know it, while so many are oppressed under the communist regime, there are scores of people on the FBI terrorist watch list who live peacefully in Cuba.

What this amendment does, very simply, is it empowers and encourages the Havana section, the United States Interests Section, Havana to announce the names of those fugitives believed to be living in Cuba and any rewards for their capture. Plain and simple, the Cuban people should know that these fugitives live among them and they should know there may be rewards upwards of $1 million of a bounty for the return of these fugitives to be tried in this country for cold-blooded murders, for bombings, for hijacking, for air piracy, and scores of other crimes. The people of Cuba should know that.

I would hope that everybody would support a very simple message of dissemination of truth to the Cuban people and the swift return of those fugitives who wreaked havoc on individuals and this Nation.

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

Mr. MENENDEZ. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. KOLBE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of this amendment. I want to thank the gentleman from New York (Mr. FOSSELLA) for his leadership on it and the cosponsorship of the gentleman from New York (Mr. KING).

I have, as the ranking Democrat on the Western Hemisphere Subcommittee, been for some time pursuing fugitives from the American justice system back from Cuba for several years. The case of Joanne Chesimard is, of course, of particular importance to New Jerseyans, but I would venture to say to all Americans who believe in justice.

Thirty-two years ago, Joanne Chesimard shot New Jersey State Trooper Werner Foerster in cold blood. Castro's subsequent refusal to return her to the United States has left the Foerster family not only without a husband and a father but with an open wound that can only be completely healed when Joanne Chesimard is brought back to justice.

Castro has turned Cuba into a safe haven for American fugitives. There are many. There is a whole list from the FBI whose crimes have ranged from air piracy to possession of explosives to murder. These are not benign criminals, and they should not be allowed to evade justice any longer.

Ironically, Castro provides these criminals greater liberty than he provides to his own people. These individuals, convicted in the United States of horrendous crimes, are allowed to live freely in Cuba while Castro imprisons Cuban opposition leaders for nothing more than having a different point of view.

Mr. Chairman, this amendment is simple. These fugitives will continue to enjoy the lives of freedom and liberty as long as Cubans are unaware of their presence or the rewards for their capture. This amendment simply requires the United States Interests Section in Havana to publicize the names of these fugitives and make sure Cubans are aware that there is a reward for helping them to bring these criminals to justice. The FBI is currently offering $1 million for Joanne Chesimard's capture. Mr. Chairman, $1 million is a very powerful incentive, but the incentive only works if people know about it.

I urge my colleagues to support this amendment to help bring some measure of justice to the Foerster family and the countless other families whose quest for justice has been obstructed by Castro's regime. I urge my colleagues to support these families in New Jersey and around the country.

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

Mr. FOSSELLA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time and for crafting this very important amendment. It is creative as an amendment, and it also will get the job done.

The U.S. Interests Section, if this amendment were to be enacted, will get the information out that there is a bounty on the heads of these people who have committed serious crimes in the U.S. According to the FBI, 74 U.S. citizens convicted of felonious crimes in the U.S. are currently living in Cuba under the protection of the Castro regime.

Joanne Chesimard was convicted, and one of those who is living in Cuba. She was convicted and sentenced to life in prison in 1977 for the 1973 execution-style slaying of New Jersey State Trooper Werner Foerster on the New Jersey Turnpike. Witnesses said she fired two bullets into his head as he lay on the ground. This is a very commonsense approach to try to get the message out, and hopefully it will empower everyday, ordinary Cubans to take action to bring these people to justice.

I thank the gentleman for his amendment.

Mr. MENENDEZ. Mr. Chairman, I yield back the balance of my time.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume.

Let me just say I thank the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from New Jersey (Mr. SMITH), and all those who encouraged support of this amendment. And if there is one thing this body can agree upon, very simply, it is justice. And that is all this would ultimately bring about, justice for those who lost loved ones and the belief that the Cuban people should be given the truth as it relates to those murderers and fugitives that live among them.

Mr. FOSSELLA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 34 printed in part B of House Report 109–175.

AMENDMENT NO. 34 OFFERED BY MR. FRANKS OF ARIZONA

Mr. FRANKS of Arizona. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. FRANKS of Arizona:

Page 286, strike line 20 and all that follows through line 19 on page 287 (section 1019; relating to provision of consular and visa services in Pristina, Kosova).

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from Arizona (Mr. FRANKS) and the gentleman from California (Mr. LANTOS) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself such time as I may consume.

In a controversial and sensitive environment, section 1019 requesting a report on consular and visa services is not a diplomatic or prudent congressional action at this time.

In the hour of future negotiations between Belgrade, Pristina, and the international community on the status of Kosovo, congressional action of this nature will be perceived as one-sided and prejudicial. Further, moving towards giving authority to the Secretary of State to empower the U.S. Mission in Pristina to render U.S. visas would be a dangerous precedent to set because the United States cannot render visas within the territory of a country without that country's consent in accordance with the Vienna Convention.

Therefore, conducting such a ''report'' is to ignore Serbia's role entirely and sends the wrong message. Kosovo remains within the territory of Serbia and Montenegro, and, therefore, citizens of Kosovo should go to the appropriate place to obtain visa and consular services, which is not prohibitive and, since it is only a 2-hour bus ride, is certainly in keeping with most of the applications that need to be made by those seeking visas across the world.

The text of section 1019 is itself prejudicial, Mr. Chairman. The name of the province, in international use and the official U.S. use, is ''Kosovo,'' not ''Kosova.'' The term ''Kosova'' is a one-ethnicity-based pronunciation of the name of the province. It would be highly prejudicial for the U.S. Congress to refer to Kosovo as ''Kosova,'' which by it would recognize and imply that the province is only Albanian and would ignore the minority populations living there. Albanians would have the same objections to the U.S. Congress referring to Kosovo as ''Kosovo-Metohija.''

Mr. Chairman, Congress should not send the wrong message at the wrong time, and I urge support for this amendment.

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

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

Mr. Chairman, I rise in strong opposition to the Franks amendment. This amendment strikes an important provision of our legislation that requires the Department of State to report to Congress on the possibility of offering consular and visa services at the U.S.

office in Pristina, Kosova. Although the United States maintains a robustly staffed mission in Pristina, those Kosovars wishing to visit the United States must travel out of Kosova to receive consular and visa services.

Mr. Chairman, this is both inconvenient and expensive for the average Kosovar, who is not very wealthy, because many visa applications require multiple visits to a consulate outside of Kosova to places as far off as Skopje, Tirana, and Podgorica: three different countries and three different capitals.

The State Department says the current layout of the U.S. office in Pristina makes it difficult to provide adequate security to handle consular and visa matters there. The authorization bill, as written and passed by a vote of 44 to nothing by the Committee on International Relations, demonstrates the importance Congress places on providing consular and visa services in Pristina and having the State Department detail its plans for the future. It mandates no changes, but merely requires the Department of State to report to Congress on the matter as part of our oversight responsibilities.

Nor does it threaten to change the status of Kosova, as some proponents of this amendment may believe. In fact, the State Department affirms that there are no political or legal obstacles to opening a consulate in Kosova.

I urge all of my colleagues to defeat this needless amendment.

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

Mr. ENGEL. Mr. Chairman, I strongly oppose the Franks amendment. The language that was adopted was adopted unanimously by the Committee on International Relations in a bipartisan way; and with all due respect to my colleague from Arizona, his amendment addresses a problem which does not exist.

The gentleman from Arizona (Mr. FRANKS) is trying to strike a reporting requirement. This has nothing to do with the financial status of Kosova, Serbia, Montenegro, or anywhere else. As the gentleman from California (Mr. LANTOS) said right now, consular and visa services are not offered at the United States office in Pristina. The section the Committee on International Relations bipartisanly and unanimously adopted merely asked the State Department to submit a report describing the possibility of providing consular and visa services at the United States offices in Pristina, Kosova to the residents of Kosova. That is all it does. It is very hard for people who live in Pristina and in Kosova to go to other countries, particularly old people, to get a visa. And as far as Kosova or Kosovo, there are 12 other provisions, and I have them here, in United States law that mention Kosova with an ''a.'' So for the gentleman from Arizona to say that this somehow changes existing law is just not true. This body has passed 12 and has now signed into law parts of the law where it says ''Kosova.''

So I think we should not upset the apple cart and change the unanimous wishes of the Committee on International Relations.

Mr. POMEROY. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding to me.

Some things should not be so hard. This is about asking for a report about consular services in Pristina. An example of why this is needed: some refugees from the war in Kosovo have settled in Bismarck. They are very close personal friends of mine. They wanted to have family come and visit. To get those visas, they could not go to Pristina. They sure did not want to go to Belgrade. They ended up going to Macedonia and dealing with the embassy in Skopje, tremendously difficult, cumbersome, and burdensome; and what is more, it took a couple, three trips. We do not need to do this to the people in this region.

I have got an idea: let us have a report on whether we could provide these services in Pristina.

□ 1430

That is all that the Committee on International Relations voted on this question. It just makes simple sense. I, for the life of me, cannot understand the amendment that would strike this language. Let us move this forward and look at how we can improve the services, consular services, we are providing to the people in this region.

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

Mr. Chairman, I would just add again this language was unanimously passed by the Committee on International Relations with bipartisan support and no dissension. It was part of an en bloc amendment, and it is not controversial. With all due respect to the gentleman from Arizona, this is not something that should be overturned.

The Acting CHAIRMAN (Mr. KOLBE). The time of the gentleman from California has expired.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to my good friend, the gentleman from New Jersey (Mr. SMITH), although he is in opposition to this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for his courtesy.

Mr. Chairman, I do oppose the amendment. It is merely an amendment authorizing a study to determine whether or not the U.S. Office in Pristina ought to provide consular services. There are about 15,000 people that make that trip to Skopje every year. It is a burdensome situation for them.

But let me also point out there is some value to this debate in the amendment offered by the gentleman from Arizona (Mr. FRANKS), because it underscores the clear and nonambiguous intent here that we do not want to prejudge or predetermine the final status with regard to Kosovo. That is to be left to the negotiations.

Even if the State Department makes a recommendation that it is going to be left to a status negotiation, I think the gentleman's amendment and the fact we have had this debate helps to bring some light to that. This amendment would merely facilitate and expedite those individuals that would like to get their visas and to come here.

I thank the gentleman for yielding, I oppose the amendment, and I respect the gentleman.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from New Jersey (Mr. SMITH) really was able to get to the heart of the purpose of my amendment, and that is very simply that the Balkan region is one that is fraught with great historical tragedies, with enough heartache and hurt to go around for every ethnic group that is in that area. It certainly is obvious to the world that the ethnic and cultural tensions there are responsible for some incredible tragedies.

It is my contention that the process that takes place there now or is in the imminent process of occurring is important to allow it to go forward in a way that the people on the ground have the greatest control over. My concern is that if the Congress should try to impose from the top down prejudicial language, that it could only exacerbate some of the problems that have caused such tensions there that have led to such death and suffering already.

Mr. Chairman, I would suggest that even though it is true that Kosova has appeared in our bills a number of times in the past, it is in conflict with U.S. policy and with the U.S. official position on Kosovo; and consequently, I do not think that the mistakes of the past would be a foundation for repeating them here today.

Mr. FRANKS of Arizona. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The amendment was rejected.

The Acting CHAIRMAN. It is now in order to consider amendment No. 35 printed in part B of House Report 109–175.

It is now in order to consider amendment No. 36 printed in Part B of House Report 109–175.

AMENDMENT NO. 36 OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Chairman, I offer an amendment on behalf of the gentleman from Texas (Mr. REYES).

The Acting CHAIRMAN. Is the gentleman from California the designee of the gentleman from Texas?

Mr. LANTOS. Yes.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mr. LANTOS:

Page 241, after line 21, add the following new section:

SEC. 947. TRAINING AND ASSISTANCE TO IDENTIFY UNKNOWN VICTIMS WHO WERE ABDUCTED AND MURDERED IN CIUDAD JUAREZ, MEXICO.

(a) STATEMENT OF CONGRESS.—Congress urges the President and Secretary of State to incorporate the investigative and preventative efforts of the Government of Mexico in the bilateral agenda between the Government of Mexico and the Government of the United States and to continue to express concern to the Government of Mexico over the abductions and murders of young women since 1993 in the Mexican city of Ciudad Juarez.

(b) TRAINING AND ASSISTANCE.—The Secretary of State is authorized to provide training and assistance to identify unknown victims who were murdered in the Mexican city of Ciudad Juarez through forensic analysis, including DNA testing, conducted by independent, impartial experts who are sensitive to the special needs and concerns of the victims' families, as well as efforts to make these services available to any families who have doubts about the results of prior forensic testing.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $500,000 for fiscal year 2006 to carry out subsection (b).

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from California (Mr. LANTOS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

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

Mr. Chairman, I rise in strong support of the amendment offered by my distinguished colleague, the gentleman from Texas (Mr. REYES).

The Rio Grande, which separates El Paso in Texas from Ciudad Juarez in Mexico and is often dry, has been filled with the tears of countless families who grieve for a lost daughter, sister or mother who have fallen prey to a mastermind of murder and the reckless indifference of local Mexican law enforcement.

Since 1993, over 400 women have been murdered in the border region around El Paso and Ciudad Juarez. In the last year alone, over 30 women have been killed. According to Amnesty International, Mr. Chairman, at least 137 of the victims, more than half of whom were between the ages of 13 and 22, were sexually assaulted prior to being murdered.

Realizing the deliberate ineptitude of local law enforcement under whose jurisdiction these cases would normally fall, the Mexican Federal Government has begun to implement measures to prevent these abductions and murders in Ciudad Juarez, including by establishing a commission to coordinate Federal and State efforts, crafting a 40-point plan of action and appointing a special federal prosecutor.

Unfortunately, these efforts have not been enough to close the killing fields around this border town. Our own ambassador to Mexico has declared the area to be a public security concern and advised United States citizens against traveling there.

The amendment of my friend and colleague, the gentleman from Texas (Mr. REYES), the Chair of the Congressional Hispanic Caucus Task Force on International Relations, is a constructive provision that aims to raise the profile of these tragic cases and provide forensic assistance to our Mexican neighbors. I strongly encourage my colleagues to support this amendment.

Mr. Chairman, I yield such time as he may consume to my good friend, the gentleman from Texas (Mr. REYES), the author of the amendment.

Mr. REYES. Mr. Chairman, I thank my good friend for yielding me time, and I want to thank both my friend, the gentleman from California (Mr. LANTOS), and the gentleman from California (Chairman DREIER) for making my amendment in order.

My amendment, as has been very aptly described by our ranking member, seeks to provide support to the Mexican Government. This is an area that is adjoining my district and has, unfortunately, taken way too many lives. Women have been abducted, raped and killed; and this is an effort to get help in several different areas.

There have been opportunities. Since being in office as a Member of Congress, I have asked the El Paso Police Department, the Sheriff's Department, and the FBI to provide help in forensic analysis, crime scene search and identification, as well as training and investigative techniques, all of which have been well received. But we need that additional pressure from the Department of State to provide additional help and additional focus on the issue through the Mexican Government.

This is something that is very important to my constituents as a great concern, because it is happening right across the border from my district. It is also of great concern to other Members of Congress. In fact, I have hosted several congressional delegations that have gone there and talked to the victims and talked to law enforcement officials and those that have been right at the heart of the investigation in the area where it has been most impacted. So I hope that my colleagues support me on this issue.

Again, I want to thank the gentleman from California (Chairman DREIER) for making this in order and the chairman and ranking member for their support.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to take the time in opposition, even though I support the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

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

Mr. Chairman, first of all, I want to thank the gentleman from Texas (Mr. REYES) for his very compassionate and important amendment. It should be supported, and the majority on this side of the aisle supports it.

Since 1993, almost 400 women and girls have been murdered and more than 70 remain missing in Ciudad Juarez in Mexico. This commonsense amendment simply seeks to provide congressional authority and funding to the Secretary of State to make independent technical and forensic expertise available to the families of these young women and girls.

The gentleman from Texas (Mr. REYES) represents, as we know, the El Paso area across the border from this area. His amendment extends a helping hand to these grieving families. I want to commend the gentleman for his compassion in offering this amendment.

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

Mr. LANTOS. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I want to thank my colleague for speaking on behalf of the amendment.

I would just simply say in closing, Mr. Chairman, that I appreciate the opportunity to once again bring this issue to this House. I think it is the right thing to do, to support an area that has been beleaguered by criminals. With that, I hope that my colleagues will support this amendment.

Mr. LANTOS. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 37A printed in part B of House Report 109–175.

AMENDMENT NO. 37A OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37A offered by Mr. ROHRABACHER:

At the end of subtitle B of title XI, add the following new section:

SEC. 1127. CAPTURE, DETENTION, AND INTERROGATION OF TERRORISTS AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—Congress finds the following:

(1) Usama bin Laden declared war on the United States in 1996.

(2) International terrorists, including al Qaida and its affiliated terrorists, have repeatedly attacked the United States and its coalition partners throughout the world and have killed and wounded thousands of innocent United States citizens and citizens from these coalition partners.

(3) The United States is exercising its rights to self-defense and to protect United States citizens both at home and abroad by waging war alongside its coalition partners against al Qaida and affiliated terrorists.

(4) International terrorists continue to pose an extraordinary threat to the national security and foreign policy of the United States and its coalition partners.

(5) International terrorists continue to commit and plan terrorist attacks around the world against the United States and its coalition partners;.

(6) In order to protect the United States and its citizens, the United States must identify terrorists and those individuals who support them, disrupt their activities, and eliminate their ability to conduct or support attacks against the United States, its citizens, and its coalition partners.

(7) Identifying, disrupting, and eliminating terrorist threats against the United States requires effective gathering, dissemination, and analysis of timely intelligence.

(8) The collection of information from detainees at Guantanamo Bay, Cuba, by the United States has improved the security of the United States and its coalition partners and is essential in fighting the Global War on Terrorism.

(9) The loss of interrogation-derived information would have a disastrous effect on the United States' intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the capture, detention, and interrogation of international terrorists are essential to the successful prosecution of the Global War on Terrorism and to the defense of the United States, its citizens, and its coalition partners from future terrorist attacks;

(2) the detention and lawful, humane interrogation by the United States of detainees at Guantanamo Bay, Cuba, is essential to the defense of the United States and its coalition partners and to the successful prosecution of the Global War on Terrorism;

(3) the detention facilities and interrogations at Guantanamo Bay, Cuba, plays an essential role in the security of the United States and should not be closed or ended while the United States is waging the Global War of Terrorism.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is hardly a topic more misunderstood, mischaracterized, and exploited by America's enemies than the detention facility administered by the United States military at Guantanamo Bay, Cuba.

Mr. Chairman, we should be clear that the Guantanamo prison is reserved for some of the world's worst terrorists. Those there pose a great threat to our national security. Those there were primarily captured on the battlefield in Afghanistan.

Here are some specifics that the Department of Defense has stated publicly regarding Guantanamo. Since September 11, 2001, more than 70,000 detainees have been captured in Afghanistan and Iraq. The vast majority have been released. The U.S. is working with Iraq and Afghanistan and other governments to have them take control of detainees from their own countries.

Some 800 suspected al Qaeda or Taliban have been sent to Guantanamo; approximately 520 of them remain. Approximately 235 have been released, transferred or are presently in other countries; 61 are awaiting release or transfer.

So, who is in Guantanamo? Well, certainly no one under 18 years of age. That is important. The people who were there are terrorists, terrorist trainers, bomb makers, recruiters and facilitators, terrorist financiers, Osama bin Laden's bodyguard, and would-be suicide bombers.

And what are we learning from these people that are being held in Guantanamo? The organizational structure of al Qaeda and other terrorist groups; the extent of terrorist presence in Europe, in the United States and the Middle East; al Qaeda's pursuit of weapons of mass destruction; methods of recruitment and location centers for recruitment; terrorist skills and how they use them; both general and specialized operative training; and how legitimate financial activities are being used to hide terrorist operations.

Mr. Chairman, Lieutenant General Randall Schmidt recently headed a Department of Defense investigation of Guantanamo. General Schmidt's report described how military interrogators at Guantanamo broke down Saudi Arabian-born Mohammed al Kahtani, who was to be, I might add, the 20th hijacker on September 11.

□ 1445

By the fall, Mr. Kahtani had resisted all conventional interrogation techniques, so Secretary Rumsfeld approved a more aggressive action plan, although a plan that still did not violate the Geneva Convention.

Ultimately, this prisoner started talking, and we learned how al Qaeda, led by bin Laden, planned September 11 and the murder and the slaughter of almost 3,000 Americans. We learned how they recruited the terrorists and financed their operations, and how they entered the United States of America.

Mr. Chairman, unfortunately, common sense prevents a greater discussion of the intelligence windfall that was reaped by the questioning of this particular prisoner. This case also shows that persistence and skill of our soldiers pays off. In short, intelligence gained at Guantanamo has prevented terrorist attacks and saved the lives of countless Americans and America's allies.

Mr. Chairman, no system is perfect, no group of people is perfect, our country is certainly not perfect, our defenders are not perfect. But of some 24,000 interrogations, of those 24,000 interrogations, again, it is not a perfect system, but only 9 of the 24,000 have been basically found to have any type of abuse or purported to be examples of abuse. Most significantly, Guantanamo is not shrouded in secrecy, as we are told over and over again. There has been enormous transparency, especially as compared to any other country in the world which is holding terrorist detainees.

The International Committee of the Red Cross has been there. They have 24/7 access to the facility, and it is at their discretion. The International Committee of the Red Cross had had a permanent presence, recently changed at its choosing, and basically that is what the report said.

We have also had media people go to Guantanamo, including more than 400 visits by 1,000 national and international journalists. We have had lawyers for the detainees there, especially in connection with habeas corpus cases. We have had congressional Members, including 17 Senators, 103 Representatives, and 129 congressional staffers. Now, if there was ever a case of openness and transparency in a place for holding prisoners, this is it.

Additionally, Congress has held at least a dozen hearings into this matter.

Mr. Chairman, our distinguished colleague, the chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), stated after touring Gitmo last month that he noted that the detainees have gained an average of five pounds each over the last year. They have received first class medical services, averaging four hospital visits per month, and that 100 percent of the detainees have been given a written notice of their rights, a written notice of their right to contest their detention in a U.S. court of law, as well as instructions on how to obtain a free lawyer, and about 100 of the detainees have lawyers at this time.

What other country in the world would be so generous at a time of war, after seeing our people slaughtered in New York?

One military analyst, Jed Babbin, recently toured Gitmo and concluded the following: ''The common belief among the terrorists, fed by reports apparently conveyed to some by their lawyers, is that political pressure will soon result in our having to close Gitmo and to let them go. Critics are making the interrogators' job much harder than it already is. Because they, the terrorists, are beginning to believe we will close Gitmo, and many of the detainees resist interrogation'' because of this belief.

To the critics of Guantanamo, I would ask them, where do they suggest that we put these people? What do they suggest we do if we end up closing Gitmo? Where are we going to put those people we need to interrogate? Where are we going to put, in this war on terror, where are we going to put those we capture? At Gitmo, the people there have done a good job, a fantastic job, not a perfect job, and we should keep it open. It should not be closed, and we should actually congratulate

our people who work there for the fine job they have done.

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

Mr. LANTOS. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Mr. KOLBE). Is there objection to the request of the gentleman from California?

There was no objection.

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

In any war, the belligerents have the right to detain enemy combatants until the conflict has ended. Otherwise, there would be no way to prevent enemies from returning to the battlefield.

There is, of course, an exactly parallel concern in the war on terrorism. We already know, Mr. Chairman, that a number of individuals released from detention have returned to the battlefield against us. That is a fact.

It is also a fact, however, that the war on terrorism is unlike other wars that this Nation has faced. It is a struggle against deadly forces of extremism and nihilism which cannot be found in a bounded geographical space or located at one particular base. And, as our experiences over the last few years have demonstrated, our enemy is resourceful, able to adapt to new conditions, and the end of the conflict may be decades away.

In this context, the war on terrorism brings us to new ground. The first question we have to ask as we deal with individuals who participate in this global terrorist conspiracy is, should we treat them with the propriety to which every human being is entitled? The answer to that question is an unequivocal yes. There should be no torture, no cruel, inhuman, or degrading treatment, and no humiliation.

In this context, Mr. Chairman, I believe that the U.S. military is dealing with a very difficult situation not of their own making and doing a great job. I am not aware of a single detainee who has lost his life at Guantanamo. I am not aware of a single detainee who has lost his life at Guantanamo. Prisoners have been accorded nourishing and adequate food, quality medical care, access to the Koran, and visits from the International Committee of the Red Cross. And I believe that the U.S. military has investigated abuses whenever they have come up. We need to keep aggressive oversight, including trips by Members of this House, to ensure that this continues.

Indeed, closing Guantanamo could well have unintended consequences. We should recognize that Guantanamo is a safer and more humane facility than the facilities in Afghanistan and in many places around the world where others are being held against their will. If we closed Guantanamo, where will the detainees go? We have already seen tragic incidences where their home country has tortured those who have been returned.

A second and critical question, Mr. Chairman, is what type of process should detainees get and how long can they be held without some sort of trial. So far, all these questions have been addressed by both the executive and judicial branches, with very little involvement from the Congress.

For my part, I support the amendment, but I believe we need to have serious and thoughtful debate on how to deal with all of these facilities.

This amendment relates to one aspect of this issue. Both here and in the other body, we must begin to make our own judgments regarding these issues, and consider legislation as appropriate to address these complicated matters.

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

Mr. ROHRABACHER. Mr. Chairman, how much time is still available?

The Acting CHAIRMAN. The gentleman has 22½ minutes remaining.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon (Mr. BLUMENAUER) control the balance of my time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, 12 of those detainees that were in Guantanamo who were released ended up going back to the battlefield in an attempt to kill Americans. Let us keep that in mind when people start complaining about holding people in Guantanamo in the middle of this conflict.

Let us know that those people that are being held are professional terrorists for the most part and were trained to claim that they had been tortured, and they were trained to make outlandish charges against the people who had captured them and against the United States of America. That is part of their tactic. Let us not fall for that.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), who recently returned from a visit to Guantanamo.

Mrs. BLACKBURN. Mr. Chairman, I want to thank the gentleman from California (Mr. ROHRABACHER) for his excellent work on this amendment and to join him in saying to the body, yes, indeed, Guantanamo Bay serves a very valuable purpose, a strategic purpose when we talk about the war on terror, and the importance, the absolute necessity that we have to win this war on terror.

This is one of those situations where losing is not an option. As the gentleman was just saying, the detainees, all 520 individuals that are there, all 520 detainees have been found to be a terrorist. They have been through not zero, not one, not two, not three, but four different hearings, and they have been found to be terrorists. These are people that do not wish us well. They wish evil, and they carry out evil. We need to keep them locked up.

We found that Guantanamo was a safe, secure facility. It is there for the protection of the individuals as well as for intelligence gathering. And our intelligence community is doing a tremendous job gathering information that has continued to keep this Nation safe and will continue to keep this Nation safe.

They have gathered intelligence that helped lead to the capture of Saddam Hussein. They have gathered intelligence that has helped break up terrorist cells all around this globe. That is important. Why have we not seen an attack on American soil since September 11? Because of intelligence that is being gathered.

I will tell my colleagues, for far too long we treated terrorism as a law enforcement issue. I would recommend to the body that in my opinion it is not just a law enforcement issue. Law enforcement is necessary, intelligence is necessary, defense is necessary if we are going to win.

Mr. Chairman, while I am here for a moment, I would like to say thank you to the men and women in uniform and to the families that are deployed and serving there. We have had about 10,000 Americans serve at Guantanamo Bay. They are doing a stellar job. We thank them for their work under very difficult, very difficult situations, and we are grateful for their commitment to the war on terror, and we are grateful for their commitment to freedom, preserving freedom in this Nation and around the globe.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

It is an interesting proposition that we have before us today. Unfortunately, what is framed in the context of this amendment is more a conclusion rather than something that is dealt with in terms of well-reasoned fact.

Nobody disputes the fact that we need intelligence. Nobody disputes the fact that we are struggling in a global war against terror. The question is the way in which the facility at Guantanamo has been managed, what it represents now, and what it represents in the future.

We have been engaged in this struggle against terrorism longer than the United States fought World War II.

□ 1500

And there is no end in sight. In 2003 we had 205 acts of terror, an all-time record. In 2004 the number more than tripled to 651. I think there is a real question whether the assumption that the facility at Guantanamo has actually enhanced American security more than it has harmed it needs to be examined. I intend to offer a little more discussion.

Mr. Chairman, I yield 5 minutes to my colleague from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding and for his courtesy today.

Mr. Chairman, I want to commend my colleague, the gentleman from California (Mr. ROHRABACHER), for raising the important issue of detention and interrogation of terror suspects here on the House floor. I firmly agree that the executive must have the authority to capture, detain, and interrogate international terrorists to prevent future attacks and to process and punish those who have been captured.

Over a year ago, I traveled to Guantanamo Bay with the gentleman from North Carolina (Chairman COBLE) and other Judiciary Committee members. We toured the facility and recognized the critical work that our soldiers are performing. It was also clear that important intelligence is being derived from detainee interviews, and our servicemembers have done difficult and courageous work guarding some of the most dangerous people in the world.

Nonetheless, Mr. Chairman, there is still a significant issue arising out of our Nation's policy of detentions at Guantanamo, namely, the lack of any congressional authorization or imprimatur upon the policies underlining those detentions.

Last month I introduced Guantanamo Detainees Procedures Act of 2005, legislation that would provide for the swift and deliberate processing and prosecution of detainees in that matter that meets all the country's national security needs and establishes due process standards.

Over 500 detainees are currently held at Guantanamo Bay, most of them captured in Afghanistan after the U.S.-led invasion in 2001. Some detainees have been there for more than 3 years without being charged.

My legislation would do the following: first, it would affirm that the executive has the power to detain foreign nationals as unlawful combatants. Second, it would provide for a timely hearing before an independent military judicial officer to review the designation of enemy combatant. Third, it would require the government to bring formal charges against detainees or to repatriate them to their country of origin unless there was substantial likelihood of torture, unless the Secretary of Defense certifies that additional time is needed to continue with the interrogation, that the person still remains a threat to the United States, and that by the bringing of formal charges it would curtail the intelligence gathering process.

Finally, it requires the Department of Defense to put the cases before tribunals that operate under clear standards and procedures. Finally, it would require annual reports to Congress on the status of all detainees.

Recently, I have been heartened by the bipartisan calls from Members of the Senate upon the Congress to forge legislation which specifically addresses the standards and procedures to be followed for military detainees. Frankly, I am surprised there are not more voices in Congress raising this issue that are not demanding that Congress act to set limits, not only in the detention of foreign nationals, but as in the case with Jose Padilla and Hamdi, on Americans or those that are lawfully residing in this country.

But I have found a new and powerful ally in the United States Supreme Court. As many know, the district and appellate courts have reached conflicting results about whether the executive's power to detain enemy combatants and under what conditions those powers can be used. Justice Scalia, in one of his dissenting opinions, commented, ''I frankly do not know whether the tools are sufficient to meet the government's security needs, including the need to obtain intelligence through interrogation. It is far beyond my competence or the Court's competence to determine that, but it is not beyond Congress's.''

We could not have, I think, a stronger admonition that we need to act in Congress. And I would ask my colleagues to consider legislation rather than the piecemeal decision-making by the courts. Article I, section 8 of the Constitution provides that the Congress, and not the President, has the power to make rules concerning captures on land and water, to make all laws necessary and proper for carrying into execution the foregoing powers and all other powers vested in the Constitution in the Government of the United States, define and punish offenses against the law of nations and to constitute tribunals.

Mr. Chairman, a sense of Congress is good, but not enough. I urge my colleagues to examine my proposed legislation, a proposal that would affirm the executive's authority to detain foreign national terror suspects, but provide for the swift and deliberate processing and prosecution of detainees in a manner that protects our Nation and expresses our commitment to the rule of law. The Guantanamo Detainees Procedures Act of 2005 will ensure that the hallmark of our democracy is not compromised.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think it is important for the American people to hold their heads up high, not only about the goals of the war on terror but the way we have conducted it, and especially the way we have handled the prisoners at Guantanamo.

Let us put it this way: the prisoners in Guantanamo, our prisoners, are better off for being our prisoners. They have gained weight. They have medical attention. They have regular meals, none of which they would have had if they would not have been captured. And life in their cell is probably a lot better than the cave in which they used to live. And perhaps as well, we need to say that the leaders, the people who hold power over them at Guantanamo are at least directed and guided by moral restrictions that are far different than those restrictions placed on them by their former leaders who followed radical Islam.

The people who used to be their boss and hold authority over them, the radical Islamist leaders, would cut people's heads off, participate in torture, not to mention of course send them out and send their families out on suicide missions. No, those people that we have captured that are in Guantanamo are better off because they are under our authority rather than those people they used to work for.

Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), the chairman of the Human Rights Subcommittee of the International Relations Committee, as well as the co-chairman of the International Relations Committee.

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Chairman, let me just say to my colleagues, the July 7 attacks in London, I believe, served as a chilling reminder of what is at stake in the global war against terrorism. We must fight this war, a war that we never sought, but which has been declared against our country and against our citizens; and we must fight in a way so as to win.

The amendment offered by the gentleman from California (Mr. ROHRABACHER) underscores the resolve to do just that. Since the first prisoners were brought to the Naval base at Guantanamo Bay, Cuba in January of 2002, this base has provided a secure location for holding terrorists captured on the battlefield in Afghanistan and from the many other places around the globe where we have obtained custody of suspected terrorists. It has provided a place where these people could be kept from returning to combat.

The gentleman from California (Mr. ROHRABACHER) a moment ago talked about the 12 detainees who were released and then returned to combat; two, I understand, in Afghanistan; and at least one that was killed in a firefight. We are talking about terrorists who went right back to attempts to kill Americans.

Mark Jacobson, a former special assistant for detainee policy at the Department of Defense, estimated that as many as 25 of the 202 released had taken up arms again.

For example, Mullah Shahzada, a former Taliban field commander who apparently convinced officials at Guantanamo that he had sworn off violence, was freed in 2003, and immediately rejoined the Taliban. He was subsequently killed in battle in the summer of 2004 in Afghanistan. Maulvi Ghafar, a Taliban commander captured in 2001, was released in February 2004. He was subsequently killed in a shootout with Afghan government forces in September 2004. Abdullah Mesud, a Pakistani who was captured fighting alongside the Taliban in Afghanistan, bragged that he was able to hide his true identity for two years at Guantanamo before being released in March 2004. He was considered a low-risk security threat because of his artificial leg. After retuning to Pakistan, Mesud led a group of Islamic militants—part of a campaign against

the Pakistani government—that kidnapped two Chinese engineers working on a dam. One of the engineers and several militants were subsequently killed in a government raid. Mesud is still at large.

Mr. Chairman, Guantanamo is a place where crucial intelligence could be gathered that could help the United States understand the operating methods, patterns, financing, tactical skills and training of these terrorists. This information is critical to preventing future terrorist attacks and, in the long run, critical to developing a strategic vision for combating this new enemy.

At the same time, Mr. Chairman, those who are held in Guantanamo must be treated, without exception, humanely. There must be zero tolerance for torture or degrading or inhumane or cruel treatment, and Congress does have a moral responsibility to ensure that that is the case. And I, like many of my colleagues, have gone down to Guantanamo to see for myself, to provide oversight, to ask the tough questions and to try to get answers to those questions.

I would point out to my colleagues as well that in last year's defense authorization bill, Public Law 108–375, this body unambiguously stated that it is the sense of Congress that, and I quote it, ''no detainee shall be subject to torture or cruel, inhumane or degrading treatment or punishment that is prohibited by the Constitution, laws or treaties of the United States.''

Moreover, that law requires the Secretary of Defense to take steps to ensure that policies are adopted to ensure the humane treatment of detainees and that all DOD commanders have adequate training regarding the law of war and Geneva Convention obligations, and that standard operating procedures regarding detainees be established.

Mr. Chairman, finally, just let me say that the U.S. must continue to fight this war on terrorism on every front. We must not let complacency lead us to lower our guard. We must fight this war in a way that is consistent, however, with fundamental principles.

And I think the gentleman from California (Mr. ROHRABACHER) has offered us a resolution that tries to make that clear.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 5½ minutes.

I appreciate what was just presented by my colleague from California (Mr. SCHIFF), who has offered up a legislative approach to deal with the framework for Guantanamo, providing protections and procedures and moving forward with dealing with the problems of enemy combatants. I find somewhat ironic the continued portrayal on the part of some that what we have in Guantanamo now is sort of a Motel 6 with enhanced security and better food than our kids get when they go off to school.

I wish that the resolution that was before us today were based on some aggressive work on our oversight committee in the Committee on International Affairs, which my colleague, the gentleman from California, chairs, because I think it is appropriate for us to understand not just the treatment at Guantanamo, but what impact that has had around the world in terms of perceptions of United States behavior towards enemy combatants.

I mentioned that I am deeply, deeply concerned about the language that is here that asserts that somehow we are better off and more secure as a result of Guantanamo. There is nothing, nothing that is unique to that location and the lawful exercise of interrogation techniques that is unique to Guantanamo. Where do we put them? We can put them in Leavenworth. We have lots of facilities that could be used to secure the enemy and protect the public.

But I am deeply, deeply concerned that there is lots of evidence that we have fallen short of the mark, and it is not just that when you torture and abuse people you get information that is suspect. The reason we reject that behavior as a country is twofold: besides being morally wrong, it puts Americans at risk. If we are going to abuse people, and recall that famous hearing in the other body when questions were put to uniform command, ''would you like American soldiers subjected to these techniques?'' Well, of course he would not. That is why we set standards to protect American soldiers and Americans overseas.

Second, when there are activities where we fail to meet our high standards, whether at Guantanamo or Abu Ghraib, they have an incendiary effect. Remember, it was not just a Newsweek story that sparked the riots in Pakistan. We were told, in fact, by people there that the story about the Koran being flushed down the toilet was not why the riots occurred. But the point is that there was a perception of American behavior that made people susceptible to thinking the worst. That is why there are a wide number of Republicans, including Senator MARTINEZ, Senator GRAHAM, Senator HAGEL, that have raised questions about whether or not Guantanamo has outlived its usefulness for us.

I would suggest, Mr. Chairman, that when the history of this period of time is written, we are going to find out in the last 4 years that the information that came from the press, whether it is about prison abuses, about the basis for rushing to war in Iraq, or the consequences of that act, that the press accounts were more accurate than what we were given from the administration as information and justification. And, frankly, Congress has been, in the main, missing in action when it comes to getting on top of those stories, rooting out the truth, holding people accountable, not low-level guards ill trained and ill suited, and looking at patterns of abuse that started in Guantanamo, ended up in Iraq.

□ 1515

These are items that lend itself to the legislative process. With all due respect to my colleague, the gentleman from California (Mr. ROHRABACHER), it is not at all clear that what happened in Guantanamo makes us safer given the fact that we have seen an explosion, that was a poor choice of words, of terrorist acts around the world, including our closest ally, Great Britain, just this last week.

This is precisely what we should be doing as a Congress rather than rushing to approve a feel-good amendment that has not been carefully examined by our oversight committee where there is evidence to the contrary that we may not be safer rather than doing something that would look to all the world as sort of a whitewash of what has happened in Guantanamo. And, most important, where we are going from here?

I would strongly urge the rejection of the amendment by my colleague.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as our chairman of the Committee on International Relations just noted, it is always of benefit to get criminals off of the street and it is always to our benefit to take people who are involved, actively involved in terrorist organizations who have been engaged in suicide bombings, engaged in murdering other people, it is always good to get them off the street. And if it is in Guantanamo or anywhere else, that makes Guantanamo a very positive factor in keeping us safe.

Twelve of the people who we let go out of the 56 already returned to do battle to kill Americans. So it might have been better even to keep them in custody rather than put the Americans who they were aiming their guns at at more risk. Guantanamo is doing a good job. Those people down there, the Americans, are doing a good job for us. They are not perfect but no one is perfect, but they are making us safer and that is what this is about. I think we have no hesitancy whatsoever than to proclaim that.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I thank the chairman for his good work and I thank the gentleman from California (Mr. ROHRABACHER) for giving us the opportunity to vote on this resolution.

Approximately 800 suspected members of al Qaeda or the Taliban have been sent to Guantanamo Bay, Cuba. Approximately 520 remain and 61 are awaiting release or transfer. Who are these people?

Well, they are terrorist trainers. They are bomb makers. They are recruiters and facilitators. They are terrorist financiers, and they are would-be suicide bombers.

What have we learned from the interrogations of the detainees? This is what we have learned. We have learned

the organizational structure of al Qaeda and other terrorist groups. We have learned the extent of terrorist presence in Europe, the United States, the Middle East. We have learned about al Qaeda's pursuit of weapons of mass destruction. We have learned the methods of recruitment and locations of recruitment centers. We have learned about their general and their specialized operational training. And we have learned how legitimate financial activities are used to hide terrorist operations.

The question is, is this facility still needed? Yes, it is still needed because we are still receiving information from the detainees at Guantanamo, information that is shared with our coalition partners and with countries around the world who are in this fight with us.

Make no mistake, we are saving lives because of the information we are obtaining at Guantanamo and that is the most important thing.

If anyone doubts the importance of this, well, if anyone doubts the war against terrorists, go to the Internet and look at the pictures of September 11 and the bombing of Madrid and the bombing of London or look at the faces of the families whose innocent children were blown up just days ago as they were accepting candy from our troops in Iraq.

These are pictures coming from a deep place of hatred and loathing and that hatred is aimed at us. The Guantanamo Bay facility has been visited by over a thousand national and international journalists. It has been visited by over a hundred Senators and Members of Congress and over a hundred congressional staffers. Bipartisan congressional delegations have been to Guantanamo and seen for themselves that the treatment is humane and it meets acceptable standards.

I absolutely support the Rohrabacher amendment and I urge my colleagues to do the same. The capture, the detention, and the interrogation of international terrorists is essential to winning this war, a war without borders and a war that has no safe haven.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 30 seconds. I just say it is a false choice to suggest that the only alternative is to keep Guantanamo open and operating as it is now. We could easily prosecute detainees who are at risk or a threat or a problem under courts martial. We could close the prison at Guantanamo and shift AT operations someplace else like Leavenworth. We could abandon the failed interrogation policies and conduct them according to the Army Field Manual and get rid of the people who are not at risk. There are other alternatives.

Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I want to express my appreciation to the gentleman from California (Mr. ROHRABACHER) for offering this amendment. I know that he is a man of great sincerity and he offers this from his point of view in the right way.

But the interesting thing about it from my perspective is it gives us an opportunity to talk about some of these issues and this opportunity is a rare opportunity indeed.

It is unfortunate that it is so rare that we have an opportunity on this floor in the context of legislation to talk about the tragedy in Iraq and the so-called global war on terrorism. In this regard and the context of this amendment which focuses attention on the activities in Guantanamo Bay and pretends that all of those activities are upstanding and lawful, and in the language of the amendment ''lawful, humane interrogation,'' we find in experience that this interrogation that has been carried out as a result of this so-called war on terrorism has often not been lawful and not been humane. It has not been lawful in the sense that it has violated the third Geneva Convention.

It has not been lawful in the sense that it has violated other aspects of international law, including the United Nations, and it has violated our own domestic law frequently.

In Guantanamo, and even more so in other places such as Abu Ghraib and Camp Cropper and Bagram Air Base where the interrogation carried out has been unlawful, has been inhumane and has brought us terrible, deep disgrace in the face of the rest of the world and placed a terrible burden on our country and our military people around the world.

How did this all happen? We know that a significant number of military personnel, both enlisted and officers, have been prosecuted and convicted as a result of the inhumane treatment that has been carried on in these camps.

How did it occur? We are led to believe, we are being asked to believe that just a handful of inexperienced, rough hewn Americans invented these activities indiscriminately in several different places by themselves, that this was not done in any concerted way. But the circumstantial evidence that we have is quite different. And I say circumstantial evidence because this Congress has abandoned its responsibility to investigate this matter.

There have been inadequate hearings by this House of Representatives to look into this issue to see exactly what has been going on. But the circumstantial evidence that we have indicates that these orders for this kind of ill-treatment came out of the Secretary of Defense, transmitted to the Under Secretary for Intelligence, Stephen Cambone. He was then sent down to Guantanamo and gave the information to Geoffrey Miller. And he then carried it out in Guantanamo and then in Camp Cropper and in other places throughout the system that has been developed as a result of this illegal, unjust and unnecessary war in Iraq which has corrupted the focus of our legitimate attention, which is the attack of the al Qaeda terrorists on this country on September 11, 2001.

We have abandoned all of that for the sake of this illegal, unjust, unnecessary war in Iraq which has now placed such a terrible burden, psychologically, emotionally and financially, on this country. So this resolution that we have here gives us an opportunity to examine these issues, and to examine them carefully, but to examine them in the way that they need to be examined. We need the leadership here in the House of Representatives, the chairmen of the appropriate committees, to begin hearings as to what exactly happened and why it happened, who gave the orders, under what circumstances were those orders given, to whom were they given, why was this activity of persecution and torture which has been criticized by the International Committee on the Red Cross, internally by an independent Army investigation and also on numerous occasions by the Federal Bureau of Investigation.

We need to get to the bottom of this. Let us begin to do it.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I think we should note that there have been at least a dozen congressional hearings into Guantanamo itself and there has not been a lack of attention on the possibilities that some of our people were not meeting the high standards that we set as a Nation. That is number one.

Number two, and I think my colleague, and he is my dear friend and colleague, should understand that Guantanamo is not a result, as he suggested, of an unjust and illegal war in Iraq. Almost all the prisoners in Guantanamo, unless I am mistaken, are from the Afghan conflict and the conflict in Afghanistan was thrust upon us. The war in Iraq had nothing to do with Guantanamo whatsoever. The prisoners in Guantanamo are people who have been taken prisoner after serving as part of al Qaeda or the Taliban army in Afghanistan. We did not choose to declare war on the Taliban and al Qaeda. They attacked us. We were attacked on September 11.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. HINCHEY. I appreciate the gentleman's statements and I understand what he is saying very well. But the fact of the matter is that our attention has been drawn away from the real circumstances here.

We were attacked, yes. The Taliban was harboring the al Qaeda network and we went after them in Afghanistan and rightly so. And all but one Member of this House supported that activity on both sides of the aisle.

But then for illegitimate reasons, we were forced into this unnecessary and illegal and unjust war in Iraq which has taken our attention and our resources away from the terrorists who

conducted those attacks. We need to get back on that, and we need to investigate why this is happening.

Mr. ROHRABACHER. Reclaiming my time, I think it is very clear that what is happening in Guantanamo, which is the discussion today, has come under attack by people who generally are opposed to a very tough and aggressive and engaged American foreign policy overseas.

We can no longer rely on our oceans and our noninvolvement in places like Afghanistan where we let the Taliban have their way and expect that we are going to be safe. We are not safe. 9/11 proved that.

When we engage in a war against people like these terrorists who have murdered our people and we capture people, we have to put them some place. Guantanamo has served that purpose, and Americans down there have uncovered information that have saved American lives. That is how we have gotten to know what al Qaeda is all about.

I am sorry there are times that people feel compelled to criticize American policy overseas and certainly that should not include Guantanamo, and that is what this debate is about today.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

□ 1530

Mr. CONAWAY. Mr. Chairman, I appreciate my good colleague yielding me this time.

I have just come back from Guantanamo Bay about 3 weeks ago. In part of my former life, I served with the 256 MP Company at Fort Hood, Texas. That company had, in addition to traffic responsibilities at Fort Hood, responsibility for the stockade.

We have asked our military, through the civilian leadership, to do two things at Guantanamo Bay: one, keep those detainees in a safe and humane manner. And we are clearly doing that. And, two, to conduct interrogations against standards set by the civilian leadership of this country to glean from these detainees whatever information they have left to help us with conducting this war on terror. Both those missions are being accomplished well.

We have great leadership there, and the men and women who are serving there. Some 10,000 of our soldiers, sailors, and Marines who have circulated through, have undergone extensive training, sensitivity training, which is a phrase I hate, but training to allow them to be more sensitive to the Arab culture. Not to the Islam religion, which we ought to respect, have respect for the Koran and the religious practices, but the customs of the Arabs are respected in a way that does us honor, because we are going to such great extent to accommodate these detainees.

We cannot out-nice the meanness and the hatred of our enemies. We just cannot be so nice to the rest of the world that they will say, in that case, I will not hurt you. They are going to kill us loudly or they are going to kill us softy, but they are going to kill us.

As an example, one of the detainees that we let go presented to us with half his leg blown off. We nursed that person back to health, as we should. We ought to set the gold standard for prisoner treatment. We nursed this person back to health; we fitted him with a prosthesis; and then, after evaluations, we let him go. We put him back in the fight. He has been implicated in the death of a Chinese engineer, kidnapping of another. He has been indicted in the blowing up of a bus with journalists on it, and he has also been indicted in a hotel bombing.

We cannot out-nice our enemies. We have to treat them with respect, but we have to kill them where we have to. The mission going on at Guantanamo Bay is done right, and it is in the right spot. We put those prisoners anywhere else in America, and that spot then becomes a terrorist target. I would rather have that terrorist target and those attentions aimed at Guantanamo Bay, where our Marines man that wire, where the Army conducts this detaining function and does it well. That is the best spot for it.

There is absolutely no reason in my mind we should think about closing Guantanamo Bay. The whole idea of closing it is a red herring. It is meant to distract us from the work we should otherwise be doing. The folks we have there are doing it well. They are well led, well trained, and I support my good colleague's amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman very much for yielding me this time and for his leadership and passion on this issue.

I thank my friend, the gentleman from California (Mr. ROHRABACHER), for really giving us the opportunity to have a full flush, if you will, a full discussion on this matter. It would be certainly somewhat untoward to suggest that one would rise to not applaud some of the good works that we find at Guantanamo Bay, but I think it is important that we try to turn on the lights and get out of the dark tunnel on this whole issue of why many of us want to bring to the attention of the American people the element of Guantanamo Bay that needs to be reformed and that we need to be concerned about.

Let me again add my applause to the chairman, the gentleman from California (Mr. HUNTER), and the gentlewoman from California (Mrs. TAUSCHER) for the delegation they led to Guantanamo Bay just a few weeks ago, and which I was part of. I was able to see over the time the improvements, the physical improvements, Mr. Chairman, that in fact resources from the United States through the leadership of our then-chairman, the gentleman from Ohio (Mr. HOBSON), were able to provide for those detainees and for those particular soldiers.

It does not go to the question of why we are on the floor today to the fact that the accommodations have been rebuilt, the training of those soldiers has been improved, the dining apparently has improved to the extent that the detainees like American food. That is not the issue. The accommodations, whether they are four star or five star is not really the issue that we are debating. I also acknowledge the work of General Hood and his commitment to the professionalizing of that staff.

I always am reminded of a phrase my grandmother shared with me, somewhat biblical: for those who are failing to remember the past, they are doomed to repeat it. I stand here today to suggest we must not close our eyes on the concerns many of us have about Guantanamo Bay, whether or not we happen to be opponents of the Iraq war.

And for once I am going to say, for the millions of Americans who are questioning the rightness of the Iraq war, the rightness of the premise of the Iraq war, we are not going to allow you to demonize our patriotism. We are not going to stand here and accept the fact that because we raise constitutional questions there is something wrong with our patriotism. There is something in the fifth amendment that says that you are due liberty and due process on the right of life and liberty. There is something to that.

My good friend stood here and said that an amputee that we nursed back to health was sent back to do harm. None of us who understand the law would in any way concede that we should have let him out. But the problem is that we have no system of justice that allows us to indict, to try and to convict and to detain. That is what the American people need to understand. We have individuals there that have had no process, no opportunity for the intervention of the courts, no opportunity for appeal, and no opportunity for us to convict and try and hold. And when I say convict, I mean indict, try, and hold.

So the report that just came out and was just issued that we need to understand, written in the article on July 14, unfortunately, we have not gotten to the source. We are holding young recruits or young Reservists as, if you will, responsible for Abu Ghraib, when we know one of the chief designers of that was Secretary Rumsfeld, who signed the document that allowed them to do that kind of interrogating of one of the 9/11 bombers, if you will.

It is important for the American people to know that all of these people here are not related to 9/11 per se. They may be Taliban members. They may have been gathered up in a big sweep in Afghanistan, young kids who came in at 17 and now are 21. So there needs to be a process by which we deal with this.

I finish on this: the Geneva Convention, which we ignore, says: ''Outrages upon personal dignity, in particular humiliating and degrading treatment, is outlawed.'' We need to understand that we can detain people properly, we can have due process, and we can have indictments and we can have convictions; but we cannot have what is going on in Guantanamo Bay that leads to an Abu Ghraib. We must understand that we are better than that.

Mr. ROHRABACHER. Mr. Chairman, how much time do we have remaining?

The Acting CHAIRMAN (Mr. KOLBE). The gentleman from California (Mr. ROHRABACHER) has 6 minutes remaining, and the gentleman from Oregon (Mr. BLUMENAUER) has 4 minutes remaining.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), chairman of the Subcommittee on Middle East and Central Asia of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I would like to rise in strong support of the Rohrabacher amendment arguing that our facility in Guantanamo is essential to the defense of the U.S. and our coalition partners.

Mr. Chairman, the Guantanamo Bay facility currently houses some of the elite of our enemy's crop in the war against terror, including enemy combatants ranging from terrorist trainers and recruiters to bombmakers to would-be suicide bombers and terrorist financiers.

Guantanamo provides a strategic interrogation center where these enemy combatants can be questioned and where the results of the interrogations have produced information that has saved the lives of U.S. and coalition forces in the field, as well as has thwarted threats posed to innocent civilians in this country and indeed throughout the world.

Through the detainees held at this facility, we have learned about the detonation systems used in roadside bombs in Iraq, bombs that have been used by the insurgency to kill our troops and innocent Iraqi citizens. Detainees include some of Osama bin Laden's personal bodyguards and one of the suspected 20 hijackers in the 9/11 attacks.

Closing Guantanamo Bay, as some of our colleagues have suggested, will not relieve the United States of needing a facility to house and interrogate suspected terrorists. Should Guantanamo close, the government would have to relocate those functions. Furthermore, given the history of al Qaeda and the jihadists, the closure of Guantanamo would provide an enormous boost in morale to the terrorists and their supporters.

Finally, detainees held at Guantanamo pose a significant threat to Americans, to U.S. allies and civilians in their home countries. There are reports of detainees released from Guantanamo, returned to their home countries, only to resume terrorist activities and attacks against the U.S., our allies, and innocent civilians.

Mr. Chairman, I urge my colleagues strongly to support the Rohrabacher amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES), a member of the Committee on Armed Services, who has also returned from a visit to Guantanamo Bay.

Mr. HAYES. Mr. Chairman, I rise today in strong support of this resolution, having recently traveled to Guantanamo Bay with 16 of our Republican and Democrat colleagues.

If people around the world knew how well people at Guantanamo Bay are treating prisoners, they would not fall prey to the accusations that some in our Chamber are making. They are all receiving judicial review.

If anyone has it rough at Guantanamo, it is the guards. They are constantly harassed and threatened by some of these terrorists. Prisoners tell guards, we know where your families are. We know where your wife is, your children, and we are going to kill them.

We were shown an array of handmade weapons used to injure and to kill the guards, if given the chance. They have tried gouging guards' eyes out, sticking their hands in their mouths and ripping them open. One prisoner tried to braid a rope with which he could strangle a guard. There should be no doubt these prisoners will inflict harm or death on Americans, given the chance.

Mr. Chairman, our best defense against terrorism is to continue intelligence-gathering. The good news is we are treating them too well. The better news is that because we are treating them like American men and women in uniform, they are giving us the information we need. Support the Rohrabacher amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the operative elements here before us in the resolution are twofold: one, on the second page of this amendment, there is paragraph 8 that says that we have improved the security of the United States and that what is going on at Guantanamo is essential to fighting the global war on terrorism. The second operative phrase is on the very last paragraph, it is essential to the security of the United States that we continue operating this facility until we are through waging the war on terrorism, which I have already pointed out we have been fighting now longer than World War II.

It is not at all clear that the symbol that Guantanamo has become has actually made us more secure. We have people like Republican Senator MEL MARTINEZ and Republican Senator CHUCK HAGEL who recognize both in terms of the symbol of Guantanamo that has inflamed people around the world, and that we have a situation now where people are dealt with in an indefinite situation, rather than moving forward, prosecuting people under a courts-martial, if they in fact need to be prosecuted. We are not opposed to that.

There are opportunities for providing a framework, which my colleague, the gentleman from California (Mr. SCHIFF), outlined in terms of legislation that he has developed that we could use to move forward, deal with what needs to be dealt with, but do it in a way that is consistent with American values and American principles. And, in fact, if people detained thought that there was some end in sight rather than indefinite detainment, some experts argue we may actually get more cooperation.

There are alternatives. We can put people, for example, in Leavenworth. We ought to make clear that we are playing by our standards, that we are going to play fair, and we are going to move forward.

I think it would be a very appropriate use of our Subcommittee on Oversight and Investigations, which the gentleman from California (Mr. ROHRABACHER) chairs, to try to find out what the facts of the situation are; whether we are more or less at risk, and what lessons we learn from this sorry chapter in the past.

Our Republican friends have devoted 140 hours to investigating whether or not the Clintons misused their Christmas card list, and there were inquiries from committees trying to find out how they are dealing with letters that were sent to the Clintons' cat Socks. I would suggest that we ought to be able to find the time and the energy to be able to give the appropriate attention to these issues that Guantanamo represents, but I think the resolution in question is not warranted.

□ 1545

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, with all due respect to the gentleman from California (Mr. ROHRABACHER), the author of the amendment, what protects American citizens in this country and around the world is this country's adherence to the rule of law and this country's abiding by international law.

Wherever we have seen violations of international law if they are endorsed by the United States, it jeopardizes the security of American citizens everywhere. I think that is the point of those who are challenging this amendment which would unfortunately seem to gloss over the torture that has occurred at various places of detention.

We certainly have a right to secure this country and to make sure that American citizens are safe. But the only way we can do that effectively is to make sure that we show respect for the law and to make sure that we show condemnation, not just of terrorists, but condemnation of torture.

I think this amendment, while I certainly respect the dedication of the

gentleman from California (Mr. ROHRABACHER) to the American people, I think that we need to challenge the underlying assumption, and that is that torture should not be tolerated.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 30 seconds.

There has never been any proof of torture at all at Guantanamo, period, zippo. Also, let us not hear the complaint that we have not had enough investigation of Guantanamo.

Mr. Chairman, 187 Members of Congress and congressional staff have visited Guantanamo just in the last few months, 11 Senators, 77 Representatives, 99 congressional staff members, and there have been 400 media visits, including 1,000 national and international journalists have visited there. There has been a lot of attention paid to Guantanamo. We have been transparent. We can be proud of the job our people are doing. That is what this is all about today.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I have heard a number of Members who oppose this amendment talk about the importance of sending the right message to the world. We should send the right message. We should send the truth. Here is the truth, which dozens of Members know because they have attended the open and classified briefings we have had on Guantanamo. We have spent as much time in the Committee on Armed Services over the last 3 or 4 weeks working on the security of people in Guantanamo as we have working on our own troops in the warfighting theaters in Afghanistan and Iraq.

Number one, there has not been a single death in Guantanamo. There is not a Member who has argued against this amendment who can say at the same time there has not been a single death in their own prison system in the State they come from.

Everybody in Guantanamo is allowed five prayer calls a day. That means we use our loudspeaker system to bring them to prayer call. We give them 20 minutes of quiet time. We give them great meals. We give them a medical system we have looked over very carefully, Democrats and Republicans, which is considered to be as good as any HMO system in this country, in which every detainee gets four checkups, on average, per month.

We have had over 24,000 interrogations in Guantanamo, and here are the facts: People have talked about the use of dogs, the fact that dogs have been present at Guantanamo at various times, especially with the 20th hijacker, Mr. al Kahtani, who was subject to the most stressful type of interrogation. There is not one recorded instance in any investigation of a dog biting a prisoner.

There are only a couple of recorded instances of a prisoner being struck by a guard, and the one time when a guard struck a prisoner that happened on General Hood's watch. That guard was struck by the prisoner, I believe he knocked a tooth out. The guard hit him with a handheld radio. The guard, the American, was busted.

The watch word in Guantanamo is honor bound. The troops who guard those people in Guantanamo, who are hijackers, who do include Osama bin Laden's bodyguards, who do include the 20th hijacker, the guy who was destined to be on that plane that went into the ground in Pennsylvania, the guy who was forced to listen to rock music, that is the torture that the gentleman from New York was alleging to. The people who guard those individuals who are dangerous are outstanding American soldiers who are in fact honor bound.

I would put Guantanamo up against the prison system of any of the gentlemen who have spoken against this amendment from their own States. Guantanamo has a better record with fewer injuries, better record with no deaths, better medical treatment, and they have a better record for methods of interrogation, which, incidentally, Republican and Democrat Members have been allowed to watch over and over.

So the gentleman who could not understand why any hearings are being held, I suggest you turn on C–SPAN and watch them.

I urge all Members to vote for this amendment. It makes no sense to close down this important prison where we put terrorists.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. KOLBE). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ROHRABACHER) will be postponed.

It is now in order to consider amendment No. 38 printed in Part B of House Report 109–175.

AMENDMENT NO. 38 OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Ms. ROS-LEHTINEN:

In subtitle B of title XI, redesignate sections 1111 through 1126 as sections 1121 through 1136, respectively.

In subtitle A of title XI, add at the end the following new section:

SEC. 1111. UNITED STATES COMMITMENT TO IRAQ.

(a) FINDINGS.—Congress finds the following:

(1) The men and women of the United States Armed Forces fighting in Iraq are serving with bravery, distinction, and high morale.

(2) The men and women of the United States Armed Forces fighting in Iraq need and deserve the full support of the American people.

(3) The men and women of the United States Armed Forces fighting in Iraq are part of a large, multinational coalition, and are serving side-by-side with Iraqi national forces who have been trained by that coalition.

(4) Coalition and Iraqi forces, Iraqi civilians, foreign diplomats, and individuals from around the world who have come to the aid of the Iraqi people are under attack from terrorists who deliberately attack children, worshippers, and law enforcement figures, attack civilians at random, sabotage essential services, and otherwise attempt to terrorize the Iraqi people, the American people, and the citizens of other coalition countries.

(5) The terrorists will be emboldened to ''wait out'' the United States if a target date for withdrawal is established and announced, especially if the terrorists perceive such withdrawal date has been established and announced as a result of their terrorist campaign against the coalition and the Iraqi people.

(b) SENSE OF CONGRESS.— It is the sense of Congress that—

(1) given the nature of the adversary the United States and its coalition partners face in Iraq and the difficult conditions under which the United States Armed Forces, coalition forces, and Iraqi forces find themselves, calls for an early withdrawal of United States and coalition forces are counterproductive to security aims of the United States and the hopes of the Iraqi people; and

(2) such calls for an early withdrawal embolden the terrorists and undermine the morale of the United States Armed Forces, coalition forces, and Iraqi forces, and put their security at risk.

(c) POLICY.—It shall be the policy of the United States—

(1) to pursue a transfer of responsibility for Iraqi security to Iraqi forces; and

(2) not to withdraw prematurely the United States Armed Forces from Iraq, but to do so only when it is clear that United States national security and foreign policy goals relating to a free and stable Iraq have been or are about to be achieved.

The Acting CHAIRMAN. Pursuant to House Resolution 365, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I did not arrive at the decision to offer this amendment lightly. I discussed it with former staffers and current interns who have served recently in both civilian and military capacities in Iraq. I discussed the situation with my husband, Dexter, a decorated Vietnam veteran who was wounded in combat and awarded a Purple Heart. But it was my talks with my

stepson Dougie, a first lieutenant in the U.S. Marine Corps, who is being deployed to Iraq in just 1 week, that had the most profound effect. He helped me to fully comprehend the importance of our mission in Iraq and the impact of what we say here and do here with the impact it has at home and on our Armed Forces serving abroad.

Mr. Chairman, our mission is just. It has far-reaching strategic and political ramifications. It is helping to further U.S. security and foreign policy goals throughout the region. For these reasons, and most importantly for my stepson, Dougie Lehtinen, his financee, Lindsay Nelson, who is also a Marine officer who will ship out to Iraq also in a week, and to all of the members in our proud U.S. Armed Forces serving in Iraq, I am offering this amendment and I ask my colleagues to render their full support for it.

Iraq is one of the epicenters of the U.S. comprehensive strategy to fight terrorism worldwide. Our ability to project major armed forces to the very heart of the Middle East provides the United States and our allies in the war against terrorism the wherewithal to directly address the tactical and the ideological challenges of Islamic extremism.

Our presence in Iraq further strengthens our leverage against current and emerging threats and it increases the deterrent value of U.S. power.

Finally, through the promotion of incipient Iraqi democracy, we can continue our concerted efforts to counter root causes of Islamist extremist and terrorism in the region. The terrorists are fighting for their survival because freedom threatens them. Democratic governments deny terrorists the weapons, the funds and sanctuary they need in order to survive. Democracy denies them new recruits.

Terrorism mastermind al-Zarqawi acknowledged that coalition forces were having success and that Iraqi sovereignty and democratic governance would thwart their plans. In a February 17, 2004 letter to an al Qaeda operative, al-Zarqawi said, ''Our enemy is growing stronger day by day. By God, this is suffocation. We will be on the roads again.''

One of Osama bin Laden's closest associates wrote in a book published in December 2003 that ''democracy is a far more dangerous threat,'' adding that it makes Muslims refuse to take part in jihad.

The continuing presence of U.S. and coalition forces must be determined by the achievements of concrete objectives, not by arbitrary dates on the calendar. Some may argue that my amendment sets the threshold too high by stating that ''calls for an early withdrawal are counterproductive to security aims of the United States and to the hopes of the Iraqi people.''

However, as we have repeatedly argued in this Chamber, words matter. What we say here to condemn human rights violations, incitement and anti-semitism or expressing support for pro-democracy advocates throughout the world has a tremendous positive impact. In stark contrast, incessant calls for an established date for withdrawal from Iraq has a negative effect. They diminish the morale of the troops and serve to embolden the enemy.

Do we want to send a message to the terrorists that their war of attrition is succeeding, that their commitment to violence, to hatred, and to terror is greater than our commitment to a democratic Iraq, to spreading freedom and fighting tyranny?

The amendment before us seeks to restate our commitment to the successful completion of our mission in Iraq. It establishes as U.S. policy the pursuit of transfer of responsibility for security to Iraqi forces, but cautions against withdrawing prematurely, calling for withdrawal to take place when U.S. national security and foreign policy goals relating to Iraq have been or are about to be achieved. Is this asking too much?

Let us not waver on our commitment to our mission in Iraq. The Iraqi people have not wavered. Our men and women in uniform are not wavering. In fact, this weekend we saw newspaper stories reporting that soldiers are reenlisting at rates ahead of the Army's targets. Army officials say this is due in part to a renewed sense of purpose in fighting terrorism.

Let us demonstrate to our forces that just as our Nation stood behind the greatest generation during World War II as they fought against tyranny, so too do we stand behind our forces in Iraq, a new great generation of heroes whose actions will not only help to make the world safer, but will alter the political landscape towards the irreversible path of freedom and democracy.

I ask my colleagues to support our troops. I ask my colleagues to support the Iraqi people. I ask my colleagues to fight the good fight for freedom and for democracy. I ask my colleagues to support this amendment.

Mr. Chairman, I did not arrive at the decision to offer this amendment lightly.

I arrived at this decision after listening to a former staffer of mine, who recently returned from Iraq, and one of my current interns who served with the United States Army in Iraq.

I arrived at this decision after discussing the situation in Iraq with my husband, Dexter, a decorated Vietnam veteran who was wounded in combat and awarded a Purple Heart.

But it was my talks with my stepson Dougie, a first lieutenant in the U.S Marine Corps, that had the most profound effect on me and helped me fully comprehend the importance of the mission that our men and women in the armed forces are embarked on in Iraq.

My stepson, Dougie, is on his way to perform his duty in Iraq.

To him, it is not an obligation. It is an honor and a privilege to have the opportunity to serve his Nation, to contribute to the freedom of the Iraqi people, to confront the terrorists, and, perhaps, most importantly, to fight tyranny as the ''Greatest Generation'' did during World War II.

Our mission is just. It has far-reaching, long-term, strategic and political ramifications. It is helping to further U.S. security and foreign policy goals throughout the region.

For these reasons and, most importantly, for my stepson Doug Lehtinen, his fiancée Lindsay Nelson, who is also a Marine officer who will ship out to Iraq in a week, and all the members of the U.S. Armed Forces serving in Iraq, I am offering this amendment and I ask my colleagues to render their full support for it.

Simply stated, we cannot afford to yield a victory to the terrorists in Iraq and throughout the region.

Iraq is one of the epicenters of the U.S. comprehensive strategy to combat terrorism worldwide—a strategy that includes: killing and disrupting terrorists abroad, confronting theocratic and autocratic regimes that harbor terrorists and facilitate terrorist attacks, and promote economic reform and democracy as a means to address the grievances of people throughout the region that have been manipulated and turned against us by the dictatorial regimes that permeate the region.

Our ability to project major armed forces to the very heart of the Middle East provides the United States and our allies in the war against terrorism, the wherewithal to directly address the tactical and ideological challenge of Islamist extremism.

Our presence in Iraq further strengthens our leverage against current and emerging threats and increases the deterrent value of U.S. power.

Finally, through the promotion of an incipient Iraqi democracy, we can continue our concerted effort to counter root causes of Islamist extremism and terrorism in the region.

The objective is for the U.S. to proactively engage and support reformers and assist in developing within the Middle East a bastion of stable, free-market democratic societies.

We are engaged in a struggle between moderation and extremism.

The terrorists are fighting for their survival. Freedom threatens the terrorists.

Terrorist mastermind al Zarqawi acknowledged that coalition forces were having success and that Iraqi sovereignty and democratic governance would thwart their plans.

In this February 17, 2004 letter to al-Qaeda operatives, al Zarqawi said: ''Our enemy is growing stronger day after day . . . By God, this is suffocation! We will be on the roads again.''

He further said: ''we are racing time . . . If the government is successful and takes control of the country, we just have to pack up and go somewhere else again, where we can raise the flag again or die . . .''

Democratic governments deny terrorists the funds, weapons, and sanctuary that they need to survive. Democracy and freedom deny recruits.

One of Osama bin Laden's closest associates wrote in a book published in September 2003 that ''a far more dangerous threat'' is ''secularist democracy.''

He cautions against democracy's ''seduction'' as it drives Muslims to ''refuse to take part in Jihad.''

This is a clear illustration of how our efforts in Iraq are serving our long-term goals of spreading democracy as an antidote to extremism and terrorism.

Success does not come without challenges. Creating new and effective political and security institutions in Iraq takes time.

The task before us is not insurmountable, but, if rushed, we do risk failure for lack of persistence.

The continuing presence of U.S. and coalition forces must be determined by the achievement of concrete objectives, not by arbitrary dates on the calendar.

The process of, and criteria governing, the withdrawal of U.S. and Coalition forces from Iraq must be performance-based, not chronologically-based.

Some may argue that my amendment sets the threshold too high by stating that ''calls for early withdrawal of United States and coalition forces are counterproductive to security aims of the United States and the hopes of the Iraqi people.''

I respectfully disagree. As we have repeatedly argued in this Chamber and in the International Relations Committee—words matter.

What we say in this Chamber through resolutions condemning human rights violations, for example, or condemning incitement and anti-Semitism, or expressing support for pro-democracy advocates throughout the world, have a tremendous positive impact.

These statements and measures serve to empower those who toil for freedom throughout the world.

In stark contrast, incessant calls for an established date for withdrawal from Iraq have a negative effect. They serve to embolden the enemy and the terrorists.

Do we want to send a message to the terrorists that their war of attrition is succeeding? That we are weakening in our resolve?

That the terrorists' commitment to violence, hatred, and terror is greater than our commitment to a democratic Iraq, to spreading freedom, and to combating the forces of evil and tyranny?

Many of our coalition allies in Iraq understand the importance of completing our mission there—allies such as Poland, the Czech Republic, Romania, Albania, Bulgaria, Estonia, Georgia, Latvia, Lithuania, Slovakia, and the Ukraine who understand the lessons of history and want to take steps to prevent any people from having to experience the suffering that they endured under German occupation and Soviet communist rule.

My colleagues, this amendment does not question anyone's patriotism.

In fact, the amendment before you is a modified text which includes recommendations from my colleagues on the other side of the aisle.

This amendment seeks to re-state our commitment to successful completion of our mission in Iraq.

It establishes as U.S. policy the pursuit of a transfer of responsibility for Iraqi security to Iraqi forces, and cautions against withdrawing prematurely, calling for withdrawal to take place when U.S. national security and foreign policy goals relating to Iraq have been or are about to be achieved.

Is this asking too much—considering our goals are to combat those seeking to export their extremist, terrorist ideologies; those who seek to deny the Iraqi people their freedom; those who threaten global peace and security?

Let us not waiver on our commitment to our mission in Iraq.

The Iraqi people have not wavered.

Our men and women in uniform are not wavering.

In fact, this weekend saw newspaper stories reporting that ''soldiers are re-enlisting at rates ahead of the Army's targets.''

Army officials say that this is due, in part, to a ''renewed sense of purpose in fighting terrorism.''

Let us demonstrate to our forces that, just as our nation stood behind the ''Greatest Generation'' during World War II as they fought the evil pursuits of a tyrannical ruler, so too do we stand behind our forces in Iraq—a new great generation of heroes—whose actions in Iraq will not only help make the world safer in the long-term, but will alter the political landscape toward the irreversible path of freedom and democracy.

I ask my colleagues to support our troops.

I ask my colleagues to support the Iraqi people.

I ask my colleagues to fight the good fight for freedom and democracy.

I ask my colleagues to support this amendment.

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

Mr. LANTOS. Mr. Chairman, I claim the time in opposition, although I do not oppose the basic thrust of the amendment.

The Acting CHAIRMAN. The gentleman from California (Mr. LANTOS) is recognized for 30 minutes.

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

Mr. Chairman, as we engage in debate over this amendment, let us be clear about the terms. We in this Congress are all motivated by sincere convictions about what best serves the interest of our great nation, whether we oppose or advocate setting a date for early withdrawal from Iraq.

Regardless of where we stand on that issue, there is no justification for impugning the patriotism of any Member of this body.

Mr. Chairman, let me raise one additional preliminary matter which is a source of profound disappointment to me. There is no issue more important for this body to debate than Iraq. Nevertheless, the majority has ruled out of order several appropriate Democratic amendments that are germane to this debate.

□ 1600

In fact, the measure we are about to consider is the only one the majority has ruled in order regarding Iraq.

Let me say this to all of my colleagues across the political spectrum, and I say it as a strong supporter of freedom for the Iraqi people: by muzzling the minority, this body is setting an abysmal example of democratic procedure, and I deeply regret it.

Mr. Chairman, I am among those who oppose setting an arbitrary timetable for leaving Iraq. Announcing an early date of withdrawal before Iraqi forces are prepared to assume full responsibility for their country's security would allow the enemies of democracy and stability in Iraq simply to wait us out and to reverse all that our troops have struggled and sacrificed for in Iraq.

We have committed ourselves to Iraq's freedom from the type of barbarity that was inflicted upon it by Saddam Hussein and that would surely be inflicted upon it again were the terrorists to win this war. Our mission in Iraq will be complete when Iraq is moderately stable and when its troops are capable of securing their own country. Our word and our credibility as a leader in this world are on the line. Success in securing stability should determine the course of our future actions in Iraq. That is why I support this measure, and I call on all of my colleagues to join me in that support.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentlewoman for yielding me this time to give my two cents' worth in this debate.

First, let me just say that I understand and I think we should all appreciate that everyone, folks on both sides of this argument, come at it from the perspective of what they think is good for the country. But I think it is absolutely wrong for the country to set a timetable for an exit from Iraq. The timetable and our exit strategy should be the standing up of the Iraqi forces so that they can protect this government that they are putting in place through a representative system in which people are allowed to go to the polls, vote for their elected leaders, and have those leaders represent them until they decide to vote again.

This idea of freedom, of democracy, which was embraced, I think, with unexpected exuberance by the Iraqi people, is something that we should be very respectful of, and we should also be respectful of our great men and women who right now have turned a major portion of their purpose, our uniformed personnel in Iraq, to the training up of the Iraqi forces. There is purpose, and the gentlewoman said it well, there is purpose in our forces, whether one is talking to general officers or talking to the troops on the line who are working those difficult areas of operation like Fallujah and Mosul and Tikrit and other places.

We have David Petraeus, one of the finest officers who ever served this country, former head of the 101st Airborne, who is in charge of training up the Iraqi forces. He is doing a good job. But this timetable is not something we can predict because there are lots of variables. The variables include the threat. They include the time that it takes to bring the various pieces of this Iraqi defense apparatus into place, to put those leaders who have to answer to this civil government in place. All these things mean that we must proceed at pace, but we must proceed

at our own pace and the pace of the Iraqi people. Not an arbitrary timetable.

Please support this amendment.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE), a member of the Committee on International Relations.

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership.

Let me just say I rise today of course in opposition to this amendment. This amendment, quite frankly, would have Congress stick its head in the sand and deny the reality that things need to change in Iraq.

First, Mr. Chairman, the Republican leadership is continuing to stifle debate on the war in Iraq. Even worse, it is an effort to marginalize and silence any critics of this administration's policies in Iraq. This is unacceptable and undemocratic. It is outrageous that the Republican leadership has made in order only one amendment on Iraq. Two of the four amendments dealt with Iraq, which I submitted to the Committee on Rules. One amendment asked for the administration to present just basically a plan for withdrawal and the other making it a policy that the United States should not have permanent military bases in Iraq. Not surprisingly, the Republican leadership chose not to allow debate on either of them. What in the world are they afraid of?

Secondly, Mr. Chairman, many of the fundamental assumptions in this amendment are just plain wrong. This amendment would have us stay the course by ignoring the realities about the war in Iraq: realities like the fact that we were misled into this war; realities like the fact that there were no weapons of mass destruction in Iraq; realities like the fact that the administration has no plans on how to end the war; realities like the fact that our brave troops have become the rallying point for the insurgency; realities like the fact that our occupation has become a recruiting tool for foreign terrorists; and realities like the fact that our Nation, our Nation, is less safe as a result of this war.

An article in Sunday's Boston Globe reported on two studies of foreign fighters streaming into Iraq. The studies separately concluded that a majority of the foreign fighters are not foreign terrorists, but have become radicalized by the war itself.

And if this is not disturbing enough, yesterday's L.A. Times featured a column that outlined potentially new partnerships starting up between the leaders of Iraq and Iran. This emerging relationship has the potential to destabilize the Middle East and even to have our worst fears realized.

Mr. Chairman, reports like these are critical as to why this Congress should have a free, fair, and honest debate on Iraq and we should have it now.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I thank her for this important amendment.

Today, one way or another, we will be sending a very important message with this amendment. There are some here who will demand that the U.S. set a deadline for withdrawal. In my view, that would be a dangerously bad idea.

For one thing, it would send a terrible message to our enemy. It would tell our enemy that if they simply wait so long to a certain date, the troops will wind down and they can take over once again. For another, it sets an embittering message to our families who have lost loved ones. I am guessing that almost every Member here has attended the funeral of a soldier lost in Iraq. I have. And I will never forget the one that I went to when I met with the family before the service and I said, Is there anything I can do? and they said, Yes, do not back down and tell the President not to back down because if you back down, our son will have died in vain.

But perhaps most importantly, forcing a withdrawal deadline sends a dangerous message to the Iraqi people. The enemy tells them day after day after day that Americans are going to cut and run. At the same time we are telling them to come forward, to join us, to become trained, to become better educated, to get ready to help democracy stand up. But when we set a deadline for withdrawal, we play right into the hands of the message of our enemy: Why should Iraqis come forward if they think that we are going to pull out once again and pull out early? Those who support setting a deadline are pulling the rug out from democracy and pulling a rug out from the Iraqis who might come forward.

Please, for the sake of our soldiers, their families, and the Iraqis who are courageously battling bombs and bullets to rebuild their land, do not set a deadline.

A previous speaker has said that this administration and this country has no plan for getting out of Iraq. We do. It is called victory. And this is the victory-in-Iraq amendment. It is important.

I thank the gentlewoman for it and urge support.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank the gentleman from California, my good friend and colleague, for his leadership and wisdom on these subjects.

The circumstances surrounding the invasion and occupation of Iraq are deeply tragic, and that begins with the very first instance, the corruption and falsification of intelligence by this administration to attempt to justify that attack and now occupation. The results of that are seen clearly in the fact that we have now lost more than 1,760 American servicemen and -women killed, more than 35,000 seriously wounded. Recent estimates indicate 25,000 Iraqi civilians killed in Iraq. And the circumstances there become more deeply dangerous and tragic with the passing of every minute.

After the attack on the British transportation system just a short while ago, the British Royal Institute of International Affairs published this report on Security, Terrorism and the United Kingdom, and I want the Members to hear what it says in part:

''There is no doubt that the situation over Iraq has imposed particular difficulties for the United Kingdom and for the wider coalition against terrorism. It gave a boost to the al Qaeda network's propaganda, recruitment, and fundraising; caused a major split in the coalition; provided an ideal targeting and training area for al Qaeda-linked terrorists; and deflected resources and assistance that could have been deployed to assist the Karzai government and to bring bin Laden to justice. Riding pillion with a powerful ally has proved costly in terms of British and United States military lives, Iraqi lives, military expenditure, and the damage caused to the counter-terrorism campaign.''

That outlines the situation that we confront in Iraq. This Congress has a responsibility to carry out its obligations to see this matter and understand what is going on. It has not been done.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, at a time when we should have an exit strategy for our troops, this amendment provides Members of Congress with an exit strategy for themselves, from responsibility for Iraq.

This amendment states that we should withdraw our troops from Iraq only when the Iraqi forces are able to combat the insurgency and only when the government of Iraq is stable, at peace, and is not a threat to its neighbors.

We all know that we are light years away from both of these requirements. This amendment will keep us in Iraq forever.

Furthermore, this amendment is essentially flawed because it fails to address the correlation between the U.S. presence in Iraq and utter chaos and civil war-like state that country is in. The U.S. presence in Iraq is fueling the insurgency and has turned Iraq into a training ground for the insurgents. The insurgency is growing stronger by the day, and attack tactics are becoming more advanced. An article published in New York Times on June 22 described how Iraqi rebels are refining bomb skills and pushing the GI toll even higher. Improvised explosive devices are now sufficiently sophisticated enough to destroy armored Humvees.

This means our soldiers are more vulnerable and casualty rates will go higher than ever.

In May there were 700 attacks against American forces using improvised explosive devices, the highest number since the invasion in 2003. Furthermore, not only is the insurgency in Iraq becoming stronger, but according to a CIA assessment, the insurgency will also spread to other countries in the region.

□ 1615

Another article in the New York Times has described a new classified CIA assessment that the Iraqi war is likely to produce a dangerous legacy by dispersing to other countries this conflict. According to the assessment, Iraq may even prove to be an even more effective training ground for Islamic extremists than Afghanistan was in al Qaeda's early days.

Mr. Chairman, it is time for us to face the facts about Iraq. It has been a disaster. We are there for all the wrong reasons. We are there based on lies. It is time for us to get out. This legislation will keep us there. Vote against it.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I rise today in support of the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN), and I would like to thank her for having the courage under fire to bring forth what should be a noncontroversial amendment.

In recent months, certain Members of Congress have called upon the President to discuss his exit strategy, to give the date when the last American soldier will leave Iraq. There will come a day when we will leave Iraq, but, as the President stated, ''Our strategy can be summed up this way. As the Iraqis stand up, we will stand down.''

Demanding that we simply put a date on the calendar is not only naive, but it poses a danger to our troops, a grave threat to our interests in the Middle East and a victory for the terrorists. By signaling to them when we intend to leave, the terrorists can simply wait it out and then strike the Iraqi people.

We have had great progress in the training of Iraqi forces. With the passing of every day, Iraq is becoming a more secure and free nation. We must remain steadfast in our determination to defeat the terrorists and only leave Iraq when we have accomplished the job we promised to do. To demand otherwise is a desecration to the memory of those who have died for the cause of freedom.

Tomorrow I will be participating in a signing ceremony at the White House with Bill and Janet Norwood, who were recognized by the President of the United States at the State of the Union. They lost their son, Byron, in Fallujah as he saved seven Marines' lives. Like all the Bill and Janet Norwoods I meet out there, they all say the same thing to me, ''finish the job.''

Mr. Speaker, we will finish the job. I urge my colleagues to support this amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Chairman, the Ros-Lehtinen amendment is a Republican PR stunt that if approved will make Iraq more dangerous for U.S. soldiers than it already is, and that is very, very dangerous. The President's credibility is a well that is fast running dry.

We have the best soldiers and the best military commanders in the world. They do not need an inflammatory amendment by a Republican Party behaving like armchair generals while the fighting and dying and chaos goes on in Iraq.

What we need to today is total commitment to our soldiers, not empty promises, underfunded programs and outright deception by the Republican Party. The best way to support U.S. soldiers in Iraq is to fully fund and provide health care for veterans when they come home. The best way to support them is to stop pretending that everything is going fine.

Hundreds have died since the Vice President categorically denied reality by claiming we were witnessing the ''last throes of the insurgency.'' Reality, like body armor, is in short supply in this administration.

As of today, 126 Members of the democratically elected Iraqi parliament, that is nearly half of 275, have signed a statement calling on the U.S. to leave now. Now. That is what the reality is. That is the environment faced by our brave soldiers.

Our soldiers know that this country believes in them and supports them. Our soldiers do not need the tin sound of another hollow amendment. They need the sound of silence to mark the day when the bombs stop exploding and the guns stop firing.

The best way to support U.S. soldiers in Iraq is to get the United Nations or NATO in, so that we can begin getting our soldiers out now. Vote no on this amendment that does nothing to save or bring them home. They are counting on us to correct the mistake we made by supporting the President in starting this war in the first place.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Investigation and Oversight of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment.

We take so many things for granted in this country, and people, when you look at the life of the gentleman from California (Mr. LANTOS) and some of the people who have gone through so much hardship and turmoil in their life, they cherish America because they understand things and they see things that we do not see.

Sometimes we do not see the freedom around us because it is invisible. It is the lack of a guy with his boot in your face. It is the absence of that that is freedom. It is the absence of the censor or the bully or the gangster that runs your local community. That is what freedom is, and it takes people some time who have gone through that turmoil to understand that, and I appreciate the support of the gentleman from California (Mr. LANTOS) since we have had that tragedy on 9/11 and been forced into this war on radical Islam.

But we have to remember this: Whatever freedom we have, whatever we cherish here in the United States of America, we have because people sacrifice for it; we have because there were people who shed blood, who had courage and made right decisions years ago, whether it was during the Cold War, whether it was during World War II when we fought the Nazis and the Japanese militarists, or the Cold War when we fought the Communists. The fact is the people had courage and saw the fight through till the end. Had we backed off in those battles, this world would have been a different place. This would have been a far different place to raise our children.

Now is not the time for us to back down. Now is the time for us to reaffirm to our friend and our foe alike that we have the courage to stick it out, we have the courage to build a better world for tomorrow with our courage and sacrifice today. We are going to raise our children in a better world because we are not going to live in a world where radical Islam blows up buildings anymore or beheads people.

America, hold firm. Be courageous. Let us build a better world together for these things that we cherish.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to my good friend the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. ABERCROMBIE. Mr. Chairman, I oppose this amendment, because voting for the amendment means that you favor the indefinite presence of U.S. troops in Iraq. It is that simple.

The goals outlined in this amendment are so vague that they endorse the permanent U.S. occupation of Iraq, which is something the American people do not support. This amendment says that U.S. troops can only withdraw ''when it is clear that the United States national security and foreign policy goals relating to a free and stable Iraq have been achieved.''

What is ''security at risk?'' Endlessly sending U.S. troops out on patrols where they become a mobile shooting gallery for terrorists mocks the word ''security.''

Because the administration's goals for Iraq include creation of an idyllic Western style democracy that is stable, saying U.S. troops are stuck there until that happens is the same as saying U.S. troops will have to stay for 50 years or more.

Once the Iraqis have their constitution and an election, it will mean our troops have done everything that they can do and that it will be time to bring them home. U.S. troops cannot impose a democracy in Iraq. That is not their mission, it is not their job. Only the Iraqis can develop a democracy.

Finally, this amendment is pointless because it does not address the real questions facing the United States in Iraq. When can the United States begin to reduce the size of our forces in Iraq? We have already said we are leaving, so our departure is going to have to begin at some point.

We have 140,000 troops in Iraq today. Do we need to keep that many there until Iraq has been magically transformed into the peaceful, idyllic Western democracy that the authors of the resolution envision? I think not.

This amendment speaks of commitment to Iraq. I would humbly suggest that 1,768 dead U.S. troops, 12,700 wounded U.S. troops, and $250 billion represents plenty of commitment. How much more commitment is this war worth?

As our military leaders in Iraq and senior administration officials have said, the ultimate defeat of the insurgents in Iraq will not come about through U.S. military action.

Instead, the mission we have given those commanders is to train the Iraqis so they can assume the lead in the fight to defeat the insurgents.

Why bring out American troops? Because by keeping our troops in Iraq indefinitely, we're asking them to resolve political and social issues that need to be resolved by the Iraqis themselves. That's unfair to our troops, their families, and the country. It is also unfair to the Iraqi people who will never be able to assume control of their destiny while U.S. Armed Forces occupy Iraq.

If you are going to join me in voting against this resolution, I urge you to become a cosponsor of House Joint Resolution 55, which calls for bringing an end to U.S. military involvement in Iraq in a responsible manner.

H.J. RES. 55

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Withdrawal of United States Armed Forces From Iraq Resolution of 2005—Homeward Bound''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) was passed by Congress on October 11, 2002.

(2) Public Law 107–243 cited Iraq's possession of weapons of mass destruction as a primary reason for the use of United States Armed Forces against Iraq.

(3) On January 12, 2005, the President officially declared an end to the search for weapons of mass destruction in Iraq.

(4) The United States initiated combat operations in Iraq on March 19, 2003.

(5) Hundreds of thousands of members of the United States Armed Forces have served with honor and distinction in Iraq.

(6) More than $200 billion has been appropriated by Congress to fund military operations and reconstruction in Iraq.

(7) More than 1,700 members of the United States Armed Forces have been killed and more than 12,000 members of the Armed Forces have been wounded in substantially accomplishing the stated purpose of the United States of giving the people of Iraq a reasonable opportunity to decide their own future.

(8) The United States military occupation of Iraq has placed significant strains on the capacity of the United States Armed Forces, both active duty and reserve.

(9) The armed forces of Iraq number more than 76,000 troops as of June 8, 2005, and are growing in number and capability daily.

(10) The forces of the Iraqi Interior Ministry number more than 92,000 personnel as of June 8, 2005, and are growing in number and capability daily.

(11) The United States has in place a timetable for training, equipping, and employing Iraqi security forces to take over the counterinsurgency mission from coalition forces

(12) The joint explanatory statement accompanying the conference report for the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) requires the Secretary of Defense to report not later than July 10, 2005, and every 90 days thereafter, on measures of security, political, and economic progress in Iraq.

(13) Congress, under article I, section 8 of the Constitution of the United States, must accept its full share of responsibility in matters involving the deployment of United States Armed Forces in foreign wars.

SEC. 3. STATEMENT OF POLICY.

Congress declares that it is the policy of the United States—

(1) to announce, not later than December 31, 2005, a plan for the withdrawal of all United States Armed Forces from Iraq;

(2) at the earliest possible date, to turn over all military operations in Iraq to the elected Government of Iraq and provide for the prompt and orderly withdrawal of all United States Armed Forces from Iraq; and

(3) to initiate such a withdrawal as soon as possible but not later than October 1, 2006.

SEC. 4. REQUIREMENTS TO IMPLEMENT POLICY.

The President shall implement the policy expressed in section 3 by—

(1) taking all necessary steps to ensure the completion of Iraq's political transition to a constitutionally elected government by December 31, 2005, as called for in United Nations Security Council Resolution 1546 (2004), which was supported by the United States;

(2) establishing a plan for the withdrawal of all United States Armed Forces from Iraq limited only by steps to ensure the safety of such Armed Forces;

(3) establishing a plan for a transition of responsibility for internal security activities to the military forces of the Iraqi Government and a transition of United States military personnel to an advisory and support role;

(4) accelerating the training and equipping of the military and security forces of the Iraqi Government; and

(5) taking all appropriate measures to account for any missing members of the United States Armed Forces or United States citizens in Iraq prior to completion of the withdrawal of United States Armed Forces from Iraq.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY), a member of the Committee on Armed Services.

Mr. CONAWAY. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I am 12 days back from a trip to Baghdad. Twelve days ago I sat during a briefing with the State Department to assess what was going on in that country. We were assured by the State Department representatives that the drafting of the constitution, an integral part of setting up an Iraqi style government, an Iraqi style democracy, was ongoing. At that time they had 15 Sunnis who had joined the negotiations. Two of those Sunnis had since stepped down because of threats to themselves and their families, but the Sunnis were having input, which is important that they be in the deal.

The State Department folks are relatively confident, as confident as they can be in this arena, that the August 15 date will be met, or shortly thereafter; that 60 days later a referendum vote will be held on that constitution, and that the Iraqis for themselves will go to the polls one more time, as they did so courageously in January, to vote, something we take very much for granted many times.

Sixty days after that, in December, national elections will be held, and then the Iraqis will have a chance once again to exercise the freedoms that we in America enjoy.

The violence between now and then will increase. In all expectations, the insurgents see this as a last-gasp opportunity to derail the democratization of Iraq. It is unfortunate that that is going to happen, but it is going to. The high profile, the high publicity events, the murder of the Egyptian ambassador which occurred while we were there, the callous, heartless murder of 24 young Iraqi children in an attempt to kill one American soldier, as regrettable as that soldier's death was, those 24 lives were just as precious.

This violence will continue. We have to stand strong. We have to understand what their end game is. I support the amendment. It sets out a good plan for how we are going to get out of this.

All of this criticism that we do not have a plan to get out, here is a plan. It is one that makes sense. To set a fixed date obviously flies in the face of common sense. I stand in support of this amendment.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I thank the gentleman, and rise today in opposition to the Ros-Lehtinen amendment because it essentially supports prolonging the deployment of the United States military personnel in Iraq.

Our troops deserve clear, concrete measures and milestones for defeating the insurgency, for building up Iraqi

security forces. General Petraeus is doing a great job. Why can we not have a timetable for how long it is going to take to get the 130,000 Iraqi security forces trained and hand it over to the Iraqi people? I have called repeatedly for the Department of Defense to do just that.

As a matter of fact, this Congress passed a supplemental appropriations bill that required the Department of Defense to report by July 11 the status of training the Iraqi forces. The Pentagon has refused, or has not yet provided that information.

When is this Congress going to exercise its responsibility? Our troops have done everything that we have asked of them in Iraq. They have acted heroically. They have done their job. Now is the time for Washington to do its job and develop a strategy for successful completion of this mission.

I do not know where it came, that coming up with an exit strategy somehow is something that is not in the United States' interest. I know when George Bush was Governor and we were in Kosovo, George Bush said, ''Victory means exit strategy, and it is important for the President to explain to us what that exit strategy is.''

Having an exit strategy and a strategy for success is just as important if not more important today in Iraq than it was in Kosovo. We have made mistakes in Iraq. The Pentagon did not listen to General Shinseki. We know that in Iraq the occupation is fueling the insurgency.

We have a timetable in effect that was just articulated from the gentleman from Texas. We are going to have elections, and in January we are going to have a new government.

How long should the United States stay? This Congress ought to exercise its responsibility, its constitutional responsibility of oversight, and demand the administration present their strategy.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentlewoman for yielding me time.

I have made eight trips to Iraq since April 2003, and will be going again this weekend. I have traveled with the military and I have also traveled with nongovernment organizations outside the umbrella of the military. I have literally talked with hundreds of Iraqi citizens, and I know their greatest fear.

□ 1630

Their greatest fear is, that we will leave. That is what they have told me. They think we will leave them.

It is vitally important to the future of peace and prosperity in the Middle East and, in fact, to the entire world that the United States maintain its commitment, meet history's challenge, and assist that nation to stay on the course towards stability, democracy and economic vitality.

The United States has set many important benchmarks. We sought to transfer power to an Iraqi government on June 28, 2004, and we did. We wanted to support the Iraqis in organizing a free and fair election and, on January 31, along with U.S. and international assistance, the Iraqis held their landmark election, their first in 50 years. It was thrilling to witness. Women forced the men to come out and vote.

As we speak, all elements of Iraqi society, Shiites, Sunnis, and Kurds are, working to draft a constitution and will hold a national referendum on the document on October 15. And, in spite of the threats against them, they are persevering.

During our visits to Iraq, we observed our troops training the Iraqi security forces, their police, their border patrol, their army. And as President Bush has said, as the Iraqis step up, Americans can step down. That is the plan. Like the other goals we have committed to in Iraq, we will stay our course.

Our withdrawal from Iraq will be made consistent with, as the amendment states, our foreign policy and national security goals relating to a free and stable Iraq and, thus, a free and stable world.

Mr. Chairman, Iraqis are making significant progress. I would like to read a short passage from an e-mail my niece just received from a soldier who just returned after 15 months risking his life for Iraqis and for the national security of the United States. This is what he said: ''Despite what you might hear elsewhere,'' like in this chamber I might add, ''the tide has turned in the Middle East and democracy is taking hold. There is much work yet to be done,'' he continues, ''but we should all be excited by the progress made so far. Just think about it! Government 'of the people, by the people, for the people' has found a foothold in, of all places, the Middle East!'' And, he continues, ''Words are hard to come by to express my exuberant hope for the future of the Iraqi people and the rest of the Middle East.''

Mr. Chairman, I could not agree more with this soldier's sentiments.

As I witnessed Iraq's election, it is clear the only real losers are the terrorists and insurgents trying to stop the march of democracy.

In defiance of the terrorists and insurgents, Iraqi men, women and children came out in droves.

There was a tangible sense of pride when the Iraqis dipped their index finger in a well of ink and cast their vote.

One voter expressed gratitude to me when he said, "Like you in the United States, I'm getting to choose my own leaders."

We need to continue the process of supporting this nascent democracy and providing the new Iraqi government and its people with the physical, financial and moral support to secure their nation and ensure liberty thrives.

I support the hard work of the International Relations Committee on the underlying legislation and the gentlelady's amendment and urge my colleagues to support its adoption.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Ros-Lehtinen amendment. This amendment declares that Congress must not ''withdraw prematurely the U.S. Armed Forces from Iraq.''

Prematurely? How many more Americans have to die or be wounded before we recognize that bringing home our troops is not premature, but is actually long overdue?

Although I opposed this war from the very beginning, I also thought that because of the chaos that we had caused that once we were there, we needed to stay until Iraq was secure and the Iraqis' lives were back together. But I have come to realize that there can be no stability in Iraq while our troops are still there. It is our very presence appearing as occupiers and the resentment it is breeding that is responsible for the chaos and emboldened insurgency.

The Ros-Lehtinen amendment only serves to advance the Bush administration's current failed policies by keeping the United States military in Iraq indefinitely. This amendment would continue the unsuccessful military occupation. It would lay the groundwork for a constant and unending war.

Only by ending the occupation can we hope to quell the violence and give Iraq back to the Iraqis. We can secure Iraq by helping the Iraqi people, not through our military, but through international humanitarian efforts to rebuild their war torn economic and physical infrastructure.

It is time for a new direction and fresh thinking on this subject, not a continuation of the failed policies of the past 2 years. Instead of the same stagnant ideas repackaged, we need to end the military occupation of Iraq. We need to support our troops by bringing them home.

I will oppose this amendment, and I urge my colleagues to do the same.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, in recent days and weeks, some have suggested we need a specific timeline or a date that indicates when our troops will begin to withdraw from Iraq.

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

This is the attachment right here. Mr. Chairman, a picture truly does speak a thousand words.

He went on to end his e-mail by saying, ''I hope to head home in 80 days

with the feeling that I contributed something and made this world'' not Iraq, but ''made this world a better place for these guys.''

Look at this. This is what it is all about. To quote Prime Minister Singh who was on this very floor yesterday, he said, ''We must fight terrorism wherever it exists because terrorism anywhere threatens democracy everywhere.''

Mr. Chairman, any date for withdrawal would be arbitrary. We must allow our plan to go forward and not abandon it halfway through. It is not about their future; it is about our future.

Let us not talk about an exit strategy, let us talk about winning, let us talk about freedom, let us talk about victory. I urge my colleagues to vote for the Ros-Lehtinen amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the gentlewoman from California (Ms. WATERS), my good friend and distinguished colleague.

Ms. WATERS. Mr. Chairman, I rise in opposition to this amendment.

Americans are getting tired of this war. Mr. Chairman, we have been misled and we have been lied to. We trusted the President, and when the President came to us after 9/11 and asked for the authority to find those who had committed the attack on our country, we all voted for him.

But since that time, the President did not go after the perpetrators; the President did not go after Osama bin Laden. Instead, he went to Iraq. They went to Iraq because they told us there were weapons of mass destruction, and now we have discovered there were no weapons of mass destruction. Osama bin Laden and al Qaeda is still out there operating, and we are still in Iraq.

Why are we there? The President came and told us, ''mission accomplished.'' And then we find that our soldiers are being attacked every day. They are dying, over 1,760; over 15,000 maimed. They have lost their arms and legs and eyes.

Another lie. We were told that the soldiers had everything that they needed, and then we find just yesterday in talking with one of the soldiers returned from Iraq, he has been drinking filthy, dirty water; did not even have clean water, did not even have bulletproof vests, and we found that the Humvees did not have the armor.

They also told us they were going to get the proceeds from the oil that they were going to pump and they were going to pay for rebuilding of the infrastructure. No, that is not happening. We are spending over $1 billion per week, and it goes on and on and on.

But, better yet, in this amendment they talk about not getting out until we train the Iraqi soldiers. How long and when? We were told they had trained over 40,000. Guess what? I say to my colleagues, only 5,000 have been trained and they do not have a plan for how to get it done. We do not even have enough people that speak the language to be able to train the Iraqi soldiers. How long is this going to go on?

When people get up here and say they know that there is going to be more violence, more people are going to be killed, whose children are we talking about? Whose father are we talking about? Whose mother, whose daughter are we talking about? It is all right for us to say, there will be more deaths, there will be more violence, but I say to my colleagues, Americans are getting tired of it. It is their children, and we should not take that lightly.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH), one of our subcommittee chairmen of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Chairman, every American wants our soldiers, especially those who have loved ones deployed in Iraq, home as quickly as humanly possible. But I would submit to my colleagues that that must be at a time that ensures that the baton of security is passed to a militarily capable, free, and democratic Iraq.

Let me point out to my colleagues that progress is being made in that regard. There are currently more than 171,000 trained and equipped Iraqi security forces, including 76,000 soldiers, 63,400 police and highway patrolmen, and 33,787 Ministry of Interior forces. So the previous speaker, I do not know where she is getting her numbers, but they certainly are not correct.

Iraqi security forces are now capable of planning and executing operations at the battalion level and higher, and there are a number of instances where they have performed superbly.

One of the previous speakers, the gentlewoman from California (Ms. WOOLSEY), mentioned that we need to be providing money for rehab. We have provided $19.1 billion to the Iraq Relief and Reconstruction Fund. That is a significant commitment. You cannot do reconstruction without security.

Finally, I respectfully submit that any public announcement concerning specific timetables or a date certain for withdrawal of our Armed Forces is likely to result in significantly advantaging the terrorists in a way that will put more lives, more American lives, more Iraqi lives, at risk, and the mission itself will be put at risk.

I would also point out to my colleagues that the gentlewoman from California (Ms. LEE) did offer an amendment on the withdrawal issue; it failed 33 to 12 in the committee. So we did have some consideration of that during markup.

The Iraqi Prime Minister, when he met with us just a few weeks ago, was passionate: no timetables; it will lead to the loss of life.

Mr. Chairman, let me finish today's debate on H.R. 2601 with a boatload of thank yous to our staff who have worked long and hard to produce this piece of legislation.

And let me particularly thank Eleanor Nagy, director of policy for my committee for the Africa, Global Human Rights and International Operations, for her extraordinary skill, wisdom, insight and professionalism in crafting this comprehensive bill.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 3 minutes to my good friend, the distinguished gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank my friend from California for yielding me this time.

Mr. Chairman, I would like to speak about the gentlewoman's amendment before us. In doing so, I would like to speak some common sense about where we are. Oh, I will vote for it, but if I were drafting it, I would draft what I think is the correct issue before our country and before our military forces. I have a difficult time in understanding some phraseology in the amendment that is before us which calls for an ''early withdrawal,'' whatever that may be.

The issue is, when will we have the Iraqi security forces fully trained to take over the important mission of security for their own Nation? That is the issue before us.

On June 13, I sent a letter to the Secretary of Defense, Secretary Rumsfeld, setting forward the fact that we need to speed up this process. We need to make sure that we do all we can and to get our allies, whether they be in the Arab nations adjoining Iraq, or whether they be NATO nations, involved more and more in helping to train the Iraqi security forces. General David Petraeus, one of America's outstanding military leaders of our day, has the mission of training those Iraqi security forces and he is working very, very hard with the training forces that he has. He is a fine officer. He is a great leader. It is a mammoth task. But only this year, he has produced slightly over 5,000 fully trained Iraqi soldiers who can handle missions on their own. This is totally inadequate.

We must do a better job speeding up this process, because one of two things is going to happen if we do not speed it up. This is the issue before us. Number one, we are going to lose the American people. That, of course, would be disastrous for our effort in Iraq. Number two, we are going to put such a strain on the United States Army that some will term it as broken.

Mr. Chairman, we are in a race against time. We are either going to lose the American people's support, or we are going to break the Army. This month, the Army's recruiting numbers are far below its goal. It is an unmistakable trend. Although retention is holding, it is shaking the very foundation of the American social structure. Army marriages have broken up under the strain of unsustainable operations tempo, and the divorce rate is increasing, signs of sure trouble ahead.

So we ought to be discussing how we speed up the process, how we urge our

NATO partners to get involved in training. We understand that some 300 of those NATO partners will be coming in to help train, but we need more than that.

That is the issue we should be debating at this moment, not using the phrase ''withdrawal,'' though I will support this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chairman of the Subcommittee on the Western Hemisphere.

□ 1645

Mr. BURTON of Indiana. Let me just say that my colleagues should never lose sight of the fact that we are in a world war against terrorism. It is not unlike the world war that we faced when my good friend was involved in World War II. It is a different kind of war from the standpoint that it is a hidden, insidious war; but, nevertheless, it is a world war and we have to defeat the terrorists.

Right now the center of the battle is in Iraq. Al Qaeda, the Taliban, all of their fellow travelers are trying to destroy our will in Iraq. And if we back down, you may rest assured that we will rue that day because there will be more attacks and more concentrated effort on the United States of America.

George M. Cohan wrote the song ''Over There.'' Over there, over there, tell them that the Yanks are coming over there. And that was because we were going over there to defeat the enemy in World War I.

In World War II, we took the battle to the enemy, Hitler, in Europe. We did not fight them here at home. And I want to tell my colleague, if we do not defeat the enemy over there, we are going to have more attacks and more concentrated effort by the al Qaeda operatives and other terrorist organizations here in the United States of America.

We backed down in Somalia. We left in Somalia, and it was a green light to al Qaeda, because they said the United States is a paper tiger; we do not have the will to win a fight against the terrorist organizations and against the people who want to destroy our way of life.

This is a life and death struggle. It is a world war. We must not back down. We must take the battle to the enemy, and we must have the resolve that is necessary to win at all costs.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I oppose the gentlewoman from Florida's amendment. This war in Iraq was based on false or falsified information. This war was a mistake. It has been mismanaged with incredible incompetence by the Bush administration. Everything we have been told about this war has been wrong. It has created even more terrorists in the region. It has not made us more secure. It has made us less secure. It has diminished our standing in the world. It has even compromised our credibility as a defender of human rights.

Mr. Chairman, I believe we must begin an orderly withdrawal of our troops now. It takes no particular amount of patriotism or courage for anyone in this Congress to stand up and wrap themselves in the American flag and say, stay the course; nor is it patriotic or courageous to be silent or indifferent when we believe and when we know what is happening is wrong.

It is not our lives on the line. We owe our troops who are serving with great courage much better than we are giving them. And to suggest, as this resolution does, that those of us who oppose this war are somehow ''emboldening terrorists,'' is, to say the least, grotesque.

Let me state clearly, Mr. Chairman, and for the record, I believe it is time for George Bush to end this war. I urge my colleagues to oppose this amendment

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MEEKS), distinguished member of the International Relations Committee.

Mr. MEEKS of New York. Mr. Chairman, let me state outright that I am opposed to this amendment simply because we cannot allow our soldiers to remain under siege for an indefinite period of time while Congress has no serious answers from the administration about the core challenges we face in Iraq, the progress we have made and/or a strategy for success.

When we invaded Iraq, the administration claimed that we would be received as great liberators and that we would start withdrawing troops in just a few short months. But instead we face a strong insurgency, rising death toll with over 1,700 soldiers dead and at least 13,400 wounded in action. The disastrous miscalculations and misleading estimates that surround this war have exacted a very high toll on the American purse and our families. I cannot agree to any legislation that calls for us to continue this course while Congress is denied critical information needed to evaluate our progress in Iraq.

The amendment before us calls for the transfer of responsibility to Iraqi forces only when they are ready to assume such responsibility. However, it fails to address a plan for improving the training of Iraqi soldiers that will enable them to take on that responsibility.

How will Iraqi forces ever assume responsibility if we fail to adequately train them?

Sadly, we have no real answers and no real strategy for shifting responsibility and reducing U.S. involvement financially and militarily.

Congress has in good faith provided this administration with billions of dollars for military efforts in Iraq. This body has lived up to its end of the bargain and provided funding for our troops. But our questions and concerns about our progress go unanswered. Our Constitution was carefully crafted to allow a balance of power in our government. I oppose this amendment because I refuse to abandon that balance and surrender the responsibility of this body to hold the administration accountable for its actions.

Ms. ROS-LEHTINEN. Mr. Chairman, it is my real pleasure to yield 5 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the House International Relations Committee.

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

Mr. HYDE. Mr. Chairman, you know, in all contentious discussions, there are a set of imaginary barricades, and people get on one side or on the other. On one side of the barricades, the hypothetical barricades, are people's main concern of prison welfare. They introduce amendments, they focus their time and attention on the welfare of the prisoners.

On the other side of the barricade are people who focus on winning the war, who focus on the beheadings that have happened to decent and good people from the enemy. They focus on the assassinations, on the car bombings, that indiscriminately kill elderly people and children. And so you have to decide what side of the barricade you are on.

Now, you can say that is a criticism of your patriotism. Not at all. Not at all. But you just have to listen to this debate to know the overriding concern of some is the welfare of the prisoners. Other people want to win the war. Count me among the latter.

Another issue that I think is worthy of comment, we have heard a couple of speakers from the other side, more than a couple, say this information is corrupt, falsification of intelligence, outright deception by the administration.

I have, in my hand, ''Famous Last Words,'' a compendium of quotations from famous Democrats and famous people about the war that I think would be worth recalling. The gentleman from California (Mr. BERMAN), my good friend, said on October 10, 2002, ''Saddam, with a nuclear weapon, is too horrifying to contemplate, too terrifying to tolerate.''

The gentlewoman from California (Ms. HARMAN) of the Intelligence Committee said this, October 9, 2002: ''The threat from Iraq is very real, increasingly dangerous. Saddam's belligerent intentions and his possession and ongoing development of weapons of mass destruction to fulfill those intentions make him a clear present danger to the United States and the world.''

Oh, you should read some of these.

Here is one from the gentleman from Massachusetts (Mr. MARKEY): ''The threat that we confront is Saddam Hussein. Saddam is in a category of his own. No other head of state has been

the subject of an 11-year campaign to disarm and sanction him. He has invaded two of his neighbors, assassinated 16 of his own family, tried to assassinate former President Bush, lied about his weapons buildup, fired missiles at Israel, and gassed his own people. The prospect that such a despot has biological and chemical weapons, anthrax, sarin gas, smallpox and is nearing nuclear capability is a looming threat to millions. We, as a Nation, have the responsibility to stop him.'' October 10, 2002 CONGRESSIONAL RECORD.

I have got quotes here from Madeleine Albright, Sandy Berger, President Clinton, all warning of nuclear weaponry, weapons of mass destruction. Were they corrupt? Were they misleading? No, they were basing their judgment on the best intelligence available, and they relied on it and it turned out to be flawed. But do not accuse people of deception and corruption when it was widespread and well before the World Trade Center.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would say to the gentleman from California (Mr. LANTOS) that I am very grateful that we have been able to resurrect this debate and utilize it in the tone that I think is appropriate for the American people and as well the people in Iraq who are simply seeking peace and opportunity.

As I stand here today, I mourn the loss of almost 2,000 of our loved ones who bravely took the oath and the willingness to sacrifice their life for this country. To the veterans who have come home from world wars and other wars and conflicts, we thank you. But it is appropriate today that we debate this question; and my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), I know has a good intention of establishing a policy dealing with Iraq. I wish we had done that as the time came for that war to be launched.

I believe it is appropriate to reinforce the fact that we are standing here all as patriots who love this Nation and would defend her. But the Iraqi people deserve our debate today, and they deserve it because we need to know we can do better.

A limitation on transferring power, in fact, is something that we should be concerned about. If we have a goal, a time certain, which many of us believe is the appropriate way to go, you then can move the Iraqi nationals and the Iraqi Armed Forces toward a goal. We will not have the consternation of wondering whether the presence of the United States military, even though we know terrorists exist, continue to agitate because of their presence, even though they are there to help.

It is important to realize that Members who want a time certain are no less patriotic, but they want to guide this process of a policy that seems to have gone awry. We want to save lives. We want to train Iraqi forces, but the tragedy of the explosion of a gas tank that killed almost a hundred is something that is continuing that we want to see stopped.

And the American people want answers from the United States Congress. And so I think this debate is too short. I wish other amendments could have been made in order so we can find an orderly manner to handle this.

I offered a suggestion to put our troops on the border back in 2002, 50,000 of them. Saddam was so weak that I know he could have toppled. But we did not go that route.

□ 1700

So we have to find an exit strategy now for success and to be able to, if you will, provide an opportunity for our troops to come home as heroes and for the Iraqi people to live in freedom.

Mr. LANTOS. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. GINGREY). The gentleman from California (Mr. LANTOS) has 2 minutes remaining. The gentlewoman from Florida (Ms. ROS-LEHTINEN) has 1½ minutes.

Mr. LANTOS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to commend the outstanding Republican and Democratic staffs that have done such an incredibly good job on a very difficult and complicated piece of legislation.

I want to commend all of my colleagues who have spoken. This debate has been civilized, passionate, articulate and enlightening. And I particularly want to thank my dear friend, the distinguished chairman of the Committee on International Relations, for guiding the work of the committee and for guiding this debate with his statesmanship and wisdom.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I echo the sentiments of my good friend from California (Mr. LANTOS) in praising the strong bipartisan show of support for our Armed Forces in this debate, and I thank the chairman for his great leadership and guidance throughout the years.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished majority leader and a staunch defender of human rights and a supporter of our fighting men and women who wear the proud uniform of the United States and our coalition partners.

Mr. DELAY. Mr. Chairman, I thank the gentlewoman for yielding me time. I really appreciate her bringing this very, very important amendment to the floor.

As has been said earlier, this is a very important debate that we are having in the United States House of Representatives. Mr. Chairman, the establishment of a firm deadline for withdrawal of American troops from Iraq simply will put them in greater danger. It will embolden our terrorist enemies and all but assure the failure of that nation's fledgling democracy.

Under such a deadline, the best we could hope for is that our enemies would simply go into hiding, wait for us to leave, then unleash bloody terror on their countrymen until Iraq's government fell, Iraq's people were subdued, and Iraq's hope was destroyed.

In short, such a deadline would do nothing less than help our enemies win the war. After so many have fought, and fought and sacrificed and died, ending decades of Saddam Hussein's murderous tyranny, now with freedom secured and stability in sight, with hope abounding in Iraq and across the Middle East, to establish such a deadline, all but ensuring disaster, would be morally and strategically indefensible. It would be an insult, an insult to every soldier who wears on their uniform the flag of the United States, a body blow to the cause of freedom and justice around the world, and a signal to evil men everywhere in the world that America's spine had gone brittle.

A deadline for withdrawal would not amount to mere appeasement, but it would amount to surrender, betrayal, and it would amount to an invitation for more bloodshed on our own soil. It cannot, cannot, cannot be done.

Failure in Iraq, which a premature withdrawal date would assure, would be a crucial and possibly a decisive defeat in the global war on terror.

Rhetorical attempts to divorce Operation Iraqi Freedom from the broader war on terror have failed in no small part because our enemies make no small distinction.

Bin Laden, al-Sadr, Zarqawi, Fedayeen foot-soldiers, Hamas, Hezbollah, Syrian imports, al Qaeda exports, Taliban holdovers, Ba'athist henchmen, shoe bombers, dirty bombers, hijackers in Boston, roadside bombers in Baghdad, homicide bombers in Madrid, suicide bombers in London, and, yes, inmates in Guantanamo.

They are all the same. They are all the same, Mr. Chairman. They are one enemy, terrorism, serving one cause, tyranny, against one target, freedom.

Mr. Chairman, our soldiers in Iraq, Afghanistan and around the world are not fighting for a grotesque mistake. They are fighting for a noble cause. They are not Nazis or Soviets. They are heroes. The war in Iraq is not over. It is just not being fought on television. And our decision to join the war on terror, which waged for years before 9/11, has not made the war more dangerous but more hopeful for future peace.

Our enemies brook no confusion about their goal, it is to kill every last one of us. The only thing standing between us and that fate is the courage and determination and commitment of

our soldiers, sailors, airmen and Marines.

Members and political leaders from both parties would do well to remember that in times like these words have consequences. Consider the soldiers now under enemy threat in Iraq. Consider the victims of 9/11 and their families. Consider the Iraqi people on January 30 raising their ink-dyed fingers, voting after holding their polling lines against the threat of terrorist attack. Consider the Iraqi women who no longer fear the rape rooms, the Afghan men who can speak their minds freely, and the children who can learn math and literature and history outside the control of their Orwellian regimes.

We are at war whether we like it or not, whether we fight it or not. Our enemies will keep coming. We cannot defeat them solely with our weapons, Mr. Chairman. We must defeat them with our will. Words and deeds here at home and in particular here in Washington that embolden any of our enemies embolden all of them, and by doing so undermine our cause, weaken our resolve and threaten our troops.

Iraq is the war on terror. Victory in Iraq is a victory for hope. Defeat in Iraq is a victory for chaos and violence and evil. The terrorists know it, the Iraqis know it, and deep down even the most partisan critics of our Commander in Chief know it, too.

That is why we must stand and we must fight as we have for almost 4 years here at home, in Afghanistan, Iraq and everywhere terrorism threatens the survival and success of liberty until the fight is won.

We know not the day nor the hour, Mr. Chairman, when the scourge of terrorism will be repelled once and for all from Iraq, from the Middle East, from our world, when citizens of all nations will breathe air cleared of the cries of wounded heroes and the report of hostile gunfire, when men will be free, when women will be honored, and when children will be safe.

As long as war is our policy and victory is our aim, Mr. Chairman, neither can our enemies.

I urge all of our colleagues to bring that day a bit closer by truly supporting our troops in word as well as in deed by supporting the Ros-Lehtinen amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 30 offered by the gentlewoman from Nevada (Ms. BERKLEY); amendment No. 37A offered by the gentleman from California (Mr. ROHRABACHER); amendment No. 38 offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN).

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

AMENDMENT NO. 30 OFFERED BY MS. BERKLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 330, noes 100, not voting 3, as follows:

[Roll No. 395]

AYES—330

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (NY)
Kingston
Kirk
Kline
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiberi
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—100

Abercrombie
Ackerman
Baird
Baldwin
Barrett (SC)
Becerra
Berman
Blumenauer
Boucher
Capps
Capuano
Clay
Cleaver
Conyers
Davis (IL)
Delahunt
DeLauro
Dingell
Doggett
Doyle
Eshoo
Farr
Frank (MA)
Gilchrest
Grijalva
Gutierrez
Hayes
Hobson
Honda
Hyde
Inslee
Issa
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
King (IA)
Knollenberg
Kolbe
Kucinich
LaHood
Lee
Lofgren, Zoe
Lowey
Lynch
Matsui
McCollum (MN)
McCrery
McDermott
McGovern
McKinney
Meeks (NY)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Oberstar
Obey
Olver
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rohrabacher
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Serrano
Sherwood
Slaughter
Smith (WA)
Snyder
Solis
Stark
Tauscher
Thompson (MS)
Tiahrt
Tierney
Turner
Visclosky
Waters
Watt
Wexler
Wicker
Woolsey
Wynn

NOT VOTING—3

Brown (SC)
Cummings
Hinojosa

□ 1737

Ms. BALDWIN, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Messrs. RUSH, ROHRABACHER, DOGGETT, SERRANO, Ms. DELAURO, Ms. WOOLSEY, Messrs. BAIRD, HYDE, HAYES, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mrs. TAUSCHER, Ms. McCOLLUM of Minnesota, Ms. SLAUGHTER, Messrs. SNYDER, HOBSON, KING of Iowa, and TURNER changed their vote from ''aye'' to ''no.''

Messrs. RYAN of Wisconsin, SALAZAR, WAXMAN, BOUSTANY, MEEHAN, and MACK, and Mrs. JONES of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 37A OFFERED BY MR. ROHRABACHER

The Acting CHAIRMAN (Mr. GINGREY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 304, noes 124, answered ''present'' 2, not voting 3, as follows:

[Roll No. 396]

AYES—304

Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—124

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Berman
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Clay
Cleaver
Conyers
Crowley
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holden
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

ANSWERED ''PRESENT''—2

Bartlett (MD)
Ehlers

NOT VOTING—3

Brown (SC)
Cummings
Hinojosa

□ 1747

Mr. WEXLER and Mr. RAHALL changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 38 OFFERED BY MS. ROS-LEHTINEN

The Acting CHAIRMAN (Mr. GINGREY). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 291, noes 137, answered ''present'' 2, not voting 3, as follows:

[Roll No. 397]

AYES—291

Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger

Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)

NOES—137

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson
Clay
Cleaver
Conyers
Costello
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Young (FL)

ANSWERED ''PRESENT''—2

Bartlett (MD)
Jones (NC)

NOT VOTING—3

Brown (SC)
Cummings
Hinojosa

□ 1756

Mr. MEEK of Florida changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FARR. Mr. Chairman, I would like to commend the Chairman and Ranking Member of the House Committee on International Relations for their work in drafting the Foreign Relations Authorization Act for FY 06 and 07. Though I was supportive of the underlying bill that was passed out of Committee, I regret that I will not be able to vote in favor of final passage due to the inclusion of a variety of amendments that were added to the bill during floor consideration.

Additionally, I would have liked H.R. 2601 to address and correct the failed U.S. policy towards Colombia. Current U.S. assistance to Colombia is heavily weighted towards military and drug interdiction assistance, with only 20 percent of U.S. aid going to social and economic programs like alternative development programs. I strongly believe that only through addressing the root causes of conflict in Colombia, that of poverty and despair, will we be able to have lasting peace in Colombia.

I am very thankful though that the Chairman and Ranking Member for the inclusion of a Sense of Congress that states that the U.S. foreign assistance should be used to support local capacity-building in developing countries. I served as a Peace Corps volunteer in Colombia during the 1960s, and the goal of our service was to "work ourselves out of a job." By the end of our two year service as Peace Corps volunteers, our goals were to have educated host country nationals in different skills who could then take ownership of development projects and finish the job of developing their own country, in a culturally appropriate way.

As Peace Corps volunteers, I worked on micro development issues, and U.S. foreign policy, if it is to succeed in creating long-term development and foster stability in developing countries, should take this mantra to heart, and focus on building local capacity. I am therefore very thankful for the Chairman and Ranking Members recognition of the importance of local capacity building by including this important Sense of Congress in H.R. 2601.

Mr. UDALL of Colorado. Mr. Chairman, I rise in reluctant support of this bill.

It is an important bill. The Foreign Relations Authorization Act authorizes funding for 2 fiscal years for State Department programs, international broadcasting activities, international assistance programs, and related agencies. The bill authorizes a 12 percent increase in funding over fiscal year 2005, including funding increases for peacekeeping missions, embassy security and relief for Africa.

H.R. 2601 also includes a number of amendments that were passed during the bill's consideration on the floor. I voted against an amendment offered by Representative HYDE regarding reform of the United Nations. The amendment was based on the U.N. Reform Act, which I opposed—along with many of my colleagues—when it was considered as a stand-alone bill a month ago.

The U.N. is a critically important body that has taken on many of the world's problems and solved them—problems such as poverty, disease, and international disputes. And the U.S. has benefited from U.N. actions. Just recently, the U.N. helped with elections in Afghanistan and Iraq and helped negotiate the withdrawal of Syrian forces from Lebanon.

But I share the view that the United Nations needs to be improved so it can better carry out its indispensable role. It has serious problems, as exemplified by the oil-for-food scandal and offenses committed by U.N. peacekeeping forces.

So, I support U.N. reform—but I could not support the approach the amendment takes toward achieving that objective. It would require the Secretary of State to push for reforms at the U.N. in the areas of budgeting, oversight and accountability, peacekeeping, and human rights. That is something that needs to be done. But if the Secretary of State cannot certify that the reforms have been achieved, starting in 2007, the Secretary would be required to withhold 50 percent of the U.S. assessed contributions to the U.N.'s regular budget. The assessed U.S. contributions are estimated at $362 million for 2005, and $439 million for 2006.

I think such a punitive and unilateral approach to reform will not work. I think its primary result would be to further isolate the United States while at the same time actually undermining ongoing efforts at reform and potentially jeopardizing the U.N.'s ability to focus on global threats and work toward greater global stability.

I also voted in reluctant support of an amendment offered by Representative ROHRABACHER regarding detainees at Guantanamo.

I supported it because I believe it is important to support an amendment that highlights the continuing threat of terrorism and the continuing necessity of disrupting terrorist activities and protecting the security of the United States. But my support was reluctant because the amendment inaccurately and incompletely characterizes the debate on the detention facility at Guantanamo Bay and what goes on there.

It calls the capture, detention, and interrogation of international terrorists essential to the successful prosecution of the war on terrorism and the defense of the United States. Certainly no one can disagree with this.

The amendment also states that the detention and lawful, humane interrogation by the U.S. of detainees at Guantanamo is essential to the defense of the United States and to the prosecution of the war on terrorism. It is similarly hard to disagree with this statement. But the point is that detentions at Guantanamo haven't been consistently lawful or humane.

The amendment finally states that Guantanamo is so essential to the defense of the United States that it should not be closed while the U.S. is waging the war on terrorism. That is an overstatement, in my opinion.

''Gitmo'' is now infamous around the world as a place where detainees have been mistreated and the Koran mishandled. There are over 500 detainees remaining at Guantanamo—some who have been there for 3 years without being charged with a crime. We still don't know the extent of the abuses since there hasn't been any independent commission appointed to look into all the allegations. But whether prisoner abuse is limited or widespread, there is a perception that bad things have happened at Guantanamo, and this perception only makes it easier for terrorists to find willing recruits.

An independent commission could offer recommendations about what to do with the remaining prisoners at Guantanamo as well as about the situation at detention facilities all over the world. Closing Guantanamo may well be the best option, but it is an option we cannot consider without also considering accompanying changes to the whole detention system.

The Rohrabacher amendment didn't allow consideration of these finer points, and my support for it should not be seen as endorsement of its language.

I also reluctantly voted for an amendment offered by Representative ROS-LEHTINEN regarding our military activities in Iraq. The amendment states that U.S. policy is to transfer responsibility for Iraqi security to Iraqi forces and that the U.S. should only withdraw ''when it is clear that United States national security and foreign policy goals relating to a free and stable Iraq have been or are about to be achieved.'' I agree.

In fact, most people agree on a policy of transferring responsibility for security to Iraqi forces. But saying we will only withdraw when our goals are met is problematic. That's because the administration's goals in Iraq are far from clear—the Defense Department shifts its focus on a daily basis, and it has resisted requests to establish metrics or measurements to help us determine when these goals have been or ''are about to be achieved.'' So given that we aren't sure of our goals, this part of the amendment is largely without meaning. It would have been better to include the language proposed in the motion to recommit, which I supported.

Recent calls for withdrawal have come about because there is rising opposition in this country to the administration's policy in Iraq. But I believe that just as rushing into Iraq was a mistake, rushing to get out would also be a mistake. We do need to send a signal to the Muslim world that America has no desire to stay in Iraq, but we must also make clear the importance we place on transferring responsibility for security to the Iraqis and on supporting efforts to assist the new Iraqi Government draft a constitution.

This must not be our last word on Iraq. Though not unexpected, it is disappointing that the Republicans continue to politicize our policy in Iraq through cleverly drafted amendments and resolutions intended solely to pigeonhole Members into black and white positions.

In conclusion, except for the parts related to the United Nations, the bill is basically sound and deserves approval so that the legislative process can go forward.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 2601, the Foreign Relations Authorization Act. This bill endorses more of the same disastrous foreign policy that the Bush Administration has recklessly carried out since entering office.

Due to the addition of a misguided amendment on the floor today, this bill endorses the United States' continued involvement in the Iraq War. This war has caused the death of almost 1,800 Americans and wounded or killed more than 60,000 Iraqis, wasted billions of dollars, and created a fertile breeding ground for anti-American terror. Instead of endorsing our prolonged involvement in a misguided war, this bill misses a significant opportunity to focus on a plan to leave Iraq.

Further, it is disappointing that this Congress—for the second time this year—has endorsed provisions that threaten punitive actions against the United Nations if they fail to implement the Republican Congress' idea of reform. It is this type of unilateral bullying that has diminished the reputation and standing of the United States around the world. Such uncompromising actions guarantee that the United States government will alienate its friends and encourage its enemies. We belong to a community of nations. We must begin to act like a good neighbor, or risk being further internationally isolated.

I also oppose this bill's claim that the Bush Administration policies at Guantanamo Bay, Cuba are humane and legal. After the revelation of insurmountable evidence and court decisions, it is clear that the Bush Administration fully supported the U.S. military's policy of torturing prisoners at Guantanamo Bay and has illegally held prisoners indefinitely without proper due process. To support any legislation that contradicts these facts would simply be lying. I will not join the Majority in an attempt to blatantly deceive the American people and the world.

This bill also continues to endorse providing military aid to Egypt and Israel. Only a fool would be surprised that lighting dynamite would cause it to explode. The same is true for providing more weapons to a volatile and dangerous situation that exists in the Middle East. Our military assistance has been employed to carry out violence against the Palestinian people and, in the case of Egypt, against their own citizens. It is time that the Bush Administration got America out of the arms dealing business and into the peace business. Only when the United States stops supplying the area with weapons will parties on both sides view us as an honest broker. Only then will peace be possible.

Today, Congress had a real chance to advance an agenda that would support American international interests and provide humanitarian help to many countries in need. This bill fails to grasp that chance. A Foreign Relations Act from the so-called greatest country on earth should do more than promote an illegitimate war, supply arms to embattled nations and lie bold-faced to the world about activities so many have witnessed. This bill is an embarrassment to this Nation and I call on my colleagues to vote against it.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in support of H.R. 2601, the Foreign Relations Authorization Act for Fiscal Years 2006 and 2007. I want to thank Chairman HENRY HYDE and Ranking Member TOM LANTOS of the International Relations Committee for their leadership in crafting this legislation and moving it to the House floor for consideration and vote.

I also want to thank them for supporting my efforts to include a number of provisions in the base text of H.R. 2601 including the authorization of funding for South Pacific scholarships, a review of the marginalization of Pacific Island students in the awarding of Fulbright Scholarships, a requirement for the State Department to report on developments in West Papua—including a review of human rights violations committed by Indonesia's brutal military, Indonesia's Special Autonomy Law for West Papua and the 1969 Act of No Choice in which 1,025 Papuans were selected to vote on behalf of 800,000 West Papuans to join Indonesia in circumstances that were subject to both overt and covert forms of manipulation.

I also thank Congressman DONALD PAYNE for working with me to make sure authorization to fund the Charles B. Rangel International Affairs Program at Howard University was included in the base text of H.R. 2601 and, again, I thank the Chairman and Ranking Member for being fully supportive of our efforts.

I am also appreciative that Chairman HYDE and Mr. LANTOS agreed to include my request for authorization to fund an HIV/AIDS program at $1 million per year for fiscal year 2006 and $1 million for fiscal year 2007 which is intended to be directed toward India. As we agreed, language was included in the Committee report which states, ''The Committee understands that India reports as many as 1,000 new AIDS cases per month, with some estimating that almost two-thirds of all HIV-positive Asians live in India. Many experts are particularly concerned that infections are moving from high-risk groups to the general population. The Committee believes that a significant program using these funds should be directed toward India and strongly encourages the establishment of a summer exchange program for postgraduate students from India to attend conferences and engage in research activities at leading universities in the United States.''

I especially commend Mr. Sanjay Puri, who is a leading voice on India and India Americans, for his efforts and diligent work on this issue. I also thank him for the work he has done to promote peace in the Asia Pacific region. Included in the base text is language which requires the State Department to report to Congress on the extent to which the Government of Pakistan has restored a fully functional democracy in which free, fair, and transparent elections are held. The Committee remains concerned that Pakistan's democratization process is moving too slowly and needs to accelerate considerably. Restoring democracy in Pakistan is key to stabilizing the region and I thank the Committee for supporting this important initiative.

At this time, I also wish to more extensively highlight the plight of the West Papuans. First, I extend a warm welcome to the new Indonesian leader, President Yudhoyono, and I look forward to his fostering of democratic principles. I commend Australia for supporting the spread of democracy to Iraq and call upon the Australian Prime Minister, Mr. Howard, to seriously rethink the gravity of the situation and the immediate and continuing threats to the people of West Papua. I urge the Prime Minister to take the lead on engaging with the Indonesian government on this issue. I also appeal to all countries which have thrown off the yoke of colonization and all Pacific nations to rise in support of the West Papuan cause.

There are three areas of serious deficiencies in Indonesia's treatment of indigenous West Papuans which make an investigation absolutely crucial. One is the Indonesian government's series of hostile actions in taking over West Papua. The Indonesian government enacted a takeover of West Papua by military force of arms in 1963 clearly violating the terms of an agreement mediated by the United States and the Dutch in 1962 which gave sovereignty over West Papua to a United Nations Temporary Executive Authority. In 1969 the Indonesian government then orchestrated an election that many regarded as a brutal military operation. Known as the ''Act of Free Choice,'' 1,022 Papuan elders were ''selected'' under heavy military surveillance and to no one's surprise, every elder voted in favor of Indonesian rule.

Two, the Special Autonomy Law passed by the Indonesian Parliament in 2001 supposedly enabled the people of West Papua to govern their own affairs. However, today key measures under the Law remain unimplemented or actively violated. West Papuans have not received their promised representative body, funds vital for meeting their basic human needs are either unallocated, or are allocated late, transmigration of Indonesian migrants continues to overwhelm culturally distinct indigenous. West Papuans, and the division of West Papua into two provinces violates key governance provisions.

Finally, human rights abuses committed by the military over decades, including those related to environment degradation, continue. Under the repressive regimes of Presidents Sukrano and Schuarto, military brutality resulted in the merciless killing or disappearance of an estimated 100,000 West Papuans while unofficial counts are set at the extraordinary level of 300,000 to 400,000. The Indonesian military and Special Forces have, in the past three years alone, murdered 81 indigenous civilians; tortured, beaten and jailed 34 West Papuans; displaced 6393 from their homes; and brunt down 23 churches and 370 traditional houses. This violence threatens to escalate. The Indonesian central government is responding swiftly to a West Papuan announcement that decisively rejects the Special Autonomy arrangements. It is currently transferring over 15,000 troops to West Papua, a region which is already occupied by six Army Battalions, one Air Force Battalion and one Battalion of Mobile Brigade of Police, by far the heaviest military presence in all Indonesia.

These are human issues that transcend national borders. The investigation called for under this Bill will send a strong message that Congress will no longer ignore the human rights abuses, the increasing threat of military violence and the denial of a voice under which the people of West Papua have suffered for so many years. I thank the Committee for including this historic initiative in the Foreign Relations Act. For too long, the cries of West Papuans have fallen on deaf ears and I pray that with the concerted attention of the U.S. Congress, Australia, and the international community, justice and freedom will finally come to the people of West Papua.

Mr. HONDA. Mr. Chairman, I rise today in support of H.R. 2601, legislation to authorize appropriations for the Department of State for fiscal years 2006 and 2007. This bill appropriately recognizes the need for the U.S. investment in international democracy and rule of law programs, and it devotes needed resources to raising the standard of living in the developing world.

As chair of the Congressional Ethiopia Caucus, I recently traveled to Ethiopia to learn first-hand the economic, social and political challenges that this developing nation faces. My visit to Ethiopia and my analysis of the country's recent democratic elections reinforce my belief that the State Department has an important and powerful role to play in fostering democratic reforms and respect for human rights. I, therefore, am pleased that H.R. 2601 increases funding for the State Department's Human Rights and Democracy Fund and the National Endowment for Democracy. These two proven programs deserve our support, and if funded at authorized levels, they will contribute to world peace. This foreign relations bill also authorizes funds for U.S. dues to international organizations and UN peacekeeping, including $1.3 billion to bolster peacekeeping over the next two fiscal years.

While I support H.R. 2601, I want to make clear my belief that it does not go as far as it should. H. Con. Res. 172, a resolution authored by my colleague Congresswoman MCCOLLUM, provides a blueprint for U.S. foreign assistance to developing nations. This resolution calls on the President, the Secretary of State, and other executive branch officials to provide the necessary resources to reduce poverty by advancing the promotion of democracy. As the world's remaining super power, we can afford to allocate 1 percent of the Federal budget to developing nations, and we must do so. More funding must be appropriated to help alleviate the suffering of 1.3 billion people mired in extreme poverty and disease.

I am also disappointed by passage of the Hyde amendment, which will withhold U.S. dues unless the international body adopts a specified list of reforms. Based on the United Nations Reform Act, the Hyde Amendment also requires the U.S. to veto new or expanded peacekeeping missions if the reforms are not implemented. I do believe reforms are necessary, and base text of H.R. 2601 provides for the necessary reforms. The Hyde Amendment, however, requires unreasonable reforms and sets punitive action that is counterproductive. I join the Ranking Member LANTOS in opposing this amendment, and I will work in conference to eliminate its provisions from the conference report.

Mr. Chairman, the funding authorized under this bill is only one, small step in the global effort to end the hunger and malnutrition faced by over 800 million children around the world on a daily basis. As the world's wealthiest nation, we have a moral obligation to be the leading advocate for and contributor to developing nations. I urge my colleagues to pass this bill.

Mr. PAUL. Mr. Chairman, I rise in strong opposition to this foreign relations authorization bill. Something has gone terribly wrong with our foreign policy when we feel we must take almost 21 billion dollars out of the pockets of the American taxpayer and ship it overseas. Imagine what the Founders of this country would say if they were among us to see this blatant disregard for the Constitution and for the founding principles of this country. This bill proceeds from the view that with enough money we can buy friends and influence foreign governments. But as history shows us we cannot. The trillions of dollars we have shipped over seas as aid, and to influence and manipulate political affairs in sovereign countries, has not made life better for American citizens. It has made them much poorer without much to show for it, however.

Now we have a Republican-controlled Congress and White House, and foreign spending soars. It was not that long ago when conservatives looked at such cavalier handling of U.S. tax dollars with consternation. Now it seems that they are in a race with the Left to see who can spend more.

What is wrong with this bill? Let me just mention a few of the most egregious items. In the name of promoting ''religious liberty'' and ''fighting anti-Semitism'' this bill will funnel millions of dollars to the corrupt Organization for Security and Cooperation in Europe (OSCE) and its Office of Democratic Institutions and Human Rights (ODIHR). This unaccountable international organization is at the forefront of the manipulation and meddling in the internal affairs of other sovereign states, and has repeatedly dishonored itself through politically-biased monitoring of foreign elections. The OSCE does not deserve a penny from the American taxpayer, but this bill will make sure that the lavishly paid bureaucrats that staff the organization will be able to maintain their standard of living—at our expense. With regard to religious liberty, privately funded voluntary organizations have been shown to be much more effective in promoting tolerance. This is mainly true because these are true grassroots organizations with a stake in their countries and communities, rather than unelectd international bureaucrats imposing politically-correct edicts from above.

This bill spends a total of four and a half billion dollars on various United Nations activities, UN peacekeeping, and U.S. ''dues'' to various international organizations. Forcing the taxpayer to continue to underwrite these organizations, which do not operate in our best interests, is unconscionable.

This bill continues to fund organizations such as the National Endowment for Democracy, which as I have written before has very little to do with democracy. It is an organization that uses U.S. tax money to actually subvert democracy, by showering funding on favored political parties or movements overseas. It underwrites color-coded ''people's revolutions'' overseas that look more like pages out of Lenin's writings on stealing power than genuine indigenous democratic movements. The NED used American taxpayer dollars to attempt to guarantee that certain candidates overseas are winners and others are losers in the electoral processes overseas. What kind of message do we think this sends to foreign states? The National Endowment or Democracy should receive no funding at all, but this bill continues to funnel tens of millions of dollars to that unaccountable organization.

I am also very concerned about several of the amendments to this legislation. First, the extremely misleading UN ''reform'' act was slipped into this bill even though it was already passed on the Floor as a separate bill. As I have written about this terrible legislation, ''it will give the United Nations unprecedented new authority to intervene in sovereign states.''

Another amendment will create a chilling ''Active Response Corps,'' to be made up of U.S. government bureaucrats and members of

"non-governmental organizations." Its purpose will be to "stabilize" countries undergoing "democratic transition." This means that as soon as the NED-funded "people's revolutionaries" are able to seize power in the streets, U.S. funded teams will be deployed to make sure they retain power. All in the name of democracy, of course.

Mr. Chairman, this is a shameful day for the U.S. Congress. We are taking billions out of the pockets of Americans and sending the money overseas in violation of the Constitution. These are billions that will not be available for investment inside the United States: investment in infrastructure, roads, new businesses, education. These are billions that will not be available to American families, to take care of their children or senior relatives, or to give to their churches or favorite charities. We must not continue to spend money like there is no tomorrow. We are going broke, and bills like this are like a lead foot on the accelerator toward bankruptcy.

Mr. ROYCE. Mr. Chairman, I rise in support of H.R. 2601. The chairman, Ranking Member, and Committee members have worked well to give our State Department the tools necessary to carry out our Nations' foreign policy in a very challenging world.

As Chairman of the Subcommittee on International Terrorism and Nonproliferation, I'd like to bring attention to two important provisions in this bill.

Importantly, this bill offers support to the Trans-Sahara Counter Terrorism Initiative, a comprehensive counter-terrorism program in north Africa. Its predecessor, the Pan-Sahel Initiative, has worked to boost the anti-terrorist capabilities of Mauritania, Mali, Niger and Chad—producing promising results with modest resources. The effort to expand the PSI into the TSCTI, so that countries across the Sahara are able to bolster their ability to deny terrorist sanctuaries, is a much-needed development. Transnational terrorists, linked to al-Qaeda, have been found operating in this vast, and largely ungoverned portion of the world. The United States must respond to Africa's growing strategic importance. This program, when fully implemented, will be an important step in that direction.

Additionally, the bill updates the existing legislation requiring that the State Department annually report to Congress on Patterns of Global Terrorism. For the past 2 years, this key report has been mired in controversy. The 2003 edition errored in underreporting attacks. The 2004 report was issued minus its traditional annex statistically reporting on the number of terrorist attacks worldwide.

This legislation, which builds upon a hearing held by the Subcommittee on International Terrorism and Nonproliferation, seeks to address those controversies and improve Patterns by requiring a single authoritative report and updating the criteria to be used in cataloging terrorist attacks. For instance, in 2004—under the old criteria—a Russian airliner downed by Chechen terrorists was not recorded, as it was deemed to not involve citizens of more than one country. Yet, a second Russian airliner, which was taken out of the sky simultaneously by Chechen terrorists, was counted—as one passenger was a foreign national. With this legislation, such parsing should be eliminated—and terrorism will be counted as terrorism—so that we can get full grasp of the challenges facing us. The legislation also requires the Secretary of State to appear before Congress to present the annual Patterns of Global Terrorism report. The threat to the United States, our allies and interests from transnational terrorism will require every element of national power to combat it. Congress has a key role to play in this regard.

I urge my colleagues to support this legislation.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GINGREY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2601) to authorize appropriations for the Department of State for the fiscal years 2006 and 2007, and for other purposes, pursuant to House Resolution 365, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MENENDEZ. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Menendez moves to recommit the bill H.R. 2601 to the Committee on International Relations with instructions to report the same back to the House forthwith with the following amendment:

Page 312, after line 8, insert the following new section:

SEC. 1110A. UNITED STATES COMMITMENT TO IRAQ.

(a) FINDINGS.—Congress finds the following:

(1) The men and women of the United States Armed Forces fighting in Iraq are serving with bravery, distinction, and high morale.

(2) The men and women of the United States Armed Forces fighting in Iraq need and deserve the full support of the American people.

(3) The men and women of the United States Armed Forces fighting in Iraq are part of a multinational coalition, and are serving side-by-side with Iraqi national forces who have been trained in part by coalition members.

(4) Coalition and Iraqi forces, Iraqi civilians, foreign diplomats, and individuals from around the world who have come to the aid of the Iraqi people are under attack from terrorists who deliberately attack children, worshippers, and law enforcement figures, attack civilians at random, sabotage essential services, and otherwise attempt to terrorize the Iraqi people.

(b) SENSE OF CONGRESS.— It is the sense of Congress that—

(1) given the nature of the adversary that the United States and its coalition partners face in Iraq and the difficult conditions under which the United States Armed Forces, coalition forces, and Iraqi forces find themselves, President George W. Bush should advise Congress immediately of the benchmarks for success, to include adopting a constitution, holding free and fair elections, and establishing a plan for economic development, that the United States will employ in determining when Iraqi forces may assume responsibility for the security of Iraq so that United States Armed Forces may return home; and

(2) lack of a clearly articulated strategy for success in Iraq may cause miscalculations by factions in Iraq and undermine the morale of the United States Armed Forces, coalition forces, and Iraqi forces, and put their security at risk.

(c) POLICY.—It shall be the policy of the United States—

(1) to devise and implement an effective plan to bring stability to Iraq so that the responsibility for Iraq's security may be transferred to the Iraqi people as soon as possible;

(2) to provide United States Armed Forces in Iraq, in a timely manner, with the equipment and other resources needed to do their jobs effectively and safely; and

(3) to assist members of the United States Armed Forces when they return home from Iraq to meet their health care and other needs in a manner that reflects the extraordinary sacrifices they have made for the Nation.

□ 1800

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New Jersey is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, let me be clear from the very beginning. Democrats are strong supporters of our Nation's Armed Forces, of the men and women, the sons and daughters, who defend our freedom and protect our interests while in harm's way. Therefore, as Members of Congress, it is our duty, our moral obligation and our responsibility to the American people and to those very troops to ensure that our country has a success strategy for Iraq so that we can eventually bring our troops home. However, I am not referring to a hard and fast timetable or date certain that our troops have to be withdrawn by.

But, unfortunately, the bill we have before us today, as amended, fails the American people because it does not clearly define the benchmarks for that success strategy. Unless we adopt this motion to recommit, we have no defined goals, no defined measurable standards, and no strategy for success in Iraq.

Without a clearly defined strategy for success in Iraq, this administration has no accountability to the Congress, our troops in Iraq, their families here at home, or the American people. Right now, this bill does not define what the American and Iraqi people should expect from our engagement in Iraq. If you do not know where you are going, how can you possibly know when you will get there?

This administration possesses the information, the means and the wherewithal to produce a defined plan for success in Iraq, and has failed to do so. They should come not only to Congress, but also to the American people and lay out their benchmarks so we know exactly what we need to do to achieve success in Iraq.

Up to this point, Congress has abdicated its responsibility on Iraq. The Republican leadership has provided the administration with a blank check when it comes to Iraq. And with over 1,760 American soldiers dead, more than 13,500 others wounded, many of them severely, and over $200 billion appropriated, that simply cannot continue.

It is also important that the Iraqis understand our goals and what benchmarks we will use to determine the fulfillment of those goals. By establishing easily understandable benchmarks, which include creating a functioning Iraqi security force, the writing of a constitution, holding free and fair elections, we let the Iraqi people know that we are not occupiers. By establishing such standards, we show the Iraqi people that we have no plans to permanently remain in Iraq and, in doing so, possibly diminish support for the insurgency. Without these benchmarks, many will question what our purpose is in Iraq and how long we will be there.

Clearly, our current policy could hardly be called a success. Iraq has become not only ground zero for terrorism, but also the breeding and training ground for those that can and very well may seek to carry out future terrorist attacks throughout the world.

That is why we must have clearly defined benchmarks that are detailed and specific. These benchmarks must be in distinct areas such as security and troop levels and Iraqi governance and democracy, because right now we are unsure of how this administration would define success.

Republicans advocate for established standards and tests to measure success in education. They expect this of our children. Well, why should we not expect the same type of measurable standards from the administration when it comes to Iraq?

The administration refuses to define success. Tell us what it looks like, because there is no way in that form in which we will know when we have achieved it.

Are we talking about the quantity of Iraqi troops? Do we know the true number of Iraqi troops and security forces that will be needed to provide security for the entire nation of Iraq? Is it 160,000? Is it 300,000? Are we talking about the quality of Iraqi troops? Do we know how many battalions of Iraqi troops are currently able to fight without the direct support of American forces? It has been reported that only three Iraqi battalions are fully operational, meaning that over 100 battalions cannot handle the job of providing security for Iraq.

Does democracy simply mean holding elections, or does democracy mean holding free and fair elections based on a fully functioning constitution? We are not quibbling over details here. These critical questions go to the core issues that will determine success in Iraq.

I urge my colleagues to support the motion to recommit so that we can have a clear and well-defined strategy for success in Iraq. Without a plan for success, we are doomed to failure. The administration is keeping us in an open-ended engagement with no clear end in sight.

As we ask the sons and daughters of America to stand in harm's way, we must ensure that they are doing so no longer than it is necessary to ensure success. Vote for the motion to recommit.

Mr. HYDE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I might note parenthetically that in the motion to recommit, it says ''to provide U.S. Armed Forces in Iraq in a timely manner with the equipment and other resources needed to do their job.''

I also take note that the supplemental 2 months ago had 54 Democrats voting ''no.'' That is what you use to pay for the war. So to demand resources and to refuse to pay for them is curious.

The motion to recommit proceeds from mistaken premises. The erroneous premise is the administration has not presented a strategy for victory and has not provided the military with the tools to do the job.

The fact is the administration has been crystal clear in presenting its plan for victory, and to those who keep saying there is not such a plan, I ask you to take pen and pencil out and write this down: one, defeat the enemy, working with the coalition and Iraqi forces; two, train the Iraqi security forces so they can take on the burden of protecting themselves; and, three, set the conditions for political and economic growth in Iraq.

If the other side has not heard of this plan, which has been articulated again and again, it is because they were not listening, or maybe they prefer having an issue to hearing what is being said.

Now, a date certain. The gentleman from New Jersey (Mr. MENENDEZ) said he was not looking for a precise date. But many on his side are.

I ask you to use your imagination and imagine it is June 4, 1940, and you are in the House of Commons rather than Congress. Winston Churchill is talking, and he says this:

''Even though large tracts of Europe and many old and famous States have fallen into the grip of the Gestapo and all the odious apparatus of Nazi rule, we shall not flag or fail. We shall go on to the end, we shall fight in France, we shall fight on the seas and oceans, we shall fight with growing confidence and growing strength in the air, we shall defend our Island, whatever the cost may be, we shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender,'' until July 22, which is the cut-off date in the resolution.

Vote for this resolution.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. MENENDEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered, and on the motion to suspend the rules and agree to H. Res. 326, as amended.

The vote was taken by electronic device, and there were—ayes 203, noes 227, not voting 3, as follows:

[Roll No. 398]

AYES—203

Abercrombie	Cramer	Holt
Ackerman	Crowley	Honda
Allen	Cuellar	Hooley
Andrews	Davis (AL)	Hoyer
Baca	Davis (CA)	Inslee
Baird	Davis (FL)	Israel
Baldwin	Davis (IL)	Jackson (IL)
Barrow	Davis (TN)	Jackson-Lee (TX)
Bean	DeFazio	Jefferson
Becerra	DeGette	Johnson, E. B.
Berkley	Delahunt	Jones (NC)
Berman	DeLauro	Jones (OH)
Berry	Dicks	Kanjorski
Bishop (GA)	Dingell	Kaptur
Bishop (NY)	Doggett	Kennedy (RI)
Blumenauer	Doyle	Kildee
Boren	Edwards	Kilpatrick (MI)
Boswell	Emanuel	Kind
Boucher	Engel	Kucinich
Boyd	Eshoo	Langevin
Brady (PA)	Etheridge	Lantos
Brown (OH)	Evans	Larsen (WA)
Brown, Corrine	Farr	Larson (CT)
Butterfield	Fattah	Lee
Capps	Filner	Levin
Capuano	Ford	Lewis (GA)
Cardin	Frank (MA)	Lipinski
Cardoza	Gonzalez	Lofgren, Zoe
Carnahan	Gordon	Lowey
Carson	Green, Al	Lynch
Case	Green, Gene	Maloney
Chandler	Grijalva	Markey
Clay	Gutierrez	Marshall
Cleaver	Harman	Matheson
Clyburn	Hastings (FL)	Matsui
Conyers	Herseth	McCarthy
Cooper	Higgins	McCollum (MN)
Costa	Hinchey	McDermott
Costello	Holden	

McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Brown (SC)
Cummings
Hinojosa

ANNOUNCEMENT BY THE SPEAKER PRO TEMORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1830

Mr. WALDEN of Oregon changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. LEACH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 351, noes 78, not voting 4, as follows:

[Roll No. 399]

AYES—351

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—78

Abercrombie
Ackerman
Baldwin
Bartlett (MD)
Berry
Capuano
Clay
Conyers
Davis (IL)
DeFazio
Delahunt
Doggett
Duncan
Farr
Filner
Flake
Frank (MA)
Franks (AZ)
Goode
Grijalva
Gutierrez
Hastings (FL)
Hefley
Hinchey
Honda
Inslee
Jackson (IL)
Jones (NC)
Kilpatrick (MI)
Kind
Kucinich
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Maloney
Markey
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller (FL)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pastor
Paul
Payne
Rahall
Sabo
Sanders
Schakowsky
Scott (VA)
Sensenbrenner
Serrano
Slaughter
Solis
Stark
Stearns
Tancredo
Taylor (MS)
Tierney
Velázquez
Visclosky

Waters
Watson
Watt
Wexler
Woolsey
Wu

NOT VOTING—4

Brown (SC)
Cummings
Dicks
Hinojosa

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1837

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING FOR FREE AND FAIR PARLIAMENTARY ELECTIONS IN THE REPUBLIC OF AZERBAIJAN

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 326, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 326, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 16, as follows:

[Roll No. 400]

YEAS—416

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—16

Ackerman
Bass
Berman
Boozman
Brown (SC)
Coble
Cummings
Davis (FL)
Dicks
Granger
Higgins
Hinojosa
Knollenberg
Linder
Sánchez, Linda T.
Smith (WA)

□ 1845

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3003

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to have the name of the gentleman from Kansas (Mr. MORAN) removed as a cosponsor of H.R. 3003.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

DR–CAFTA WILL BENEFIT BUSINESSES AND WORKERS

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

Mr. SHAW. Mr. Speaker, this evening I rise in support of the United States-Dominican Republic-Central American Free Trade Agreement. This important agreement will benefit the businesses and workers not only in my district but also throughout the rest of Florida and, yes, indeed, the rest of this Nation.

The high tech companies located in and around my district will immediately benefit from the elimination of duties and other barriers to trade. In addition, DR–CAFTA will protect the copyrights and intellectual property of those companies, thereby helping to spur innovation.

The liberalization of services under DR–CAFTA will make it easier for telecommunication, transportation, and computer service companies located in my district to explore new business opportunities in Central America and Dominican Republic. Further, increased trade between Florida and DR–CAFTA countries will lead to increased business for shippers and carriers moving goods in and out of the Ports of Palm Beach, the Everglades and Ft. Lauderdale and, yes, Port of Miami.

If we vote to approve DR–CAFTA we ensure future American competitiveness in Central America, the Dominican Republic and the continued growth of our economy. This will benefit my constituents and all Americans. I urge my colleagues on both sides of the aisle to support this most important agreement.

TWO-WAY STREET

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

Mr. WELLER. Mr. Speaker, I stand here in strong support of the Dominican Republic-Central American Free Trade Agreement, a trade agreement that is a win-win for Illinois farmers, Illinois manufacturers, and Illinois workers that currently trades one way with Central America and the Caribbean.

In Illinois 40 percent of our farm production is exported, where right now under the Caribbean Basin Initiative 99 percent of the Caribbean and Central American farm products enter the United States duty-free, where Illinois corn faces a 20 percent tariff, Illinois soybeans face a 30 percent tariff, Illinois pork faces a 40 percent tariff. And, frankly, with DR–CAFTA we essentially wipe out those tariffs on Illinois products.

When it comes to manufacturing there are 151,000 jobs in my State dependent on exports; and under the current status quo 80 percent of manufactured goods, textiles for example, from the Caribbean and Central America enter Illinois and the United States duty-free while manufacturing goods from my district, apparel, textiles, bulldozers face tariffs of 14 percent up to 20 percent. Again, under DR–CAFTA those tariffs are eliminated immediately.

The status quo is not good for farmers. The status quo is not good for manufacturers because under the current status quo our products going to Central America, exported to Central America, suffer tariffs. Theirs come in duty-free.

Let us make this trade a two-way street. Vote yes for CAFTA. Help manufacturers, help farmers eliminate those duties on our products.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on rollcall No. 363 I was unavoidably detained on official business. Had I been present I would have voted aye.

Mr. Speaker, on rollcall No. 364 I was detained on official business. Had I been present I would have voted aye.

Mr. Speaker, on July 11, 2005 on rollcall vote No. 363, On Motion to Suspend the Rules and Agree, As Amended for H. Con. Res. 168, Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights; I would have voted "yea."

On July 11, 2005 on rollcall vote No. 364, On Motion to Suspend the Rules and Agree to H. Res. 333, Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan; I would have voted "yea."

ENSURE AMERICAN COMPETITIVENESS WITH CAFTA

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

Mr. LEWIS of Kentucky. Mr. Speaker, I rise tonight in support of the U.S.-Dominican Republic-Central American Free Trade Agreement. This agreement will ensure America's competitiveness in Central America and throughout the world, benefiting millions of American farmers, manufacturers and businesses of all sizes.

The CAFTA region currently imports $15 billion annually of U.S. agriculture and manufactured goods. Combined, DR-CAFTA countries represent our thirteenth largest export market. DR-CAFTA will significantly increase exports and boost earnings for American farmers and manufacturers. Upon enactment, 80 percent of U.S. industrial consumer products will immediately become duty-free, leveling the playing field for U.S. producers who have long been at a competitive disadvantage with other countries with pre-existing trade agreements in the region.

The proposed agreement will also take important new steps to protect U.S. firms from unfair trading practices and elevate standards for workplace safety and environmental responsibility. DR-CAFTA legislation will also take important new steps to protect U.S. firms from unfair trading practices and elevate standards for workplace safety and environmental responsibility. DR-CAFTA legislation will be a catalyst for positive change in Central America, broadly opening new markets, supporting stability, and propelling emerging economies forward.

As history has proven, politically and economically stable neighbor nations are vital to our own national security interests.

OPEN MARKET ACCESS WITH CAFTA

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

Mr. CHOCOLA. Mr. Speaker, I rise tonight in support of the United States-Dominican Republic-Central American Free Trade Agreement and the benefits it will provide to hard working farmers in Indiana and all across this country.

Currently, the U.S. market is already fairly open to agricultural products from Central America and the Dominican Republic, but U.S. farmers face a variety of tariffs and other barriers when exporting to DR-CAFTA countries. This agreement will eliminate these barriers, reciprocate open market access, and put American farmers on a level playing field.

More than half of America's agricultural exports will receive immediate duty-free access to DR-CAFTA countries under this agreement. This agreement will provide U.S. farmers with unequaled access to a large market with growing incomes and a growing demand for agricultural and food products.

Mr. Speaker, I strongly urge my colleagues to support American farmers and support this very important piece of legislation.

CAFTA IS NOT WORKING

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

Mr. BROWN of Ohio. Mr. Speaker, I sit here a bit incredulously listening to my colleagues brag about U.S. trade policy. The reason CAFTA has not come for a vote, even though it has been promised to have been brought forward four times, is because Democrats and Republicans and small manufacturers and labor and small ranchers and family farmers and environmentalists and religious leaders in Central America and religious leaders in this country oppose the Central American Free Trade Agreement.

Why? Because a dozen years ago we had a $38 billion trade deficit in this country. Last year we had a $618 billion trade deficit. That has translated into 3.5 million lost manufacturing jobs in the last 5 years alone.

Our trade policy, Mr. Speaker, simply is not working. It may be working for investors, but it is not working for farmers, it is not working for small business. It is not working for consumers and environmentalists and workers and for our communities.

FREE TRADE FLOW WITH CAFTA

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

Ms. HART. Mr. Speaker, I rise today in support of the U.S.-Dominican Republic-Central American Free Trade Agreement.

Upon its implementation DR-CAFTA will allow goods and services to be traded among these countries without tariffs or other trade barriers. Currently, the United States has significant barriers to those countries. Those countries do not have significant barriers into the United States.

The benefits of DR-CAFTA go well beyond the free movement of goods. This agreement will solidify the political enlightenment that has taken place over the past decade in Central America and the Dominican Republic. In the not so distant past communists and generals ruled the DR-CAFTA countries. Today freedom and democracy rule these lands.

DR-CAFTA will continue to enhance these fragile democracies by committing them to free and open economies and create new opportunities for their economies and workers. The agreement

will lead to stability and propel these countries forward, rather than allow them to backslide into dangerous political and economic policies that have hindered other countries in Latin America.

Politically and economically stable countries, especially those in our hemisphere, are vital to our national security here in the United States, and I urge my colleagues to support this very important agreement.

CAFTA MYTHS

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it has struck me as I have listened to the debate here that there are many myths propagated about CAFTA, the proposed free trade agreement between the Dominican Republic, Central American nations and the United States.

One is that we are somehow dropping all of our tariffs across the board. With very few exceptions, the products which CAFTA countries export to the United States have actually entered duty-free for 20 years. By contrast, products that the U.S. has exported to CAFTA countries face steep tariffs.

Currently the CAFTA countries apply an average tariff on U.S. industrial goods ranging from 4.1 percent in Nicaragua to 7.8 percent in the Dominican Republic.

What we are doing here is creating a two-way street for trade between the United States and CAFTA countries. This is a big trade issue for Pennsylvania because merchandise exports to CAFTA countries totaled $353 million from Pennsylvania in 2004, the ninth largest among the 50 States. And Pennsylvania's exports to the CAFTA region have grown 21 percent between 2000 and 2004.

I sympathize with the concerns that have been raised by CAFTA critics, but if we look at the details I think this is an agreement that we can afford to pass.

HONORING ADMIRAL JAMES STOCKDALE

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

Mr. CUNNINGHAM. Mr. Speaker, I support CAFTA but I am here talking about something both sides of the aisle can support. That is to honor Jim Stockdale.

Admiral Stockdale is a true American hero. He died on July 5. He was a prisoner of war for 5½ years. He was so brutally beaten his shoulders were ripped out of their sockets. He was beaten by the Vietnamese so bad, almost senseless, that Jeremiah Denton had to take over his leadership of the camp at the Hanoi Hilton and of all POWs.

He was then moved in with our Congressman SAM JOHNSON just to recover. It took him almost a year to do that. Admiral Stockdale and his wife, Sybil, who support our MIAs and our POWs we honor here in this body.

REMEMBERING JAMES STOCKDALE

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

Mr. HUNTER. Mr. Speaker, I want to thank my colleagues for letting me follow the Top Gun, the gentleman from California (Mr. CUNNINGHAM), in giving our thoughts about Admiral Stockdale because Admiral Stockdale represented the very finest in American heroism. When he was going to be pulled in by the North Vietnamese to do a propaganda film he beat himself in the face with a stool that was in his little prison cell so that they could not use him.

He shared for a while a prison cell with another great friend of ours, Sam Johnson, who was one of our wonderful POW heroes and is such a hero in this Chamber.

I want to thank the gentleman from California (Mr. CUNNINGHAM) for his great service, as a guy who flew into a pack of 28 MiGs to save his wing man and was nominated for the Congressional Medal of Honor and received the Navy Cross because he was cut out of the same cloth as that great Admiral Stockdale.

Our very best to the Stockdale family, to Sybil and the kids, and to every aviator who would follow that tradition of heroism and continue to keep our country safe.

□ 1900

DR–CAFTA

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

Mr. BRADY of Texas. Mr. Speaker, the world has changed. It is no longer enough to just buy American; we have to sell American. We have to tear down these ''America Need Not Apply'' signs that are throughout the world and give us a chance to sell our products and our goods from around this Nation that are as good as anybody's in the world.

My frustration, Mr. Speaker, is that the whole world is able to sell into the United States. We can go down the street here into stores and buy anything we want, but too much of the world is cut off to America, to our goods and services, especially from Texas, where we produce good products, like other States.

The Central American Free Trade Agreement reverses that. They have been able to sell into our country for 20 years, and for good reason, to help them move out of communism and socialism. But now it is our turn to sell our products to Central America. They are not large countries by our standards, but they are large by world standards. They are our tenth largest customer. They buy more from us than Italy does, which is a major economic power. They are a good customer. They can buy more and more of our goods and services.

That is just one of a number of reasons, including national security and winning the textile war against China, that we ought to be supporting the Central American Free Trade Agreement.

SERVICES TRADE

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

Mr. HERGER. Mr. Speaker, I rise today in strong support of the U.S.-Dominican Republic-Central American Free Trade Agreement. Today, the United States and the five DR–CAFTA countries already enjoy a strong economic relationship. This FTA will only enhance that relationship by opening markets and integrating economies.

Under the agreement, more than four-fifths of total U.S. exports to the six DR–CAFTA countries will receive immediate duty-free treatment. American farmers and manufacturers would benefit from the increased access and competitive advantage that duty-free treatment provides.

But this FTA covers much more than trade and goods. Today, services are an integral part of the U.S. economy. Under the DR–CAFTA, the Central American countries will open their markets to U.S. services companies. In many cases, the agreement allows U.S. banking, insurance, telecommunications, and other services companies to compete in markets that were once dominated by state-endorsed monopolies.

In addition, the FTA will put U.S. service providers at an advantage over their foreign competitors who do not have access to these six growing economies.

I urge my colleagues to consider how CAFTA will benefit U.S. companies and vote to support this very important piece of legislation.

JUDGE JOHN ROBERTS: EXCELLENT CHOICE

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

Ms. ROS-LEHTINEN. Mr. Speaker, last night, the President of the United States nominated Judge John Roberts, Jr. to be the next Associate Justice to the Supreme Court of the United States. I applaud his choice, and I am hopeful that he is confirmed before the Supreme Court begins its term on October 3.

Judge John Roberts has the keen intellect, the impartiality and temperament, sound legal judgment, and highest integrity necessary for a Supreme Court Justice. He rules based on the application of existing laws and specific facts of the cases before him, rather than making new laws or creating new policies based on personal opinion.

It is not surprising that the National Journal has said of John Roberts that he seems to be a good bet to be the kind of judge we should all want to have; all of us, that is, who are looking less for congenial ideologues than for professionals committed to the impartial application of the law.

But Judge Roberts is not new to the confirmation process. In fact, he was reported favorably out of the Senate Judiciary Committee by a vote of 16 to 3, and then confirmed by the Senate for the D.C. Circuit Court of Appeals by unanimous consent. Clearly, Judge Roberts will make an excellent jurist, and I urge the Senate to move quickly with the confirmation process.

COMMUNICATION FROM LEGISLATIVE DIRECTOR OF HON. RANDY ''DUKE'' CUNNINGHAM, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. POE) laid before the House the following communication from Nancy Lifset, Legislative Director of the Honorable RANDY ''DUKE'' CUNNINGHAM, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena, issued by the U.S. District Court for the Southern District of California, for documents and testimony.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

NANCY LIFSET,
Legislative Director.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain Special Order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ZETA PHI BETA SORORITY'S 85TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, as a proud member of one of the oldest black sororities in the United States, I rise today to honor and recognize Zeta Phi Beta Sorority, Incorporated, as it celebrates its 85th anniversary. Zeta was founded on January 16, 1920, by five students at Howard University, right here in our Nation's capital. A community-conscious action-oriented organization, Zeta Phi Beta has committed itself to uphold its founding principles of scholarship, service, sisterly love, and finer womanhood in over 700 communities around the world.

Zeta Phi Beta Sorority was founded on the belief that the social nature of sorority life should not overshadow the real mission of progressive organizations to address societal mores, ills, prejudice, poverty, and health concerns of the day.

Currently, under the direction of international president Barbara Moore, Zeta Phi Beta implements their national service program, Z-HOPE, which stands for Zetas Helping Other People Excel. Z-HOPE is a community outreach initiative in direct response to the Healthy People 2000 objectives established by the United States Department of Health and Human Services. Since the start of this initiative, Zeta women and their auxiliaries have touched the lives of thousands of men and women and children in more than 500 communities around the country.

Through their National Education Foundation, Zeta works with the Department of Energy to educate minority communities about the Human Genome Project. The foundation holds conferences across the Nation in both rural and urban areas.

Zeta Phi Beta also has a long-standing partnership with the March of Dimes to educate low-income mothers about prenatal care. Stork's Nest provides incentives to help pregnant women make and keep prenatal care appointments and teaches expectant parents about healthy prenatal and infant care practices. Over the past 2 years, more than 500,000 people participated in a program to raise the awareness of prematurity by taking the message to the African American and Latino churches.

In 2003, Zeta founded the Zeta Congressional Institute in efforts to increase the number of minority women who pursue careers as advocates and legislators. Zeta will encourage more minority women to pursue internships in congressional offices and executive agencies to gain firsthand knowledge of the political process.

For 85 years, the Zeta Phi Beta Sorority has worked to address the problems that confront our communities. I am proud to celebrate this momentous occasion with the ladies of Zeta Phi Beta, and I welcome them to Washington as they return here to celebrate the anniversary and the place of their founding.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Florida (Mr. BILIRAKIS).

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

There was no objection.

31ST ANNIVERSARY OF ILLEGAL TURKISH INVASION AND OCCUPATION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to address the Turkish occupation of Cyprus, a shameful occupation that is now entering its 31st year. Let me begin by thanking the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from New York (Mrs. MALONEY) for providing an opportunity for discussion on this important topic.

Mr. Speaker, Turkish troops have been in Cyprus since the occupation in 1974, when over the course of a two-stage offensive, Turkish troops took control of 38 percent of the island. The number of occupying troops now stands at over 30,000 Turkish troops, making Cyprus one of the most militarized countries in the world.

As a Cuban political refugee, the values of liberty and democracy are very dear to my heart. I personally empathize with the Greek Cypriot community and share their plight to achieve a fair end to the Turkish occupation.

The emergence of a strong, vibrant and justifiably unified Cyprus would promote stability both politically and economically to the entire Mediterranean region and would provide a strategic ally for the United States at the crossroads of Europe, Africa, and Asia. As a senior member of the House Committee on International Relations and as a member of the Congressional Caucus on Hellenic Issues, I shared the joy with families across Cyprus for their much-deserving union with the European Community, as the prominence of Cyprus will be augmented by its full integration into the European Union.

Although all of us wanted to see a fair end to the division of Cyprus before its accession to the EU, the Annan

Plan for a Cyprus settlement was rightfully voted down by the Greek Cypriots by a large majority of 76 percent. The plan imposed unacceptable conditions, including enabling Turkish troops to remain in Cyprus for an indefinite time, even after Turkey's eventual accession to the European Union. There can be no reunification plan that permits Turkish troops to remain stationed on Cypriot soil.

Likewise, the plan unfairly allowed Turkish Cypriots and mainland Turkish settlers to keep Cypriot homes and other properties they seized following the Turkish invasion of Cyprus and it would not have to reimburse the owners of the property. There can be no unification that provides for the expropriation of Cypriot property.

In March of this year, I wrote to President Bush demonstrating that the ''no vote'' must not be interpreted at a vote against reunification, but rather as a legitimate expression of the real concerns that made that particular version of the Annan Plan unacceptable to Greek Cypriot voters.

The United States, Cyprus, and Greece continue to maintain a close relationship, and have a great deal in common. Indeed, the democratic principles which unite our nations were first planted some 2,500 years ago in ancient Greece.

□ 1915

The very word ''democracy'' is a construct of two Greek words, ''demos'' and ''kratos'' meaning ''rule by the people,'' and its principles were discussed by the Founding Fathers and are evident in our own Constitution.

James Madison, a crafter of this great Nation, wrote the following: ''Among the confederacies of antiquity, the most considerable was that of the Grecian republics.''

Who are we to argue with James Madison?

Today, Cyprus, Greece and the United States share a deep and abiding commitment to democracy, human rights, free markets and the ideal and practice of equal justice under the law.

As one of our strongest allies in the war against terror, Greece and the Republic of Cyprus continue to fight against the latest global threats of terrorism and state-sponsored terrorism, nuclear proliferation, illegal narcotics and international crime. Cyprus has taken many concrete and active steps to target the perpetrators, collaborators and financiers of terrorism.

As a NATO ally, the Greek government has given the United States both military and financial support for Operation Enduring Freedom, including unrestricted use of its air space and humanitarian assistance to Afghanistan.

Most recently, Greece and the United States successfully collaborated during the Summer Olympic Games to guarantee the safety and success of these events. In testament to their commitment to human welfare, Greece's security budget was $1.2 billion, an amount exceeding all prior Olympic games. In recognition of our commonalities, I urge Congress to remain engaged in the search for a just and lasting reunification of Cyprus that will promote peace and stability in this important region.

SMART SECURITY AND NPT REINTRODUCTION

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today I have introduced the Nuclear Nonproliferation Treaty Commitments Act. It calls on the Bush administration to keep America's word, to live up to the agreements we have made to reduce our arsenal of nuclear weapons.

The Cold War has been over for about 15 years. I can accept, although I disagree, with the argument that an aggressive nuclear arms race might have been the right approach in a bipolar standoff between rival superpowers, but at a time when our greatest threat comes from stateless terrorists there are smarter ways to protect America.

Mr. Speaker, 33 years after the United States signed onto the Nonproliferation Treaty, or NPT, our government is actively seeking to undermine it. Last year, for example, the Bush administration sought $70 million for a new and completely unnecessary nuclear weapon, the Robust Nuclear Earth Penetrator, commonly known as the ''bunker buster.''

Mr. Speaker, the United States of America already possesses 10,000 nuclear weapons. We already spend $6 billion annually on nuclear weapon activities, activities which represent a substantial increase over Cold War era expenditures.

Do we really need to spend more money on weapons that will make the world more dangerous while ignoring other national security priorities, thumbing our nose at international law, and losing global credibility in the process? Why is it that this administration is enthusiastic about leading a global military coalition to occupy and invade a sovereign nation, but reluctant to show global leadership on important initiatives for peace?

The potential nuclear capabilities of Iran and North Korea are legitimate threats and we ought to be engaged diplomatically to keep these nations from developing a nuclear program, but what moral authority do we have to apply that kind of pressure if we will not agree to even a modest drawdown of our own nuclear weapons?

Now the administration has reached an agreement that will allow India greater access to nuclear technologies. This is a terrible policy. While India is not Iran or North Korea in terms of its threat to American security, we are talking about a nation that never signed the NPT, has a history of nuclear detonation, and whose border with Pakistan represents the world's most dangerous nuclear flashpoint. There has to be a smarter way, Madam Speaker, and there is.

I have proposed a new approach to national security. I call it SMART Security. SMART stands for Sensible Multilateral American Response to Terrorism. SMART calls on the United States to lead by example, to honor its treaties and meet its nonproliferation obligations. SMART would enhance and expand the cooperative threat reduction program which has led to the dismantling of nuclear weapons and materials in the former Soviet Union.

SMART has also held that military forces should be the last possible resort preventing war, not preemptive war. It calls on us to fight terrorism and weapons of proliferation with strong global alliances, improved intelligence capabilities and vigorous inspection regimes.

SMART includes an ambitious international development program to combat the poverty and hopelessness that give rise to terrorism in the first place, and it diverts resources from Cold War weapons systems to priorities like homeland security and energy independence, which are more relevant to current national security threats.

There is some irony in the administration's nonproliferation policy. Think about it. We have sacrificed nearly 2,000 American lives, thousands of our troops have been seriously wounded, and hundreds of billions of dollars to end an Iraqi nuclear threat that did not even exist. And as part of a misleading campaign to convince the Nation that there actually was an Iraqi nuclear threat, it appears government officials were even willing to compromise national security by blowing the cover of a CIA agent.

Meanwhile, genuine nuclear threats are going dangerously unaddressed, and our own government continues to pursue a large and expensive nuclear arsenal.

We need a SMART approach. We need a complete reassessment of our nonproliferation strategy and our national security priorities, something that will not happen overnight. In the meantime, however, I urge my colleagues to join me in support of the Nuclear Nonproliferation Treaty Commitment Act. At the very least, we can set an example by keeping the promises we have already made.

The SPEAKER pro tempore (Ms. ROS-LEHTINEN). 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.)

ORDER OF BUSINESS

Mr. POE. Madam Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection.

COMING TO AMERICA THE ILLEGAL WAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, I want to speak today about how to come to America. Millions of people apply for visas every year, and 90 percent of the people that legally come to this country do so through an immediate family member. If someone has a mother, father, brother, sister or spouse in the United States, they may apply for immigrant visas. They go to the United States consulate, fill out the appropriate paperwork, and then they wait, and continue to wait.

It is a long process even when they are fully eligible. According to the State Department, unmarried sons and daughters of U.S. citizens that are in Mexico or some other foreign country that applied in 1983 are just now being considered for immigration status. Twenty years is too long to make people wait to enter the United States legally.

So while thousands of immigrants patiently wait, millions are sneaking in illegally and exploiting and disregarding American laws every day.

Madam Speaker, I would like to bring to your attention the illegal way to come to America. An illegal can walk to the local Mexican flea market, purchase a combination of fake documents. For $100 or $200, an illegal can purchase a fake green card as well as a fake Social Security card with the number picked at random. They can borrow someone else's Social Security number, and the next step is crossing the border. This does not seem to be too difficult, especially since the Mexican Ministry of Foreign Relations has made available to Mexican migrants that want to come to the United States this extensive book on how to come to America, even illegally.

The cover of this book, Guide for the Mexican Migrant. Throughout this book it shows possible scenarios that could occur to the migrant. First of all, it shows how to cross the border. You run across. If you come across an American border agent, how you handle that situation. It discusses how some places are not as safe as others to cross the border, and it talks about coyotes, those people who are bringing illegal individuals into the United States, and how to deal with those individuals. This book is extensive on how to come to America the illegal way published by the Mexican government.

Once they get into the United States, it is simple to visit their local consular, and for $26 they can purchase a matricula consular card, which is a so-called identification card issued by the Mexican consulate to prove an illegal immigrant's identity. This card has been pushed onto the United States Federal Government. The Mexican government wants the Federal Government to use these identification cards, but the Federal Government refuses to do so. So Mexican consulates are going to local communities, local governments and trying to get them and businesses to use this document.

The card resembles a driver's license and is becoming widely accepted as a form of identification at many of the Nation's banks, car dealerships, insurance companies, and even in some States they are allowing individuals to purchase or get driver's licenses based upon this document. It is so widely accepted that many companies are spending millions of dollars marketing directly to these migrant card holders.

It is a total lack of enforcement of our immigration law by the Federal Government that puts businesses in the United States in this precarious position. It seems to me to come to the United States is not that difficult. In May of this year, the Department of Homeland Security arrested 60 illegal immigrants who worked in 12 critical infrastructure sites in six States, including my home State of Texas.

Illegal immigrants were working as subcontractors at seven petrochemical refineries, three electric power plants, and a pipeline facility. They were said to have presented phony documents and some of them had entered the country after being deported once before.

Although this may sound distressing, it is not shocking considering that we require employers to accept 94 different documents to verify an employee's legal status. The United States policy makes businesses in the United States do the police work that the Federal Government ought to be doing.

There seems to be a growing amount of fraud associated with Social Security cards as well. Illegal immigrants use fake Social Security cards, they buy legitimate Social Security cards from migrants, and some of them use the same Social Security card at different times.

In 1986, the United States offered amnesty to millions of illegal individuals, and we are still suffering from that policy because it is estimated that 3 million of those immigrants received resident papers and went directly back to their homeland where they made a profit from loaning out those papers to other individuals in their homeland, and then they came to the United States and used them.

Most of this is taking place unbeknownst to the employer that unknowingly accepted the fraudulent document in the first place. Not only is this widespread use of fake documents deplorable, it is also detrimental to homeland security. Eighteen of the 19 hijackers possessed either a State-issued or counterfeit driver's license or ID, and all 19 of them had obtained some sort of Social Security number.

And the word has gotten out. Due to the widespread acceptance of the matricula consular card, other countries such as Guatemala, Honduras, El Salvador, Nicaragua, Peru, and even Poland are preparing to issue similar cards for their own citizens that come to the United States illegally; and why not? Clearly we are not punishing those that continue to break the law and exploit America's compassion to other foreign citizens.

Madam Speaker, if the United States expects to solve the immigrant problem, we must come up with a plan to stop the widespread use of fraudulent documents. If we are truly, as ''Business Week'' puts it, ''embracing illegals,'' then our homeland is at risk.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

31ST ANNIVERSARY OF TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Madam Speaker, I rise to commemorate the 31st anniversary of the 1974 illegal Turkish invasion of Cyprus.

I have commemorated this day each year since I became a Member of Congress. PSEKA, the International Coordinating Committee, Justice for Cyrus, the Cyprus Federation of America, the World Council of Hellenes Abroad, the Federation of Hellenic Societies are all located in the 14th Congressional District of New York, which I am fortunate to represent.

These organizations believe that peace will come to Cyprus, and they have been strong advocates against the division of Cyprus and the human rights violations perpetrated by the Turkish army in Cyprus. While we must remember this black anniversary, we also need to look to the future. Cyprus' accession to the European Union was an historic achievement. As an EU member, Cyprus represents European values and policies, and at the same time is working toward even stronger transatlantic ties with the United States.

This was a long time in coming, and I believe that Cyprus has much to contribute to the EU. Although all of us,

including the Greek Cypriots and Turkey Cypriots, want to see the division of Cyprus end before its entrance into the EU, the Annan plan for a Cyprus settlement was justly voted down by the Greek Cypriots by an overwhelming 76 percent.

My colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), outlined the many reasons why this vote took place.

□ 1930

But we have also heard that many of the residents are working to resolve these disputes and that there is growing strength for a unified Cyprus. A unified Cyprus would promote stability both politically and economically to the entire Mediterranean region. The people of Cyprus deserve a unified and democratic country, and I remain hopeful that a peaceful settlement will be found so that the division of Cyprus will come to an end. Some of us are calling for a special envoy to Cyprus to work towards achieving that end.

However, there have been recent developments that concern me, and I know that they may concern many of my colleagues. Earlier this month, the gentleman from Florida (Mr. BILIRAKIS) and I sent a letter, along with 30 other Members of this body, to Secretary of State Rice asking for clarification about U.S. policy toward Cyprus. Specifically, we are seeking answers about the policy of the United States regarding travel directly into the northern occupied parts of Cyprus by U.S. citizens.

While we have not yet heard from the Secretary, I remain hopeful that our relations with Cyprus will remain steadfast and that we will continue to adhere to international treaties and U.N. Security Council resolutions on this issue.

I also want to mention the ongoing issue in Cyprus over property in the northern part of the island. Since Turkey invaded Cyprus, American citizens have been denied access to their property even though they hold titles to that property. I urge my colleagues to support legislation offered by the gentleman from New Jersey (Mr. PALLONE), H.R. 857, the American-Owned Property in Occupied Cyprus Claims Act, which would enable U.S. citizens who own property in the Turkish-occupied territory of the Republic of Cyprus to seek financial remedies with either the current inhabitants of their land or the Turkish Government.

Additionally, I have introduced a resolution, H.R. 322, which expresses the sense of the House of Representatives in support of the European Court of Human Rights for its decision in the Loizidou v. Turkey and the Xenides-Arestis v. Turkey cases and for admitting similar cases before the court.

The European Court of Human Rights in 1996 ruled that Turkey must pay Titina Loizidou for denying her access to her property in the occupied part of Cyprus. Earlier this year the European Court of Human Rights decided that a similar case brought by Xenides-Arestis against Turkey was admissible and that Turkey continues to be responsible for what happens in the occupied areas of Cyprus since Turkey exercises effective and overall control through the presence of over 30,000 troops in northern Cyprus.

While I hope that Turkey respects the decisions made by the European Court of Human Rights, I believe that denying property owners access to their land in northern Cyprus is wrong and that steps should be taken immediately to address this issue. Thirty-one years is too long to have a divided country. It is too long to be kept from one's home. It is too long to be separated from one's family. We have seen many tremendous changes around the world. It is time for Cyprus to live in peace and security with full enjoyment of their human rights.

In recognition of the spirit of the people of Cyprus, I ask my colleagues to join me in commemorating the 31st anniversary of the invasion of Cyprus. Long live freedom. Long live Cyprus. Long live Greece. And long live the United States and the friendship between our countries.

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

(Mr. OTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take my time out of order.

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

There was no objection.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, my Republican colleagues have recently unveiled a new plan to carve out private accounts from the surplus of the Social Security trust fund. This is the same trust fund that President Bush said was nonexistent just a few months ago. The President traveled with great fanfare to West Virginia where he said, There is no Social Security trust fund, just a bunch of IOUs stacked in an old filing cabinet.

Let me tell the Members something. That old filing cabinet was a new filing cabinet before it got $639 billion taken out of it; and before the year is up, it will be $800 billion that was taken out of the Social Security surplus used for anything but Social Security. That is the problem.

And now it seems that the Republicans in Congress have come to a stalemate. The President wants to privatize Social Security and cut benefits for the middle class. The congressional Republican leadership would rather avoid benefit cuts, but they too want to privatize Social Security.

While the White House and congressional Republicans struggle to decide which privatization plan they want to be for, I suggest a totally different approach to Social Security: save Social Security first. The surplus should have been for Social Security. It should always be for Social Security. And my suggestion is on the $800 billion they already took out of it, before they do anything else with some grand plan to cut benefits or privatize it, pay back the $800 billion they took.

I worked in an administration where we cut taxes for the middle class, balanced the budget, and extended the life of the trust fund by 10 years. Why? Because we had an economic plan that worked. It grew the economy. It grew middle-class incomes. It helped homeownership. It reduced the poverty rate, and we added 10 years to the life of the Social Security trust fund, and we cut taxes for the middle class, and we balanced the budget, unlike the $2 trillion of additional debt we have added on to the books and on to the shoulders of our children. But it requires leadership and priorities, which is in short supply around here.

Before we create any private accounts or do anything else to fundamentally alter the character and nature of Social Security, our task here is to strengthen Social Security for the future and guarantee its future. And none of the plans, none of the various privatization plans, none of the ideas of benefit cuts or raising the age, none of that adds to the solvency. And the task here, Mr. Speaker, is to strengthen Social Security.

The American people have rejected the President's plan. They have rejected the congressional plan. They have rejected anything to do with privatization because they know it is the wrong way. I am going to tell the Members something as a person who represents a lot of employees from United Airlines: folks like the security that comes with Social Security.

They have had it up to here with risk, and all they are providing with privatization is more risk on top of more risk. They have it in their health care. They have it in their jobs. They have it in their own retirement savings. They do not need more risk, and they like the foundation of security that comes with Social Security. Ask any steel worker, any person who works for United Airlines or the airlines industry who lost their pensions or the 14,000 people at Hewlett-Packard, and they will say that privatization of Social Security is a nonstarter.

Middle-class families are struggling. They have flat wages, a 55 percent increase in energy costs, 10 percent increase in health care costs, 11 percent

increase in college costs. And what are we suggesting? Putting more risk in their retirement plans. Public servants such as teachers, police officers, fire fighters are being pressed out of the housing market. American families face more risk today, not less; and they do not want the risk they are selling.

With a savings rate at a historic low, falling to just 1 percent last year, we can pass the right legislation now to help people save for their retirement. Privatization stands in the way. Privatization of Social Security has become the poison pill to progress.

The truth is both Republicans and Democrats have good ideas on retirement savings, and we could take several steps right now to help Americans save for their retirement outside of Social Security. First, Congress should appoint a commission like in 1983 that said no to privatization and we developed a plan that saved Social Security for 75 years and in the meantime developed a bipartisan consensus on how to help Americans save for their retirement.

I have a couple ideas on what to do. First, I have introduced legislation on the automatic enrollment into 401(k)s so people are automatically enrolled in 401(k)s. My employees at RR Donnelley did that, a Fortune 500 company; and their participation of savings went from 62 to 92 percent of employees participating. The Wall Street Journal reported today that 21 percent of all companies have implemented automatic enrollment, up from 14 percent last year. This is good news, but we can do more.

Second, at tax time, when people are filling out their taxes, allow direct deposit of tax refunds into the savings account. Once a year about $215 billion gets moved. It should not be moved to consumption, but to savings. And if people pick 10 percent, 50 percent, 100 percent of their tax returns to go to savings, we would add not only who saves but the amount of money that is saved in this country. A report by the Retirement Security Project of the Brookings Institute found that for every year, 100 million people receive a Federal income tax on average of $2,000. We can have that directly deposited into their savings accounts like companies do today, and more and more Americans will not only save for their retirement, but more dollars will be added to savings.

Third, the Retirement Savings for Working Americans Act of 2005 makes the saver's credit; so people who are earning $60,000 or less, the first $2,000 that they save would be matched by $1,000 by the Federal Government. It would help 50 million families with new incentives to saving.

Fourth, we should consolidate the confusing ''alphabet soup'' of 16 different savings plans into one portable pension.

Mr. Speaker, the vast majority of Americans have rejected the idea of privatization of Social Security. By taking these steps, we can boost savings outside of Social Security and provide Americans with a real savings plan.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN SUPPORT OF WEST PAPUA NEW GUINEA'S QUEST FOR FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I take this Special Order time to address a most serious problem pertaining to the colony of West Papua New Guinea, as it is noted and made part of the Foreign Relations Authorization Act for fiscal years 2006 and 2007.

Mr. Speaker, the House has just passed this important legislation by a historic vote of 351 to 78 in favor of this bill, and I certainly want to personally commend the gentleman from Illinois (Mr. HYDE), the honorable chairman of our Committee on International Relations; the gentleman from California (Mr. LANTOS), our senior ranking member; the gentleman from Iowa (Mr. LEACH), distinguished chairman of the Asia and the Pacific Subcommittee; and the gentleman from New Jersey (Mr. PAYNE) for their tremendous help and leadership in getting this provision included in this year's authorization bill.

At the outset, Mr. Speaker, I want to first extend my congratulations, and I do commend the good people of Indonesia for having achieved this new milestone of their political development into a democratic form of government. I commend the newly elected President of Indonesia, President Yudhoyono, and I wish him well in all his efforts to fight corruption and bring about democratic reforms in the new government.

I also note, Mr. Speaker, with interest that the honorable Prime Minister of Australia, Mr. John Howard, is visiting us here in Washington. It is my sincere hope that the Prime Minister will seriously rethink again Australia's policy towards West Papua New Guinea, and I urge all Pacific nations of the Forum Organization not to turn their backs on West Papua New Guinea.

As former colonies themselves, the Forum nations should seriously take the matter of West Papua New Guinea before the United Nations for reexamination, especially on the faulty policies that were implemented by the United Nations towards West Papua New Guinea in the years past.

Mr. Speaker, history has not been kind neither to the people of Indonesia nor to the people of West Papua New Guinea. Under the military dictatorships of Presidents Sukarno and Suharto, some 1 million Indonesians were brutally murdered and killed similar to the killing fields in Cambodia under Pol Pot. And by the same token, since the military takeover of West Papua by the Indonesian Army in 1969, approximately 100,000 West Papuans were murdered, tortured, killed; and it continues even as I speak today, Mr. Speaker.

In actual fact, Mr. Speaker, according to human rights reports and West Papuans themselves, actually approximately 300,000 to 400,000 West Papuans have been murdered, tortured to death, and disappeared at the hands of the Indonesian military.

Mr. Speaker, the United States mediated an agreement in 1962 between the Dutch and Indonesia regarding West Papua, but totally without Papuan representation. Under the terms of the agreement, the Dutch were to leave West Papua and transfer sovereignty to the United Nations Temporary Executive Authority for a period of 6 years, after which time a national referendum would be held to determine West Papua's political status.

This shift, however, did not come to pass. In fact, shortly after the sealing of this agreement, Indonesia violated the unambiguous terms by military force of arms, under President Sukarno, and seized control of West Papua from the United Nations.

□ 1945

Thereafter, in 1969, Indonesia orchestrated an election that many regard as a brutal military operation. Known as ''an act of free choice,'' 1,022 Papuan elders were ''selected'' under heavy military harassment, and intimidation of their families, and to no one's surprise, every elder voted in favor of Indonesian rule.

Under the ensuing decades of Indonesia military rule, West Papuans have suffered as victims of one of the most repressive and unjust systems of colonial occupation in the 20th century. Brutal treatment by the Indonesia military has resulted in the deaths, as I said earlier, of some 100,000 West Papuans.

I am delighted to say that this bill requires Secretary Rice and the Department of State to reexamine the special autonomy law that was supposed to give autonomy to West Papua. It is my understanding, Mr. Speaker, that the provisions of the autonomy law that was passed by the Indonesia parliament, while substantive, is nothing but the paper that it was written on. The autonomy law, Mr. Speaker, I respectfully submit, is nothing but a sham, a complete farce, and the Indonesia government should be ashamed for doing this.

Mr. Speaker, President Bush during his speech in his inauguration and his

presentation in February of this year before the Joint Session of Congress I believe gave one of the best speeches that I have ever heard concerning democracy and the need as a commitment from our Nation to promote democracy throughout the world among the countries of the world.

Since the passage of the special autonomy law 3 years ago, four key measures under the law remain unimplemented or actively violated. The Papuan People's Council remains nonexistent, cheating indigenous West Papuans of their right to representation; the funds for West Papua are unallocated or are allocated late, threatening their ability to meet their basic human needs; transmigration continues, overwhelming culturally distinct indigenous West Papuans with Indonesia migrants; and key governance provisions were violated when West Papua was divided now into two provinces.

We cannot allow the repeat of history, Mr. Speaker. Rather, we must work to ensure that the central government acts in concert with the needs of the indigenous people of West Papua.

Mr. Speaker, human rights abuses committed by the Indonesia military over decades, including those related to environmental degradation, still continue today. Under the repressive regimes of Presidents Sukarno and Suharto, military brutality continues. The Indonesia military and special forces have in the past 3 years alone murdered 81 indigenous Papuans, tortured, beaten and jailed 34 more Papuans, displaced some 6,393 families from their homes, burnt down 23 churches and 370 traditional houses.

This violation threatens to escalate. The Indonesia central government is responding swiftly to a West Papuan announcement that decisively rejects the special autonomy law, and as I speak, Mr. Speaker, the Indonesia army of the government is currently transferring over 15,000 troops to West Papua, which is already occupied by some 10,000 troops, composed of six army battalions, one air force battalion, one battalion of mobile brigade police, which totals some 25,000 soldiers, by far the heaviest military presence in all of Indonesia.

Mr. Speaker, these human rights issues transcend national borders. It is time for the Congress to no longer tolerate the human rights abuses threatening the military violence and the denial of a voice under which the people of West Papua have suffered for so many years.

Mr. Speaker, for too long, the cries of the West Papuans have fallen on deaf ears, and I pray that with the concerted attention of the Congress the international community will support this effort.

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

OPPOSING THE SO-CALLED CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. LYNCH) is recognized for 5 minutes.

Mr. LYNCH. Mr. Speaker, I rise in opposition to the so-called Central American Free Trade Agreement, also called CAFTA.

Mr. Speaker, I address this House from the perspective of the American worker. Prior to my election to Congress, I had a chance to view the effect of U.S. trade policy at its most basic level, that of the American worker.

Prior to coming to this Congress, I worked for about 20 years as an ironworker and a welder. I worked at the General Motors assembly plant in Framingham, Massachusetts, prior to GM's decision to close the Framingham plant and several Michigan plants and instead expand their plants in Mexico.

I also worked as a welder at the General Dynamics shipyard in Quincy, Massachusetts, before foreign competition and misguided trade policy moved that work overseas.

I worked at the U.S. steel mill in Gary, Indiana, and at the Inland steel plant in East Chicago, Indiana, as an ironworker prior to the steel industry moving to Third World countries in order to escape responsible labor and environmental standards.

I have seen firsthand the effect of anti-worker trade policies on the American workers and their families. I have seen the devastation that occurs in American cities and towns when we adopt trade policies that encourage U.S. companies to relocate jobs overseas. And I have seen what the impact is on our schools and the fabric of our very communities when large employers shut down the largest plants in town.

I have been impressed since coming to Congress with how people talk about job loss. People in Washington talk about job loss like they are talking about the weather or some natural occurrence, like a giant cold front moved through here and took about 3 million American jobs with it.

Well, American job loss is the result of deliberate policies that have been misguided and have encouraged U.S. employers to locate their jobs overseas. It is time to stop these U.S. policies that simply exploit foreign workers by adopting trade agreements and that have no labor or environmental standards.

Our experience with NAFTA, the North American Free Trade Agreement, should inform our decision today. At the time of NAFTA's passage in 1993, the U.S. trade deficit was about $39 billion. Since then, it has soared to about $617 billion in 2004. That is a whopping 1,600 percent increase and more than 5 percent of our national GDP.

It is ironic indeed today when we talk so much about exporting democracy because of our situation in Iraq, that what we are doing here is exporting U.S. jobs, and at the same time endorsing the creation of $2-a-day jobs in Central America.

I think we have a fatal flaw in our foreign policy, in our trade policy. First of all, you do not export democracy through the Defense Department, you do it through the U.S. Trade Representative and through our trade agreements; and you do not export democracy by forcing workers to work for $2 a day. For if you follow the path of exploitation fostered by mercenary and winner-take-all trade agreements that set worker against worker in a race to the bottom, in the end you will in those countries see a retrenchment of hope and a rejection of democracy.

I have seen firsthand the effects of an errant trade policy. It is time today to reject this current CAFTA and to ask our U.S. Trade Representative to go back to the drawing board and come up with a CAFTA that is truly good for the American worker and good for the workers in Central America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

(Mrs. BLACKBURN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO ADMIRAL JAMES 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 rose with my colleague the gentleman from California (Mr. CUNNINGHAM) a few minutes ago to talk a little bit about Admiral Jim Stockdale, a Medal of Honor winner; Jim Stockdale, POW; Jim Stockdale, an overall great American, who passed away leaving a wonderful family, but leaving also a family of Americans, all those people who have flown aircraft in the skies of the world, projecting American air power and protecting American freedom.

I thought it was appropriate that I stand here tonight talking about Jim Stockdale with another great Navy pilot, the gentleman from California (Mr. CUNNINGHAM), who on 10 May, 1972,

south of Hanoi, was shot down by a SAM missile after he had shot down his third MiG. He ejected and, thankfully, was picked up by a Marine rescue helicopter and so therefore did not have to suffer the 7 years of imprisonment that Jim Stockdale suffered.

I thought, Mr. Speaker, it would just be important for us to once again recognize this enormous hero of the United States, a leader, a hero, a great model for all of us and for all those fighting in the war against terror right now, a wonderful figure for us to emulate in terms of following duty, honor and country.

Mr. Speaker, I yield to my friend, the gentleman from California (Mr. CUNNINGHAM), and will listen to his memory of Jim Stockdale.

Mr. CUNNINGHAM. I thank the gentleman from California (Chairman HUNTER).

Mr. Speaker, Admiral Stockdale died on July 5 of this year. Some people may not remember the name Admiral Stockdale, but millions of people watched as the TV program portrayed the book that he and his wife Sybil wrote called ''In Love and War.'' It told about the plight of our POWs and how their families suffered. Millions of people saw that.

They also may remember that Admiral Stockdale was Ross Perot's running mate one year in an alternative party, and then the following year Admiral Stockdale supported JOHN MCCAIN in his run for presidency, also a prisoner with Admiral Stockdale himself.

Admiral Stockdale was a prisoner for 7 years. He was awarded the Medal of Honor, not for just being a prisoner of war, but for his leadership and what he had to suffer through. He refused to capitulate to the enemy. That sounds like a big word, but not when you know what Admiral Stockdale went through.

Admiral Stockdale was tortured because of his leadership and the communication system, the tap code that he set up for the other prisoners. He was tortured. His shoulders were ripped out of their sockets. For six months he was tortured until he was almost unable to speak.

He was put in a cell then with our Member of Congress, SAM JOHNSON, who was a prisoner of war for 7 years. Admiral Stockdale through the tap code turned over the leadership of all the prisoners of war to then former Senator Jeremiah Denton. At that time, JOHN MCCAIN, SAM JOHNSON, Jeremiah Denton and Admiral Stockdale were responsible for the organization of all of our prisoners of war.

Mr. HUNTER. Mr. Speaker, reclaiming my time, I thank the gentleman for laying out that great description of Admiral Stockdale. It has been repeated many times, but I thought one of the extraordinary circumstances, he was asked why he was able to be such a great leader, and he said he learned from his mother. He went to drama classes or helped her in little theatrical shows where she led local drama shows and he learned to act spontaneously and also to think quickly.

I thought that was reflected when the North Vietnamese told him they were going to parade him, use him for television, and were going to put him out where he knew he would be used for propaganda purposes. He had a stool in his cell. He tore it apart and took part of that stool and beat himself in the face with it until he was unrecognizable. What a surprise the North Vietnamese guards must have had when they came to take Admiral Stockdale from his cell for his TV appearance and he had beaten himself.

Also when he saw that other prisoners had been tortured and were being tortured and some of them had been killed, and the Vietnamese were pressing him extremely hard, he took a razor and slit both of his wrists to show that he would rather die than break before his North Vietnamese captors.

Part of that toughness he attributed to his commitment to his dad when he went off to the Naval Academy to be, as he said, ''the best midshipman ever.''

□ 2000

I thought I would mention that Admiral Stockdale, besides being survived by Sybil, a wonderful, wonderful lady who then started, while he was a POW, she started the League of American Families of Prisoners of War and MIAs and, at the same time, she raised four sons. Those four sons are James of Pennsylvania; Sydney, who is in New Mexico; Stanford of Denver, Colorado; and Taylor, who is living in Claremont, California, and, of course, Admiral Stockdale left eight grandchildren.

Mr. Speaker, the gentleman who is talking with me, the gentleman from California (Mr. CUNNINGHAM), has won the Navy Cross, was nominated for the Congressional Medal of Honor and the recipient of many other combat ribbons, and the Purple Heart. But I have never seen a list of service decorations as extensive as Admiral Stockdale's, who had two Distinguished Flying Crosses, the Medal of Honor, three Distinguished Service Medals, two Purple Hearts and four Silver Stars, and was the only 3-star admiral in the history of the Navy to wear both aviator wings and the Medal of Honor.

Interestingly, he went back, he wrote a number of books: ''The Vietnam Experience: 10 Years of Reflections and Thoughts of a Philosophical Fighter Pilot.'' So he continued to give to this country, I would say to my colleague, before I yield to him, he continued to give to this country after he came back the value of his philosophy, and it was that tough philosophy, that great patriotic philosophy that got him through these extraordinarily difficult times as a POW.

TRIBUTE TO ADMIRAL JAMES BOND STOCKDALE

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, let me read the citation of Admiral Stockdale's Medal of Honor, just so people understand. ''By his heroic action, in great peril to himself, he earned the everlasting gratitude of his fellow POWs and to his country.'' This was Admiral Stockdale. He was our friend, and he died.

Mr. Speaker, it is time that this Nation honor both Admiral Stockdale and his wife Sybil for the sacrifices that they gave to this country. Every dog face pilot, enlisted and officer, knew about the courage, not only of Admiral Stockdale, but the rest of our POWs. Sybil organized, not just for the MIAs, but for the POWs together, the entire program that supported the families of the MIAs and the POWs, and for that we honor them.

We know what the family is going through, even from July 5, the sadness that they have. But they can go to sleep at night knowing that Admiral Stockdale and Sybil, that this country owes a great, great deal to those individuals.

People in San Diego and around this country, it is time to remember Admiral Stockdale and Sybil for not only their patriotism, but the sacrifices of men like SAM JOHNSON, like JOHN MCCAIN, like Jeremiah Denton and the other POWs and some of those that did not come back.

I yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I was just looking at the price tag of some of our high performance aircraft that we are going to be buying. You look at it and you say, we do not want to pay that, and then you reflect on the prisoners of war and that incredible defensive barrier that our pilots had to fly in, fly through to get into their targets in North Vietnam, and you say to yourself at that point I only want our pilots to have the very best.

So while I guess I am like everybody else, I get a little sticker shock when I look at the price of an aircraft. Of course, we get the same thing when we look at the price of a new car today in this country. I reflect when I see the incredible courage of those who strap themselves into that cockpit and fly out to protect American freedom and to protect our country, that they need the very, very best.

I would just ask the gentleman, because I know that he is familiar with the MiG aircraft, the latest high performance MiG aircraft, and I think one of his jobs, because the gentleman from California (Mr. CUNNINGHAM) knows aircraft, one of his jobs is to make sure that we keep high performance capability in the skies. I would just ask him for his reflections on what he thinks we need to do to maintain a strong American air power.

Mr. CUNNINGHAM. Mr. Speaker, I am a Navy guy, but the F–22 is the only

airplane in the inventory that is projected that will compete with the SU–30 and SU–37.

To give my colleagues a comparison, Admiral Stockdale was flying an A–4 Skyhawk. At the time it was not a bad airplane, but they did not have the new PH or the P–408 engines, which is more powerful. And they loaded bombs on that little Skyhawk and it made it real cumbersome flying. I was lucky enough to fly Phantoms and some F–8s and other airplanes like the Thud and so on, but those little A–4 Skyhawks were pretty vulnerable.

Admiral Stockdale was shot down in 1965 before they each had surface-to-air missiles in Vietnam, he was shot down by Triple A, and those airplanes were slow and cumbersome. That is why we do not want our men and women flying airplanes that are not the best or driving Humvees that are not armored or other things, because if you look at the history of the past, like Admiral Stockdale and JOHN MCCAIN and Jeremiah Denton and all the others, that they were shot down, and not because they had necessarily inferior equipment, but not the best equipment. That is what we want to make sure of today, that our men and women who are serving overseas, as the chairman of the authorization defense committee, the gentleman from California (Mr. HUNTER) has dedicated his life. His son was in the Marine Corps and served I think twice in Iraq.

Mr. HUNTER. Mr. Speaker, I know that my son would like to remind the gentleman that it was a Marine pilot who rescued you when you went down.

But there is another point to American air power, and I think American air power in the future, and that is something that one of our real giants, the gentleman from Illinois (Mr. HYDE), brought up, along with the gentleman from California (Mr. LANTOS), was this provision that we just passed, that just passed the House in his amendment to his bill, which gives the President leverage against Western countries, European countries, our allies who would sell military technology to China. Because there is a possibility that at some point in the future we may be in a conflict with China, and I think it would be a terrible thing if we saw any type of technology that gives them the ability to acquire American aircraft on a radar screen or to launch weaponry or munitions at that aircraft, or to have in their own aircraft, I would hate to see American stealth capability and technology.

Mr. CUNNINGHAM. Mr. Speaker, China is building the SU–30, which beats our American airplanes, our best F–14s, F–15s, F–16s, and F–18s, 90 percent of the time. It is an opportunity, but it is also a potential threat.

Mr. HUNTER. Mr. Speaker, I just would like to end by saying I think one way we can remember Admiral Stockdale is to keep our country strong and be faithful to those who served, including Admiral Stockdale.

MEMBERS OF CONGRESS AGAINST CAFTA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, tonight is an unusual, if not unprecedented, special order. It is one that I think that the country will appreciate and I think our colleagues in this Congress will appreciate it; one where we have brought at least a half dozen, and more will join us, Members of Congress of both parties to this Chamber in opposition to the Central American Free Trade Agreement. I am joined by the gentleman from North Carolina (Mr. JONES), the gentleman from Alabama (Mr. DAVIS), the gentleman from Virginia (Mr. GOODE), and the gentleman from Idaho (Mr. OTTER). There are five of us here now two Democrats, three Republicans, and I know a number of Members will join us later.

We are joined together because we believe the Central American Free Trade Agreement is not in the best interests of our Nation. We have seen that for a dozen years our trade policy has simply not worked for the American people, it has not worked for rural, family farmers in Alabama, it has not worked for workers in Idaho, in Virginia, in North Carolina, and in my State of Ohio.

Before turning to the gentleman from North Carolina (Mr. JONES), and I think people will just kind of join in a conversation here, I want to just point to a series of numbers that really does illustrate why we, as Republicans and Democrats, as people that represent small manufacturers and family farmers and family ranchers and labor unions and environmentalists and religious leaders, and people of faith and all of that, why we oppose it. We can just look at what has happened to our country's trade deficit in the last 12 years.

The year I ran for Congress the first time in 1992 and was elected, we had in our country a trade deficit of $38 billion. That meant, in those days, a trade deficit of $38 billion meant that we imported $38 billion more than we exported. A dozen years later, our trade deficit has grown to $618 billion; from $38 billion to $618 billion in just a dozen years. That translates clearly into lost jobs. It translates into lost textile jobs in Mr. JONES' State, it translates in the lost auto and steel and other jobs in my State. In the last 5 years alone, we have seen somewhere between 2.5 and 3 million manufacturing jobs lost, not entirely because of trade agreements, but in large part because of trade agreements.

That is why all of us say we want to trade with Central America, we want to pass a Central American Free Trade Agreement, but not one that is written and negotiated by a select few for a select few. We want a trade agreement that all of us can support, that ranchers and small farmers and environmentalists and labor unions and small manufacturers and small businesses, that all of us can come together and support. That is really why we are here tonight as a group of Members of Congress from both parties.

I would like to turn it over to the gentleman from North Carolina (Mr. JONES), who has helped lead this operation in opposition to the CAFTA.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Ohio, and I also am delighted to be here in a bipartisan way to do what is right for the American people.

I want to take just a few minutes to talk about my State of North Carolina. We all come from Virginia, from Idaho, from Alabama, from Ohio, and many other States, and there will be others that will be coming here tonight to speak, as the gentleman from Ohio mentioned. I do not know how America can work unless we come together, and certainly one of the major issues is trying to save jobs in America.

I want to go back very briefly to NAFTA. NAFTA was passed in 1992. I was not here. It was implemented in 1993. In my State of North Carolina, because of NAFTA, we have lost over 200,000 manufacturing jobs. In the Nation we have lost more than 2.5 million jobs. That is just because of NAFTA.

And what in the world are we going to do with CAFTA? CAFTA is nothing but a cousin to NAFTA, and NAFTA itself is not well. It is kind of like somebody being sick. NAFTA is sick because it has done nothing to help Americans in this country, and it did nothing to help the Mexicans stay down in Mexico and make a good living wage with benefits so they would not want to come across the border. They are coming across the border now between 8,000 and 10,000 a week.

I want to also say about CAFTA, you cannot have fair trade if both countries do not benefit. Those people that want to have CAFTA to become the law of the land, in my opinion, I say to the gentleman from Ohio (Mr. BROWN), the word is greed. Greed. You cannot help the American people unless you treat our workers fairly, help them maintain their jobs, and not see their jobs sent overseas.

Before yielding, I want to show just two charts to my friends here on the floor. This happened in North Carolina in 2003 and it says, ''Pillowtex Goes Bust, Erasing 6,450 Jobs.'' This happened in one day's announcement, 6,450 jobs lost, gone. The subtitle says, ''Five North Carolina Plants Closing in Largest Single Job Loss in State's History.''

I want to share another blow-up of a news article with my friends on the floor. This is from the Wilson Daily Times. This is a county that Congressman G.K. BUTTERFIELD and I share together, it is a split county. And it says, this is about 3 months ago, ''VF Jeanswear Closes Plant, Last 445 Jobs

Gone By Next Summer.'' The two ladies down here at the bottom named Brenda Webb and Shivan Battle, will not be able to chitchat in the parking lot of VF Jeanswear next year when the plant closes. People were actually crying when this announcement was made. They are losing their jobs and their benefits and their hopes and their dreams.

So, Mr. Speaker, I want to say to my friends here tonight on the floor that I look forward to working with my colleagues day in and day out. If CAFTA does come to the floor, hopefully we will be able to defeat it. We have a strong support of Republicans, probably 25 to 30, and I do not think the gentleman from Ohio (Mr. BROWN) would bend under any circumstances, and I want to thank the gentleman for being the leader he has been. I look forward to continuing to work with the gentleman, and let us do what is right for America and the American people.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for his leadership, working with both parties in opposition to this agreement.

I yield to my friend, the gentleman from Alabama (Mr. DAVIS), who is still a relatively new Member of this body, has taken a leadership role in all kinds of development issues and business issues and understands this agreement from a bit of a different perspective, but clearly gets it.

□ 2015

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman for yielding. I thank him for his thoughtfulness and for his leadership on this issue over the better part of a decade now.

And I thank the gentleman from North Carolina (Mr. JONES) for his bipartisanship and his thoughtful approach.

I would say to the gentleman from Ohio (Mr. BROWN), one of the things that strikes me about this debate is when I tell many people in the business community, I tell some of our editorial writers that I am firmly opposed to this agreement, there is a regular refrain that they have. They say to me, Mr. DAVIS, why are you against globalization? And they say, why are you against trade? And it strikes me that that is such an enormously false way to frame this argument. To say that someone is against globalization if they oppose this treaty is a real misstatement of what we are debating and what we will be voting on 1 week from now, and I want to talk about that for a moment.

There are some of us in this Chamber who have voted for every trade agreement that we have seen since we have been here. I voted for agreements with Australia, with Morocco, with Chile, with Singapore. I am someone who firmly believes in this modern economy that we cannot disengage ourselves from the rest of the world; and I, by no means, subscribe to the label of being anti-trade or being anti-globalization. But I think that there is another way. There is a possibility if we are thoughtful enough and serious enough about this economy and our obligations to build a trade policy that actually prods countries around this world to change. There is a possibility of building a trade policy that elevates conditions around the world.

And I would submit that there are two kinds of trade policies. There is one set of policies that challenges the rest of the world to rise to a higher standard, and there is another set of trade policies that takes the world as it is and does not seek to move, does not seek to bend it, does not seek to change it.

And I and so many of us believe in the first kind. I believe in a set of principles that say that we can use our trade as we occasionally use our economic might, as we occasionally use our political might to improve conditions. The reality is that if this agreement is somehow passed next week, despite the great opposition to it, it will open up a new low-wage market, and it will say to five countries in Central American and to the Dominican Republic that your low-wage conditions, your failure to protect your workers, your failure to protect your women from discrimination laws, your failure to prevent children from working, is acceptable in the community of nations, it is acceptable in the economic community of nations.

And I remember, as the gentleman from Ohio does, when President Bush gave his second inaugural just a few months ago. Most of that inaugural was devoted to the proposition that, as a superpower, we have an ability to change the character of this world. Much of that inaugural was dedicated to the idea that, as a superpower, we have the ability to challenge this world and the most repressive countries in this world to move in a better direction.

Here we stand, just 7 months later; and that challenge is not being posed to the House, not by the administration. That challenge is not being posed to us. And all of a sudden the same President who told us 7 months ago that we have in our power to move this world toward reform, apparently does not believe that we can do so when it comes to the dollars and cents that people earn every day, apparently does not think that we can do so when it comes to the quality of community the people live in every day around the world.

There is a very cruel argument that I have heard in the last several days I want to mention to you. I have heard it said that if you do not support CAFTA that somehow you are not standing by the countries of Central America. I have heard it said that if you do not support CAFTA that you are somehow abandoning these poor miserable nations and that you are somehow leaving them to just be cut adrift.

What I do not understand is how we can say that we are standing by the CAFTA countries when we are not standing by millions of children, 14 million in the whole region who are between 5 and 14 who got up and went to work this morning and who are being put in bed tonight and will go back to work tomorrow morning. I do not understand how we can say that we are somehow standing by Central America when we cannot stand by the rights of women in these countries.

I do not understand how we can say that we are standing by Central America when we cannot stand for the rights of the voiceless and those who work and want to express their political beliefs or their desire for better conditions in the workplace and can be fired because of those opinions.

I do not see how we can say that we are standing by Central America when we are leaving it unchallenged to change itself. That is what this debate is about. This is about, to use a word that is used on both sides of this aisle very freely, this is a debate about values because I define values as what we demand from others, what we demand from ourselves and the vision that we offer to others.

This agreement offers such a narrow vision. It offers such a limited notion of what our economy can be. It tells us that we can roll back our trade deficit on the backs of unskilled workers around the world. It tells us that we can somehow improve certain industries and the profits of certain industries by diverting them to low-wage economies. And it somehow says that we can trade off the fortunes of our people and the fortunes of other people interchangeably without any higher standard to lift them both.

Another point that I want to address, so many of the editorials that I have seen on this issue have a certain bloodless quality to them because they say if you believe in globalization, yes, you have to accept that there are winners and losers, and there will be more winners than losers, and the losers simply have to get over it. They simply have to adjust.

Well, like the gentleman from North Carolina (Mr. JONES), I represent some of the towns in west Alabama that are full of some of the people who will lose, families who today are working in textile companies, apparel companies, hosiery companies, who may not be able to work there if this agreement puts a set of forces in place. And I do not think of those people as being losers. I think of them as being families who are struggling to build a future for their families. I think of them as being people who want their kids to be able to come back and work in west Alabama. I think of them as being people who desperately want a better life for themselves and their children and their grandchildren. And I think that we should keep this in mind as I begin to close today.

How do we promote and defend a vision to the American people that concedes that so many of us will be losers?

How do we promote and defend a vision and a set of values that accepts that so many of our people will be left to fall behind under the trends of this agreement we set in place, and that so many people in Central America will be left in their substandard condition?

There is no wonder why this agreement is struggling to pass Congress. There is no wonder why, if almost any of us went back to our States, we would find either a mystery or we would find out right confusion around CAFTA. The reason the case has not been made is because the American people are tired of being denominated and delineated into winners and losers. They are tired of being told that you may lose, but you have to get over it. And that is the final point at stake here today.

Can we build a trade vision which offers a better way for so many workers in our country? Because it is not enough to simply say that, well, there are these abstract benefits that are off in the distance. We have to be able to talk to people in the gentleman from Ohio's (Mr. BROWN) district and my district and the gentleman from Idaho's (Mr. OTTER) district and the gentleman from North Carolina's (Mr. JONES) district and the gentleman from Virginia's (Mr. GOODE) district.

We have to be able to talk to them and say here is why your Congress is doing this. And right now we could not justify it. Right now we could not say to them that these agreements will create a higher standard of living in America or abroad. Right now we could not say that these conditions will meet the American test of reforming the world for the better. We simply cannot make the case. The administration cannot make the case.

So in closing I simply call on my colleagues tonight, 1 week from now, or 1 week and 1 day from now when we, in all likelihood, vote on this agreement, to vote on their principles, to vote for trade that has values lying beneath it, to vote for a vision of how we can reform the economies of the world, and not to accept this limited vision.

And I am reminded so often of something that William Jefferson Clinton who was elected the same year that the gentleman from Ohio (Mr. BROWN) was to Congress. He often said that he was so tired of what was cold blooded being passed off as courageous in politics.

I fear that our indifference to the fortunes of the people who live in these countries, our failure to prod their governments toward reform looks a lot like that cold bloodedness that President Clinton was talking about. And it is so wrong for the editorial boards, so wrong for so many lobbyists in this city to say that that cold bloodedness is really courage. It is not courageous, and it will not be courageous to take your voter card and to stand on the floor in the well of this House next week and to vote for an agreement that is so empty and so vacant of values.

I thank the gentleman from Ohio for his good work. I thank our Republican colleagues who are here tonight for joining us in that bipartisan cause and thank them and hope the American people recognize that this is a critical vote, because it is a statement of what kind of community we are and how we exist in the international community of nations.

Mr. BROWN of Ohio. I thank the gentleman from Alabama (Mr. DAVIS). The gentleman's comments about when people almost always dismiss us, say why are you against trade, why are you against globalization, I think you made the case very well that we want to increase trade, but we want to do it in a way that lifts people up, those children in Central America who have no real protections, that go to work as children, not as young adults, but as children, that we could in fact use these trade agreements to improve living standards to respect American workers and American farmers and improve living standards in a developing world.

But this trade agreement, because it was so narrowly constructed, written by a select few for a select few, obviously falls short. And I dream of a day when all of us can vote for a trade agreement, that we can get 350, 400 votes here, a trade agreement that really does lift workers up in the developing world while preserving and enhancing our standard of living and respecting workers in this country. There is simply no reason we cannot do that, as you suggest.

Mr. Speaker, I yield to the gentleman from Idaho (Mr. OTTER), who has said particularly interesting things about the issues of sovereignty and what that means with both Central American countries and the Dominican Republic and with the United States.

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

Mr. OTTER. I thank the gentleman for yielding the time.

Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for his leadership on this effort. It has often been said in the past that all that needs to happen for good government to go bad is for good people to do nothing. And I want to congratulate the gentleman on the goodness that he is doing tonight in organizing this effort to bring to the American people the full blush and the full pain that CAFTA would really offer us.

It has often been said and cheered throughout this world that we live in that the United States is the standard of living to be desired by everyone, to be cherished by everyone, the standard of living that is second to none in the world. And I think the gentleman from Alabama's (Mr. DAVIS) remarks relative to some of the globalization efforts that are so present in the CAFTA agreement is the one very reason that I am against it, because this globalization effort is a race to the bottom for the United States.

We have nothing to do but lose in this agreement. There is not one thing that we can gain because it is, as many have already said before me, it is a race to the bottom and it is a replay of NAFTA. And all you need to do is take a look at the chart up front, and I hope the cameras can give that some face time, C–SPAN can give that some face time, because it is important to look and see exactly what happened after we adopted NAFTA.

We were told in NAFTA in the early 1990s that we were going to have this tremendous explosion in exports from the United States to Mexico, and that we were going to be able to increase, at that time, what was a positive trade agreement with Mexico. Well, you can see exactly what has happened, starting in 1995. We continued to drop down, until today we are at roughly 40-some billion dollars in deficit trade with Mexico. And that is precisely what we are going to see happen with CAFTA.

Thomas Jefferson once said that he had but one lamp that illuminates his path into the future and that is the lamp of experience. I have no way to judge the future except by the past.

Well, if NAFTA is the judge, the measure that we have to judge ourselves by on our success and what we can expect from CAFTA, I can tell you folks, it is not near as bad. It is not near as bad as it is going to be.

□ 2030

CAFTA has some unique features all of its own. In his introduction, the gentleman from Ohio (Mr. BROWN) mentioned that I had a new twist on it relative to sovereignty. I just want every Member of this House, all 435 Members of this House, I want them to be prepared when they have to go home and explain to their folks at home exactly what they have done, for whatever amount of the 435 Members vote for CAFTA, and quite frankly, in selling down the drain the sovereignty of this country.

You see, under our CAFTA agreement, it is interesting that CAFTA is a pretty good size document. I am not going to lie to everybody and tell them that I have read the entire thing. But I tell you I have read the trade part and that was about 20 pages. The next almost thousand pages is international law. And the international law is what is going to prevail in any business agreement that we have with these five ''fledgling democracies'' under the CAFTA trade agreement.

Here is what happens. If I happen to sell something to, say, the Dominican Republic, if I happen to sell something to the Dominican Republic from one of my entrepreneurs in Idaho, and they get into a conflict of what the agreement was or in one way or another this has to be settled by a third party, here is exactly what happens under the CAFTA rules.

The Dominican Republic would submit the name of one arbiter. The United States would submit the name of one arbiter. And then here is the punch line, one of the other non-involved members of the CAFTA trade

agreement gets to submit a third arbiter. So now what we are going to have is two Caribbean Basin members and one United States member serving on a court of arbitration in order to solve this problem.

Now, if that does not happen what happens? If these folks cannot come to an agreement then what happens, if this tribunal cannot solve it? Then we go to the World Bank or we go to the United Nations to solve what is otherwise a business agreement.

Now it is interesting that the best place to be in this agreement is not in the United States. We are told constantly that we are going to be opening all of these countries up if we will just pass this trade agreement. We are not going to be having the duties and the quotas and everything that stops all of our goods from freely being imported into these other countries. Dead wrong.

Number one, there are a lot of duties and quotas that will go away but there are still quite a few that are going to last into the next 20 years, so we are still not going to be on a fair and equal trading level with the other members of CAFTA. But let us take a look at who put all of those duties and quotas in place.

In 1984 this Congress passed what is called the Caribbean Basin Initiative, and we said as long as you add 28 percent of the value to whatever good or whatever value added items that you have in these Caribbean Basin countries, you can come into the United States with those products without quotas and without duty and without fees. However, the United States did not have the same agreement going back, and so we have done this to ourselves; and yet now we are saying that we are going to try to clear all this up with CAFTA.

I agree with the gentleman from Ohio (Mr. BROWN). I agree with the gentleman from Alabama (Mr. DAVIS). I think what we ought to do is go back and repeal the Caribbean Basin Initiative and then start from the get-go. And then we can say something to them about their environmental concerns, our environmental concerns. Then we can say something to them about the unequal labor laws or labor practices in the relative countries. But as it stands now we simply do not have the opportunity to do that.

So there is one area that I would like to pay special emphasis to. I know a lot of people have said to me over the last couple of weeks, you are way overconcerned about the CAFTA agreement and what it is going to do to the sovereignty of the United States.

I say this to you, that I have stood here on this floor and I have watched every Member on this side of the House and many Members on the other side of the House that have voted against any attempt to take one of our warriors that is fighting for freedom in Iraq or Afghanistan or any foreign country, and any attempt to put them before any kind of a tribunal outside the United States we have resisted and correctly so. Yet these are the same people, a majority of which now is willing to offer up our economic warriors to international tribunals.

It seems terribly inconsistent to me that if it is correct to deny the courts, any foreign court to hold judgment over our soldiers, it ought to be the same way with our trade agreements. But anyway, I would direct everybody's attention to Article 10. Just read Article 10. Beyond its plain language we have now got hard evidence how the CAFTA tribunal system would work in real life and how it would create real advantages for foreign companies other than the United States, because a similar system was established in NAFTA and that is the one I would like to draw your attention to.

A case was brought under that system in Loewen v. The United States, and this has set a legal precedent that should scare us all. In that case a Canadian funeral home conglomerate named Loewen challenged the judgment of a Mississippi State court that ruled against it in a private contract dispute with a Biloxi, Mississippi funeral home. The only government action in question was the normal function of a State court in a private business dispute.

The Canadian company under NAFTA rules claimed that having to follow the standard rules of U.S. Civil Procedure in court, such as posting a bond, violated their NAFTA foreign investor rights. And the World Bank tribunal in that case ruled that the State court's normal operation was ''governmental action,'' and therefore regulated by NAFTA and that its conduct violated the Canadian conglomerate special NAFTA granted investor rights. It is just tenfold that bad in CAFTA.

So I would hope that if those who are watching, those who are sitting at home thinking that their folks in Congress are working in their best interest, I would hope that they would take the opportunity in the next week, which we should be voting on CAFTA next week, to call their Congressman and find out why they are voting away the sovereignty of the United States, the Constitution, and especially Article III of the United States Constitution.

Why are they voting to put that into foreigners' hands? Why are they taking away those great precious gifts that our Founding Fathers fought so hard for and worked so hard for? And now we seem to be in a rush to put once again for whatever reason another trade agreement called CAFTA ahead of the Constitution of the United States.

In closing, I would just say to the gentleman from Ohio (Mr. BROWN) again that I took a look at that first chart that he had up there that showed we had some $610 billion in trade deficit last year, $610 billion. Let us use the United States Department of Commerce's own figures. The United States Commerce Department constantly touts that for every billion dollars in foreign trade we will create 40,000 jobs. So if you just do simple mathematics and multiply that, you would see that that is 2.5 million jobs that we have lost since the inception of NAFTA.

I say again, CAFTA is the same song, second verse, just a little bit louder and a whole lot worse.

Mr. Speaker, I rise today to discuss another reason for my opposition to the Central American Free Agreement or CAFTA. What I would like to highlight today is that CAFTA establishes a double standard—greater rights are given to foreign investors operating within the United States than are provided by the U.S. Constitution for our own citizens and businesses.

The foreign investor protection provisions in CAFTA's Chapter 10 and the establishment of a separate ''court'' system available only to foreign investors form the core of this double standard. This aspect of CAFTA is called ''investor—state dispute resolution.'' It shifts decisions away from Congress and out of the Federal court system established by Article III of the Constitution, or even our State court systems, and into the authority of international tribunals—even though the dispute concerns activities and parties operating within the United States! Furthermore—and the U.S. Trade Representative's office is very careful NOT to mention this—CAFTA's Chapter 10 allows investors from the CAFTA nations operating in the United States to challenge U.S. laws in U.N. and World Bank tribunals!

Here's how it works:

CAFTA grants foreign investors from the CAFTA countries operating within the United States special rights set in international law but NOT in U.S. Constitutional law. CAFTA allows these foreign investors to use U.N. and World Bank tribunals to seek payment in U.S. taxpayer dollars for the losses caused by complying with the same domestic policies that apply to U.S. citizens and businesses.

These special rights are laid out in Article 10 of CAFTA, which contains the rules that will govern investment among parties to the agreement. Of key interest is Article 10.5. Here we read that CAFTA has a Minimum Standard of Treatment for foreign investors set forth by ''customary international law'' and established in ''principle legal systems of the world.''

So once again, the standard of review in these CAFTA Article 10 cases is not U.S. law but rather international law set in CAFTA. And furthermore, it is not a U.S. court that hears and settles these disputes occurring within the territory of the United States. Instead CAFTA Article 10.16.3 gives jurisdiction over these kind of disputes to international tribunals established under the auspices of the United Nations or World Bank!

So you have international tribunals judging whether foreign investors operating within the United States are being provided the proper rights and protections!

American investors here at home are not allowed to bring cases before this special CAFTA tribunal system. American companies and investors use the American court system while companies and investors from the Central America use the CAFTA tribunal system.

So CAFTA will give us two separate and unequal systems of justice: One for American investors and companies and another for Central American investors.

Some of my colleagues might say, ''Well, you've shown that there are two different systems here, but that doesn't mean there is inequality.'' Others might say, ''Butch, you're only blowing smoke here,'' or, ''It won't be so bad.'' To all those I say, ''Just read Article 10.'' Beyond its plain language, we have hard evidence of how this CAFTA tribunal system would work in real life and how it would create a real advantage for foreign companies operating within the United States.

A similar system was established by NAFTA. And a case was brought through that system, Loewen v. U.S., shows the threat that expansion of this system through CAFTA would entail. In that case, a Canadian funeral home conglomerate named Loewen challenged the judgment of a Mississippi State court that ruled against it in a private contract dispute with a Biloxi funeral home. The only government action in question was the normal function of a State court in a private business dispute. The Canadian company claimed that having to follow the standard rules of U.S. civil procedure—such as the posting of a bond—violated their NAFTA foreign investor rights.

The World Bank tribunal in the case ruled that the State court's normal operation was ''government action'' regulated by NAFTA and that its conduct violated the Canadian conglomerate's special NAFTA-granted investor rights! The United States only escaped paying hundreds of millions of dollars to the Canadian firm as a result of an error by a bankruptcy lawyer, who reincorporated the failing conglomerate as a U.S. corporation. That terminated the company's ''foreign'' investor status and led to a technical dismissal of the NAFTA claim.

Still—and this is the point—the substantive legal precedent has been established under NAFTA and would be expanded under CAFTA. Foreign investors don't have to follow the standard rules of U.S. civil procedure while U.S. citizens and companies must! Foreign investors don't have to accept as adequate the normal functions of a domestic court system, while U.S. citizens and companies do!

Even the prospect of such a fundamental change in our jurisprudence has prompted the Conference of State Supreme Court Chief Justices and the National Association of Attorneys General to oppose the so-called ''investor-state'' system's grant of rights that extend beyond U.S. law. In fact, Congress specifically included language in the 2002 Fast Track legislation to prevent the recurrence of this NAFTA problem in CAFTA. The Fast Track legislation required that future trade pacts grant to foreign investors—and I quote—''no greater substantive rights with respect to investment protections than U.S. investors in the United States'' and that. The law also requires that future agreements include ''standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice'' as well as ''fair and equitable treatment [standards] consistent with United States legal principles and practice. . .''

Yet, although some words included in NAFTA's investor protection system were changed relative to CAFTA's provisions, CAFTA clearly fails Congress' test. Even worse, CAFTA goes beyond NAFTA and expands on what sorts of U.S. domestic decisions and actions are subject to compensation claims in international tribunals.

Here's what that means: When U.S. companies obtain mining, logging or other concessions on U.S. Federal lands their rights under U.S. law are determined in domestic courts. However, CAFTA will enable foreign investors with the identical contracts to take their disputes with the U.S. government to the U.N. and World Bank tribunals.

Mr. Speaker, the problems with CAFTA are manifest, and they are not by any means restricted to the areas of trade or even the broader context of economic policy. They would have a profound impact on the way Americans understand the rule of law, thereby undermining confidence in our government and our system of justice. For all these reasons, I urge my colleagues to join me in opposing this agreement.

I yield back the floor and I thank the gentleman from Ohio (Mr. BROWN) once again for his leadership.

Mr. BROWN of Ohio. I thank the gentleman very much. I think his point about sovereignty really strikes a chord with so many Americans.

As the gentleman suggested with what happened with the Loewen case in Mississippi with the Canadian lawsuit, a company in another country can sue the U.S. government or can sue the State of Idaho, or can sue the City of Akron, Ohio, and that corporation from another country can actually overturn by a CAFTA tribunal or a NAFTA tribal, can overturn a law that was democratically obtained, the Governor and the State legislature in Idaho enacted or that the Mayor Plusquellic in the City of Akron enacted or that the U.S. Congress enacted, that a corporation from another country, a private interest can come in and undo a democratically obtained rule or regulation, whether it is an environmental law or a public health law or what the gentleman is talking about in Mississippi with the funeral homes, a whole host of issues that we in this body certainly make wrong decisions, but they are democratically attained rules and regulations that State legislatures, city council, county commissioners, Congress does and they should stand unless a court of law in our own country strikes them down as unconstitutional. But a company in another country should not be allowed to come in and undercut what we think are important public health laws or other laws in our Nation.

Mr. OTTER. The comments of the gentleman from Ohio (Mr. BROWN) jarred loose one of the comments that I did not make in my informal remarks but I do have written in my formal remarks. But for those people once again that are listening at home I would just like to tell them that under Chapter 10 in CAFTA you can expect any Federal law that we make in the future, that we pass in the future, any State law that is presently in existence or that we pass in the future, any local law that presently is in existence or that we pass in the future, we are going to have to conform with the CAFTA statute at minimum, because without doing so then we are going to be in violation once again of our CAFTA agreement. And once again we are turning our future, our economic future, our trading future over to the World Bank and to the United Nations.

I thank the gentleman for helping me make that point.

Mr. BROWN of Ohio. That was very well said. An example is if in my City of Lorain, Ohio, if the city council would say that if police cars that the City of Lorain were buying, if they passed a law, had to be cars made in Lorain County, Ohio, we make cars in that county, that a CAFTA or NAFTA tribunal, a company in another country, one of the other governments could sue saying that is an unfair trade practice. You have to open it up under bid for any other government or any other country or any other company outside that county.

I mean, a buy America law, a buy Idaho law, a buy Ohio law, whatever you might want to pass could easily be struck down by one of these CAFTA or NAFTA tribunals.

We are joined today by the gentleman from Virginia (Mr. GOODE), who has also been a long time advocate for sovereignty issues and for workers in this country and for fair trade instead of the free trade problems that this country has gotten into in the last decade or so. I thank him for joining us.

Mr. GOODE. I thank the gentleman from Ohio (Mr. BROWN), and I want to thank him for his steadfast diligence on this issue. I want to thank the gentleman from North Carolina (Mr. JONES) who spoke previously, the gentleman from Idaho (Mr. OTTER), and the gentleman from Alabama (Mr. DAVIS) for being here tonight during this hour to address what I think is one of the most important issues to come before the 109th Congress.

Before we began this special order on CAFTA, the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. CUNNINGHAM) told about Admiral Stockdale and his heroics during the Vietnam War. That brought to mind what Admiral Stockdale and Mr. Ross Perot were saying in 1992.

Though the two major party candidates, Bush and Clinton, were supporters of NAFTA, they said that NAFTA would create a giant sucking sound of the jobs going out of this country. And I will have to say on that issue, time has certainly proven Ross Perot and Jim Stockdale correct. And I only have to tell about the situation in the county adjacent to my home county.

Martinsville and Henry County had more manufacturing jobs on a per capita basis than any jurisdiction in the Commonwealth of Virginia. That was known as the sweatshirt capital of the world. Tultex sweatshirts were all over this country and all over the world. Pluma was another textile manufacture. Sara Lee was there. Those jobs

and those companies are all gone. Tultex went out of business. Pluma went out of business.

I will never forget the Chamber of Commerce there in Martinsville, in Henry County in the early 1990s when my predecessor was there and the questions came about NAFTA. Would the jobs still remain in the United States of America? And the speakers there and the proponent of NAFTA said, oh, yes, only a few low-end manufacturing jobs will be going to Mexico.

□ 2045

And Sara Lee had in the thousands, manufacturing jobs in Martinsville and Henry County. Those jobs went away pretty fast, and they went south. There are a few distribution jobs left there with Sara Lee. Our unemployment went over 20 percent for a time, fell down to 16 percent not too long ago; and, thankfully, it is slightly above 10 percent now. At least it is heading in the right direction.

So to those who say that CAFTA, which as the gentleman from Idaho (Mr. OTTER) so correctly pointed out is simply a NAFTA cousin, is going to bring us a lot of manufacturing jobs and prosperity, I say beware. Do not forget those who gave the warnings about NAFTA. When NAFTA was passed, they were saying we will be bringing more into this country. And the gentleman from Idaho (Mr. OTTER) and the gentleman from Ohio (Mr. BROWN) have shown us how the trade deficit with Mexico has soared. If we adopt CAFTA, that trade deficit with Nicaragua, El Salvador, Honduras, Costa Rica, and the Dominican Republic will be heading in the same direction with NAFTA.

Now, I heard proponents of CAFTA say, we have got to get in the economic barrel with those in Central America and Mexico so we can counteract China; let us pass CAFTA so we can counteract the huge trade deficit that we have with China. And I can remember those who spoke around this country on behalf of Permanent Normal Trade Relations and Most Favored Nation trade status with China, saying how great that was going to be for the United States and jobs in this country. The trade deficit with China is way over $100 billion and rocking on towards $150 billion.

I say the answer to the trade deficit with China is not CAFTA; the answer is let us renegotiate. Let us take a look at PNTR and reevaluate that. Let us attack the problem where it is, not create another situation like NAFTA that could result in even a greater deficit with those countries.

I have heard, pass CAFTA because it will help stem the flow of illegal immigration from Central America. Well, let me say this. Take a look at NAFTA. Illegal immigration was a problem in the early 1990s, but it is a monstrous problem now. NAFTA has not solved the constant flow of illegals across the Mexican border into the United States.

So do not be sold off on an argument about passing CAFTA and that will reduce the flow from Central America.

I submit that the greater interaction between the entities in South America and the United States will result in more illegal immigration, not less; and all we have to do is look at the NAFTA model.

Lastly, I want to make a few comments about globalization of our world economy. I believe in trade, but I think trade has to be done with hard-nosed negotiation on the part of the United States with individual countries and with regions of the world. And it has to be focused on trade. You have to focus on individual items. It is nuts and bolts work.

When we have an agreement like CAFTA, when there is an agreement like NAFTA, when there is an agreement like PNTR with China that has a whole lot in it besides trade, I say be wary. Some of the richest people in this world are in this country, and some of them are supporters of CAFTA. They were supporters of NAFTA and PNTR with China. They say if we have a one-world globalized economy how great it is going to be for the United States.

Let me say one thing. We are not gaining in manufacturing in this country. China is the big gainer of manufacturing in the world. It is not this country. Other countries are rapidly catching up. We are the premier country in the world now. We are able to protect our citizens. We are able to give a land of opportunity to so many, the richest people in the world, the Warren Buffets and the Bill Gateses of the world. I salute them for their work and their business acumen. They have done well. That is the American Dream: work hard and this is the land of opportunity.

Well, let me tell my colleagues what can happen. If we go down this globalized route, which, as the gentleman from Idaho (Mr. OTTER) said, is a rush to the bottom, if the United States is not the premier country in the world, we will see a lot of persons in this world go from a Bill Gates or Warren Buffet status to the poor house mighty quick if China or Russia or the Arab nations in the Middle East take over the number one position in the world.

I am thankful the United States is number one. I want us to be always number one. But these trade agreements do not enhance that status. They hurt us. And I ask that when CAFTA comes up that my colleagues vote for America and vote ''no'' on CAFTA.

Mr. BROWN of Ohio. Mr. Speaker, I thank my colleague from Virginia. What he said about manufacturing and job loss, I put that and the truth he has spoken about what has happened in the last 10 years next to the promises made for CAFTA.

I remember from a dozen years ago when President Clinton made this same promise. He said, under NAFTA it will increase employment in this country, it will create jobs, it will mean we will have more manufacturing and export more goods abroad. And he said it would lift up the standard of living in the developing world. President Bush says the same thing, that it will mean more jobs. He has said it on trade agreement after trade agreement after trade agreement, as did his predecessor: it will mean more jobs, more production and manufacturing in this country, more selling jobs overseas and raising the standard of living, in this case in the five Central American countries and the Dominican Republic.

Well, all we have to do, and the gentleman from Idaho (Mr. OTTER) and I were talking about this chart a moment ago, all we have to do is look at this chart to realize what they are saying just does not make sense. There is an old Ben Franklin quote where he said, ''The definition of insanity is doing the same thing over and over and expecting a different outcome.'' That is really what our trade policy is. They make the same promises, expecting a different outcome, and continue to get the same kind of failed trade policies and failed results.

But look at this chart. The average wage in the United States is $38,000. The average wage down in these Central American countries and the Dominican Republic is 6,000; Guatemala, $4,100. The average Nicaraguan makes $2,300 a year. These trade agreements do nothing to lift up their living standard so they will make more money. But under these trade agreements, we hear promises from supporters of CAFTA that we are going to sell more products. Whether it is from Virginia, Idaho, or Ohio, we are going to sell more products to these countries.

But Nicaraguans are not going to buy cars made in Ohio, and Hondurans are not going to buy textiles and apparel from Virginia, and Guatemalans are not going to buy lumber from Idaho. These trade agreements are not about our selling products to those countries, because people in those countries do not have enough money to buy software from Seattle or steel from West Virginia. These agreements are about outsourcing jobs to Guatemala or exploiting workers in Honduras or sending manufacturing to Nicaragua.

They are not going to lift those people up because there are no labor standards in this agreement, and they are not going to mean a better standard of living or more exports for the United States simply because these people cannot buy our products. Unless we are trading with a country that can buy our products, or unless we are doing something to raise the standard of living in these countries so that they can buy our products, these trade agreements are destined to fail.

So we end up doing what the gentleman from Idaho (Mr. OTTER) spoke about a minute ago, we end up with a trade deficit going from $38 billion in a

dozen years to $618 billion and all kinds of job losses. In my State of Ohio in the last 5 years we have lost 220,000 manufacturing jobs. In Virginia and the Carolinas, they have combined to lose almost 300,000 manufacturing jobs. In the great Northwest, Washington, Oregon and Idaho, they have lost 100,000 manufacturing jobs.

In State after State after State, because of these failed trade policies, because our trading partners are not buying our products, because these trade agreements are all about moving our companies, our jobs, outsourcing them to these countries, this trade policy simply is not working.

Mr. OTTER. Mr. Speaker, if the gentleman will yield, I just want to say that the gentleman makes a great point. This is the first time I have seen that chart and had it explained the way the gentleman has shown it.

In my other life, prior to being elected to the United States Congress at the turn of the century, I was the president of a large international company. In fact, I traveled to, worked in, and in many cases built plants, but sold product in 82 foreign countries. In fact, I supplied McDonald's restaurants with french fries in those countries throughout the world. They wanted a good french fry, and of course Idaho raises a great potato, and so subsequently we would go into these countries.

It is interesting the demographics that McDonald's does, just like any fast food joint or any business goes through. If you take a look at the chart the gentleman has there, if they were making the minimum wage at a 40-hour week, at let us say the Federal minimum wage, they would be making, my quick math here, they would be making about $10,480 a year. That is a 40-hour week, 52 weeks a year, and they would be making about $10,480 a year. The highest income, family income, average in Costa Rica, comes to $9,000, if I can read that from here. Am I right?

Mr. BROWN of Ohio. Mr. Speaker, for a guy his age, my colleague can see these numbers pretty well.

Mr. OTTER. I thank the gentleman for that. But more interesting than that, more interesting than that, my colleague, is that the $9,000 that those folks make in Costa Rica is half of what our United States Government says is the poverty level for a family of four, which is $18,000. We say if you make $18,000 or less in this country, you do not have to pay any taxes. You are at the poverty level and so we are not going to put any more burdens on you. Yet they expect these people to suddenly rush in and buy french fries at 50 cents a pound, beef steak at $3 or $4 a pound. And so who are they kidding? Who are they kidding when they say we are going to have these billions of dollars' worth of new exports that are going to be going to these countries?

The other thing I wanted to point out is that it is interesting how we constantly shift the paradigm on why CAFTA is so important. Initially, of course, and when you are talking to an old businessman and an old international grocery salesman like myself, and you tell me that we have some opportunity here to build trade, I am all for it. So I say, well, show me the numbers. Show me the numbers, like McDonald's used to. They would go in and take a look at the net disposable income, and they would say we cannot afford to build a McDonald's down here, in one of these countries, because who could buy our product?

Who can go in there and buy a hamburger, two all-beef patties, special sauce, onions, lettuce, pickles, cheese on a sesame seed bun, plus french fries, and a diet Pepsi or Coke or whatever else they would be selling? Because you see, quite frankly, there is no one in that country at that average wage that would have the net disposable income to do it.

So when the trade agreement did not work, suddenly we shifted the paradigm to political. We have to do this for these five countries down there, because if we do not, they will go down the drain to communism. They will go down the drain to Fidel Castro and to Hugo Chavez from Venezuela, and Ortega is going to take over again, and these other folks are all going to be taking over. So we absolutely have to allow these countries to do this.

Well, now, did we not start this in 1984, and have we not given them every economic benefit? And if this is as far as we have gotten since 1984, in 20, 21 years, I am a little concerned that if this is as far as we have gotten, we are not going anywhere with CAFTA.

So finally, when the political argument did not work, now they have shifted it to immigration. And my good friend, the gentleman from Virginia (Mr. GOODE), said it very succinctly, and that is that that is the exact same thing they told us with NAFTA.

□ 2100

They said if we just pass NAFTA, we will stop all of this illegal immigration, all of this desire for these folks to come from Mexico into the United States.

Well, it is estimated before we passed NAFTA we had something like 800,000 illegal aliens in the United States, and now it is estimated we have something like 10 million illegal aliens in the United States. Well, it sure worked for NAFTA, and I have no doubt in my mind NAFTA plus CAFTA equals SHAFTA.

I hope that this House is smart enough to turn back this effort to sell our sovereignty down the drain for some questionable promises of either economic increases for us in trade, political stability in that part of the world, or finally reduced immigration problems that we have at home.

I think that is a very important chart. I hope we get an opportunity to have some real face time with that chart on television as well.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman talks about stability of those governments. I have heard the whole series of arguments. It was not much different with NAFTA. The President started off telling us NAFTA would be great for businesses, workers, and small manufacturing. People just were not buying it. Then he shifted it into a national security argument and an immigration argument, and then whether it was NAFTA or CAFTA, the President, whoever the President was in each one of those, would shift into the old issue of stability of those governments. President Clinton said it with NAFTA and Mexico. Now they are talking about political stability in the Dominican Republic and in the five Central American nations, Guatemala, El Salvador, Nicaragua, Costa Rica, and in Honduras.

But when we talk about stability, the opposition to these agreements in these countries is widespread and strong. There were all kind of demonstrations. There have been at least 45 demonstrations in the five Central American countries with 150,000 people at least participating in those demonstrations, and these are farmers and small business owners and workers and ranchers and people who came from the countryside, hiked into the cities and protested at their legislatures.

In one of the five Central American countries when the agreement passed, they did it in the middle of the night. The legislature met, they had to surround the building and nobody knew about it. All of those kinds of things have happened. If you talk about stability, you want a trade agreement that people of all stripes can buy into.

As I said earlier, I look to a day when the gentleman from Idaho (Mr. OTTER), the gentleman from Alabama (Mr. DAVIS), the gentleman from Virginia (Mr. GOODE), and the gentleman from Ohio (Mr. BROWN), people who have very different political philosophies and have very different kinds of districts, can sit down and write a trade agreement that the Catholic bishops in Central America will support and Jewish and Lutheran leaders in this country can support. They oppose this agreement.

I look forward to a day when labor unions and large corporations and small businesses and farmers and ranchers both in Central America and in the United States could support, and where we would put 350 or 400 Members of Congress together and pass an agreement. But to pass an agreement by 1 or 2 or 3 or 4 votes, to do it in the middle of the night, to keep the rollcall open and try to twist arms to pass it when it is clear that a majority of people in our country oppose it, we have seen these rallies that you have been to, and others, in opposition to this trade agreement here, where a majority of people in Central America and the Dominican Republic oppose it. There is simply no sense in passing a trade agreement that is not inclusive and does not have

Ohio and Idaho's interests in hand. All four members of the Idaho delegation, Senators and Representatives, are going to vote against CAFTA.

Mr. OTTER. Mr. Speaker, one of the reasons that Idaho is so firm against CAFTA, and I have received phone calls from companies in Idaho that say we need you to support CAFTA. Absolutely I have. I am not going to try to kid anybody and say I have not. I have had some phone calls from folks in the agricultural business that tell me that they bought into some of those arguments.

But for the most part the commodity groups in Idaho are supporting each other. And they have said yes, CAFTA may be good for us, but we remember when we asked the gentleman from Idaho (Mr. OTTER) and the gentleman from Idaho (Mr. SIMPSON) and everybody to vote against the Australian trade agreement because it was bad for the dairy industry and it was not too handsome for the beef industry. And so now the beef folks and the dairy folks are remembering that the sugar beet folks and the other farm commodities in Idaho supported them.

But all I need to do when they call me and say we want you to support CAFTA, I just need to remind them where we were in the early 1990s before NAFTA. Since NAFTA in my congressional district alone, since NAFTA passed, we have lost 32 sawmills, lumber mills in the State of Idaho. You do not just lose a lumber bill. The people of Clearwater County, Idaho, in a little town called Pierce, had a plywood mill that they had to close down as a result of not being able to compete with the Canadian lumber, and not having a softwood agreement with Canada. As a result, they had to shut down the mill.

That went on in many little towns. In the town of Cascade, Idaho; Council, Idaho, it worked its way south in my district, just inside the Continental Divide. We eventually shut down over 30 lumber mills and we laid off 14,000 families. Those 14,000 families no longer had an economic future in their business. Some of them were four and five generations in Idaho. The great Boise Cascade Company no longer has an operating unit in the State of Idaho and with the exception of maybe one or two scattered around in the south of the United States, no longer has an operating mill.

When those 14,000 families lost their jobs, school districts started to die because the property values of their homes went down because the main employer in the town closed up the mill and left. So there were no jobs, and so suddenly the equity that they had been building up in their house, and maybe it was two or three generations, suddenly that equity vanished just like the sawmill did, just like their hope for an economic future in the State of Idaho.

So you do not just lose a job in a State like Idaho and in a town like Pierce, Idaho, in Clearwater County, or Cascade, Idaho, in Valley County, or Council, Idaho, in Adams County, you lose school districts and you lose property tax base and you lose people. Eventually you lose families. That is what it cost the State of Idaho. That is why all four members of Idaho's delegation are opposed to CAFTA.

Mr. BROWN of Ohio. Mr. Speaker, that is the same in my State of Ohio. When we talk about numbers and the trade deficit, we talk about the millions of lost jobs, but it comes down to every family that loses a job, what they go through, every neighbor, every school district, the police and fire protection they lose, the equity in their house, all of the things that happen that destroy families and destroy communities. That is what we all need to remember when we are debating these large numbers and billions of numbers in trade deficits.

I thank the gentleman from Idaho (Mr. OTTER). We were joined this evening in a very unusual bipartisan special order with Republicans, the gentleman from North Carolina (Mr. JONES) and the gentleman from Virginia (Mr. GOODE), and Democrats, the gentleman from Alabama (Mr. DAVIS), in opposition to the Central American Free Trade Agreement.

STRENGTHENING SOCIAL SECURITY

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Kentucky (Mrs. NORTHUP) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. NORTHUP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this special order, which is Social Security.

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

There was no objection.

Mrs. NORTHUP. Mr. Speaker, I am so delighted to be here with my friends and colleagues who also are very committed to strengthening Social Security to make sure that it not only is strong and a viable program for current seniors and for those of us that are the baby boomers and about to retire, but also that it is a program that is sustainable and solvent for our children and our grandchildren.

That is a big challenge for us and it is easy today to put off problems that look like they are going to be 2 years in the distance, 4 years in the distance, 10 years in the distance, 25 years in the distance, to take up just what is the most pressing challenge today; but that is a wrong strategy. That strategy leaves our country vulnerable. In this case it gets worst the longer we fail to act.

I am pleased our President has discussed this with the American people. He has been very forthright on what the challenges are, and he has shared with the American people that doing nothing is the most dangerous thing we can do when it comes to Social Security. We all know Social Security is a pay-as-you-go. Those that are currently working are paying for those that are currently retired.

It used to be that there were 16 workers in the workforce for every retiree. Later there were 10 workers in the workforce for every retiree. Today there are 3, and so that means that considerable resources, considerable dollars that current workers make have to go to sustain each retiree.

It is wonderful that we can anticipate longer lives than those who designed Social Security. In fact, it used to be that life expectancy was 62 years, and you could retire when you were 65 years. So when Social Security was first proposed and first passed, there were far more people that paid into the system than would ever think that they would get actual Social Security benefits because of the life expectancy.

To our benefit and to the quality of our life, Americans are living far longer. So we need to modernize Social Security so that we do not have two or three workers in the system supporting every retiree as they also have to support their families. We need to make sure that those in the workforce that actually make sure that Social Security is solvent, that when they retire, it is there for them. We need to act sooner rather than later because today it is still possible to deal with the Social Security surplus, to put dollars aside, to build a system that will help make the system solvent and sustainable in later years.

I have with me today one of my colleagues, the gentleman from Florida (Mr. MILLER), who is very knowledgeable about Social Security and in particular about the GROW accounts, the proposal before us right now as we consider whether we take big steps or small steps towards personal accounts that can help us bridge the gap between a system that is not sustainable and not solvent to a system that is there for our children and grandchildren.

I yield to the gentleman from Florida (Mr. MILLER) and am eager to hear what he has to say.

Mr. MILLER of Florida. Mr. Speaker, I am sure it is no surprise to many of you that some of my constituents do oppose personal retirement accounts, so when they do I ask them this very question: Would you agree or disagree Congress should have, when it created Social Security, set up a really true lockbox that earned interest on their FICA contributions?

Of course they eagerly agree that the money should have been set aside and used only for Social Security benefits.

I then follow up with the question: Then why in the world would you be opposed to a personal lockbox, if you will?

It is not secret here in Congress we have not had the discipline in many instances to keep our hands out of the cookie jar of Social Security. Now to stop this I propose that in the future that Congress cannot get its hands on the money in the first place. As soon as workers can start to save part of their Social Security money in a personal retirement account, with their very name on it, this Congress will have to find its money elsewhere.

Growing Real Ownership for Workers legislation is something that our colleague, the gentleman from Louisiana (Mr. MCCRERY) introduced, that would strictly use Social Security dollars for Social Security benefits. Now these GROW accounts mandate that Social Security taxes be used for benefit payments to those people who have worked hard, who have followed the rules and have earned the right to a secure retirement. The accounts would be created for workers under the age of 55 unless they choose not to participate.

□ 2115

The current Social Security surplus would be dedicated to individual GROW accounts where it would be invested in guaranteed marketable Treasury securities, real assets that workers themselves would own and on which account balances would, in fact, be inheritable. Workers age 55 and older will continue to participate in the Social Security system that we know today. Nothing changes. People should have the right if they wish to invest their Social Security taxes in safe, diversified funds like a Thrift Savings Plan that Federal employees and Members of Congress have. The return, in fact, has been proven to be better than the government's 1.6 percent return on Social Security.

Younger workers should have the opportunity to receive a higher retirement income than the current system will be able to pay by the time that they can retire themselves. Workers between the ages of 22 and 55 should have the option of joining the personal account system, and people younger than 22 could, in fact, be required to join that system. Those retiring after about 2042 can really expect to receive only about 73 percent or less of what they are being promised today. A reasonable reform would allow them the opportunity to improve their retirement incomes by investing a portion of their current payroll taxes.

The current system owes some $10.4 trillion more in promised benefits than it can afford to pay, and each passing year adds an additional $600 million to the cost of permanently fixing the Social Security system. Benefits will be reduced and taxes may have to be raised.

As I have been visiting high school seniors in my district over the last few months, I have entered into a dialogue with many of the students over the future of Social Security, and I have asked some students if they believe that Social Security will be around for them to collect when they retire. Out of the five classrooms, only one hand was raised. That is one out of approximately 175 young adults around the age of 18 who actually have faith in our current Social Security system.

Young adults are supportive of personal accounts because they understand that they will be better off during their retirement years. And they also realize that they will not have to worry about placing a financial burden on their children and grandchildren who would otherwise have to act as a financial caretaker in their retirement years.

I have received correspondence from my constituents 50 years and older eagerly opposing the accounts due to a very common misconception. The middle-aged and elderly residents in my area have a fear of not receiving the benefits that they have been promised in the system. To them I say this: they will receive their benefits just as promised. For them the Social Security system will not change in any way.

However, I think it would be a disgrace to deny our younger generation and generations to come the opportunity to build a nest egg, if you will, and prepare adequately for their future. Many people ask what safeguards will the government have to protect these personal accounts if someone invests poorly or recklessly. Clearly, not everyone is comfortable in investing. So Social Security reform will have to include some type of safeguard for its participants in the personal account system. Aside from the strong performance of financial markets over the long term, as well as the fact that a majority of your account will remain in the Social Security trust fund as a safety net, the personal accounts that will be offered will be fully diversified.

Another idea that has been talked about is having participants purchase an inflation-adjusted annuity that is at least equal to 100 percent of the poverty level for their retirement. Democrats have said this: they think that we should eliminate the $90,000 cap on income. Even completely eliminating the cap on taxable wages would only postpone permanent deficits by 6 years, from 2018 to 2024. A temporary fix would likely require future generations to raise taxes over and over, and I think that our constituents deserve better than that.

Now more than ever, those of us here in Congress have a responsibility to make the tough decision while not making the financial burden any harder on the American people. Voluntary personal retirement accounts are very beneficial for the workers and retirees of the future. They would be accumulating money in their own account throughout their working life. And that money would grow through investment over the years. Because their dollars are growing over the course of decades, they would be able to have a more comfortable retirement without relying entirely on the next generation of workers coming after them.

Mr. Speaker, I think we all agree that we need to move towards change now. Let us pass legislation that includes some type of personal retirement accounts. And as we talk about this issue tonight, again I want to thank the gentlewoman from Kentucky (Mrs. NORTHUP) for bringing this issue forward. I look forward to the opportunity of conversing with my other colleagues on the this very important issue.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I thank the gentleman from Florida (Mr. MILLER) for all the hard work he is doing on this issue. It takes people who are very dedicated to talk about the issue.

We know that there have been a lot of groups that have tried to scare the American people. They have tried to scare our parents and current retirees that somehow this jeopardizes the check that they currently get. And they try to scare younger workers that this is going to be something that is risky. And his courageous and understanding leadership in this to delve into an issue and to explain it in a way that the high school students that he talked to understood and had confidence in it is so important.

And I know it will not surprise him to know that the gentleman from Indiana (Mr. CHOCOLA) has people that are scaring seniors, the young people in his district, throwing out misinformation, trying to dissuade them from supporting these GROW accounts.

I invited him here tonight to talk about maybe some of the information, some of the fears, some of the criticisms, maybe some of the rhetoric that he is hearing and to share with us what his answers are to the people in his community and make sure that people that are listening at home tonight that maybe are hearing some of these same things, either recorded phone calls or posters around town, that they will identify with this tactic and understand that they could be reassured that this is a good plan for them.

Mr. Speaker, I yield to the gentleman from Indiana.

Mr. CHOCOLA. Mr. Speaker, I thank the gentlewoman for yielding to me, and I thank her for her leadership on this issue.

This is one of many times she has come to the floor and spoken on this very important issue that I think is important to generation of Americans, and it is important that we focus on the facts and how we can strengthen Social Security for the long term. And the gentleman from Florida did a tremendous job in talking about a first step, I think a very appropriate step, in making sure that we preserve the Social Security surplus for Social Security reasons and benefits.

I did 15 or 20 town hall meetings so far this year on Social Security; and if there was one message I heard loud and clear, Mr. Speaker, from the people of

the Second District of Indiana it is: let us stop raiding the Social Security surplus. Let us stop spending it on everything from the Cowgirl Hall of Fame to the war in Iraq. Let us use that surplus for what it is there for, and that is simply to provide the benefits for Social Security beneficiaries in the future. And that is exactly what GROW accounts do. They simply stop the raid. I think facts matter, and with anything I think that we should understand the facts before we make decisions.

And I learned recently that there is going to be a group of people in my district office in South Bend, Indiana tomorrow, and they are going to demand that I take my name off as a cosponsor of the bill that creates GROW accounts. I am not going to take my name off of that bill because I think that their request is based on a misunderstanding of the facts, and I know that because they sent me a letter, or they are going to deliver to me a letter tomorrow, I think, but we got an advance copy, and some of the things they have stated in this letter are gross misstatements of the fact and I think mislead people as to what GROW accounts do and how they start to solve our Social Security problem.

The first misunderstanding is they say that ''rather than ensuring that American workers receive the benefits they have earned, this bill would divert payroll contributions to create private accounts and would fund these private accounts using the 'surplus,' money which has already been earmarked to pay the baby boomers' Social Security benefits.''

Mr. Speaker, it is true that this bill would create personal accounts and those personal accounts will be funded by surplus Social Security money that goes into the system that is not needed for current beneficiaries. What is not true is that the surplus has been earmarked for baby boomers in the future. In fact, the opposite is true. The surplus is simply spent on everything that the government needs that is outside of Social Security benefits. So I think it is very important that we understand that the GROW account simply makes sure that we spend Social Security surplus money on Social Security purposes.

The second misunderstanding is they say: ''This plan would cut guaranteed benefits.'' There are two things wrong with that statement. One, there are no guaranteed benefits under Social Security as it is currently implemented. The Supreme Court has said that no one has a property right, no one has a right to your benefits. Congress can change the Social Security system at any time in the future and no one can make a claim for their benefits. So under the current Social Security plan, there are no guaranteed benefits.

But if we have GROW accounts, there is a guaranteed benefit because that becomes a personal asset. That becomes an asset with their name on it. It becomes a part of their estate. It becomes inheritable if they die before they can collect their benefits, and currently Social Security has none of those aspects and none of those benefits.

The third misunderstanding is: ''This plan would finance risky private accounts.'' Again, Mr. Speaker, it does fund personal accounts. It is a personal asset for individuals who are in the Social Security system. But they are not risky because these accounts would simply have one asset in them when they are created, and that is government-backed securities, government bonds, the safest investment in the world, and these are tradeable and marketable bonds that can be sold at a later time when people have their retirement needs, and they can use that for their retirement benefits.

So, Mr. Speaker, I do think that facts really matter in this debate because the consequences are very important to every generation of Americans.

We can talk more about these accounts and more about the Social Security situation overall, but again I want to thank my colleagues for being here tonight talking about this very important issue. And one of the things that I always want to encourage people to do is to share with us what they are for. The people coming to my office tomorrow are going to tell me what they are against. I would love to hear what their ideas on saving Social Security are. I would love to hear what they are for. I know that their colleagues are open minded and that we are willing to listen to any good idea to make sure that we permanently solve the problems that Social Security faces. So I hope that we can have some positive input from both sides of the aisle and all the American people because we need that to solve this problem.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I would just like to ask my friend from Indiana specifically about the concern that the people coming to his office have about any sort of risk as though current benefits are guaranteed and they are in place. As he said, they are not guaranteed. The fact is the Supreme Court has recognized that. More importantly, we hear people on the floor every day talking about everything is fine until 2042 and then there would be a 25 percent cut in benefits, as though that is perfectly okay for our children and grandchildren.

But I would just like to ask the gentleman what he thinks of the 1993 tax bill that raised taxes on Social Security, both the percentage that people pay, the percentage of tax, and the baseline that caused them to have to start paying this tax, if he would not call that a reduction in benefits. If previously those Social Security dollars that people got were not taxed and the portion that was, was taxed at a lower rate, in 1993 in one day, Congress changed the law to start taxing more of people's Social Security dollars at a higher rate, if that was not the government reducing their benefit.

Mr. CHOCOLA. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from Indiana.

Mr. CHOCOLA. Mr. Speaker, the gentlewoman is exactly right. Congress has changed the Social Security system over time, and over 20 times in the past Congress has raised taxes on Social Security in payroll taxes into the system. And that has never solved the problem. And if we include raising the amount of payroll that is subject to the tax, it is something like 38 or 39 times we have raised the contribution to the system.

What we have to do is find a way to permanently solve the Social Security challenges that are really undeniable. As she said, the only thing guaranteed is a significant cut in benefits in 2041 or 2042 if we do nothing. So I think it is time that we find a way to permanently solve this problem. The GROW accounts are a great idea as a first step. They are not the total answer, but they are a first step to give people an ownership stake in Social Security, make sure that we use the surplus for what it is intended for, and that is Social Security benefits, stop raiding the surplus and begin to strengthen Social Security for the long term.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

And I know he shares with me an eagerness to hear from the gentlewoman from Pennsylvania (Ms. HART), who is so knowledgeable about this issue and works on it every day and has been a remarkable spokesperson for the personal accounts, what they mean to Americans.

□ 2130

I am eager to hear her thoughts tonight on this also.

Ms. HART. Mr. Speaker, I thank the gentlewoman for yielding to me, and I appreciate the opportunity to have this discussion tonight, because, unfortunately, the American people are hearing a lot of diatribe that really has no basis in fact regarding Social Security.

The gentlewoman mentioned earlier a point that needs to be stressed, and that is that people believe that Social Security is just fine, that their benefits that they expect are going to be paid, and that nothing is going to change. Unfortunately, that is just not the case.

As was mentioned also earlier, in 1983 there was a significant change in the law, and the reason they had to do that was because Social Security was not going to have enough money to pay out the benefits. So the taxes did increase.

Now we are at another point where we are having a very serious change in our demographics, and that means that there are a lot more people who are going to be receiving Social Security benefits in the coming years. The good news is they are going to live a lot longer than they used to, but the bad news is that the Social Security money

is not going to be enough to fund the benefits they expect.

Of course, another problem that Social Security has had for years and one that the GROW Act of 2005, which several of my colleagues have mentioned, will help us fix, is that the money that comes into Social Security now is not even being spent on Social Security to a significant degree.

There is a surplus in the Social Security account for the next several years and that money should actually be saved for Social Security benefits. But right now it is not being saved for Social Security benefits. That money is being spent on general government operations, as my colleague from Indiana mentioned. It could be anything from some crazy museum or the war. But that money has been collected for Social Security, so it should be spent there.

We need to stop the raid on Social Security. We need to stop spending the surplus on things other than Social Security. One of the best proposals I have seen to do that is the GROW Act of 2005. It would not only stop the raid, but it would give Social Security a different dimension that I think is important to Americans, especially in this day and age, and that is that it would set up personal accounts for each American in the Social Security system. That money would actually have their name on it.

A lot of people think that the Social Security money they pay in goes into an account with their name on it. But that is not the case. It goes into the trust fund and gets spent on a number of things.

What the GROW Act would do is set up personal retirement accounts for each person in the Social Security system. Everybody who is paying in taxes would have this account, and that money could no longer be spent on other government operations. It would stay in Social Security. It would be our money. It would have our name on it. It would be inheritable. It is not today, so if you die at 64 and you still have not begun receiving your Social Security benefits, those benefits are lost and your family does not have any claim on those benefits.

So the GROW accounts would be created for anybody under 55, unless they choose not to participate. Then they can stay in traditional Social Security. So that Social Security surplus would be dedicated to these GROW accounts and they would be invested in guaranteed, marketable Treasury securities.

Another concern and some of the demagoguery we have heard is that you can invest this money in something and lose it in the stock market. That is what you hear, it is a risky investment.

These are marketable Treasury securities, not risky investments. They are real assets that are very conservative, in fact. Upon retirement, these account balances would be used to help pay Social Security benefits.

I mentioned that they are inheritable. I think this is worth stressing over and over again, because most people understand that they do not have an ownership right in Social Security. But under the GROW Act, they would.

So I think there are a lot of things that are an advantage to people that these proposals would really bring that they are not aware of; and as long as some of these groups, such as the ones in the district of the gentleman from Indiana (Mr. CHOCOLA), are out there, we really need to clear the record, to make it clear.

I serve on the Committee on Ways and Means. We have been looking at ways to basically shore up Social Security, to make sure that the American public will have an investment that they can depend upon for their retirement; something that will be real; something that will give them a real ''bang for their buck'' as they invest it through their entire lives. And we know that investing it this way is just much smarter. Every person who pays those taxes certainly wants to get the most out of them that they can.

Mr. Speaker, I would say to the gentlewoman from Kentucky (Mrs. NORTHUP), I really appreciate the opportunity to join you tonight.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I think it is really important that we talk about not only the benefits, but some of the misinformation out there, because we know that our constituents are hearing it. They are eager to figure out for themselves what the best course is, and it is important that we both not only talk about the benefits, but also the misinformation and what the answer is to that.

One of the things I wanted to ask my colleague, the gentleman from Indiana (Mr. CHOCOLA), about, he was talking about some of the questions or misinformation that were raised in his district with his constituents who he expects to be in his office.

One of the things I hear all the time is that these GROW accounts, they are going to increase the deficit for our country and that is going to jeopardize sort of the solvency of the country. Can the gentleman discuss that, whether or not these accounts are going to specifically make the deficit worse.

Mr. CHOCOLA. Mr. Speaker, I appreciate the gentlewoman bringing up that point. That is a consistent criticism of the GROW accounts, that they would increase the debt or the deficit; but in fact what they do is unmask or reveal the true budget deficit.

Today we have a Social Security surplus, which we have talked about. That money is used to pay for general government needs, and it reduces or masks the amount of money we really need to run government, because we are taking Social Security money and using it for general government purposes.

With GROW accounts implemented and enacted, we would stop doing that. We would stop using Social Security surplus money for anything except Social Security. The problem with that, the critics would say, is that we have to go find the money to fund general government somewhere else. So on paper it increases the deficit, when in fact it unmasks the deficit.

It is simply a matter of truth in accounting. It is being honest with the American people how much money we spend as a government and where the money comes from. Then we will be more accountable to the American people by not spending their Social Security money on things other than Social Security and being honest as to how much we need to spend or borrow to fund the general government needs.

Mr. Speaker, it is simply a matter of transparency and truth in accounting. Frankly, we need more of that in other parts of government, which we could spend several hours talking about. It is being honest with the American people, and I think it is one of the great benefits of GROW accounts.

Mrs. NORTHUP. Reclaiming my time, in fact, for years Congress has spent the Social Security surplus on other things, and it looked as though those things were all affordable because in fact it did not look like deficit spending, when in fact it was taking the Social Security surplus and diverting it to other things.

Sometimes people ask me why Congress did that. I always say, you know, if we could bring back the Congresses, if we could get Roosevelt to come back or the ghost of Roosevelt to come back, if we could bring back the Congresses in those days, or even the Congresses in the 50s and the 60s, we could ask them that question. I will bet if they looked at things through our eyes, they would think that maybe they should have put these dollars away into accounts that the American people would own and keep them away from Congress.

But all we can do is act as good stewards of the Social Security dollars that are coming in today. None of us can reach back and change what happened in the 60s and the 70s and the 80s. I think the American people understand that. They realize that it is not today's Congress that spent the Social Security surplus in the 60s, but they do expect us to do what we ought to do to make it solvent for the future.

Mr. CHOCOLA. Mr. Speaker, if the gentlewoman would yield further, just to put this into context, between 2006 and 2015, it is estimated that the surplus will be $790 billion that we would put into personal accounts for retirement needs for Social Security benefits versus spending it on general government purposes. So this is a lot of money that can be put aside now for Social Security benefits in the future. I think it is high time we start.

Mrs. NORTHUP. Reclaiming my time, it is a huge amount of money. It would be a great investment in the long-term solvency of the program.

I did not know whether the gentlewoman from Pennsylvania (Ms. HART)

might want to talk a little bit about the deficit too, because I do think that is something we are hearing a lot about, and it is very reassuring to Americans when they understand this is not more debt.

Ms. HART. Mr. Speaker, I thank the gentlewoman for yielding. I would like to discuss that a bit.

I think it was mentioned, the large amounts of money that are involved in Social Security, because everybody who is working is paying into their Social Security fund. In fact, I think a lot of people do not really realize how much they are paying in. They are paying this tax and their employer is paying the tax for them, as well, and it totals 12 percent-plus of their income that is going into the Social Security fund. That is a lot of money.

If people could actually have control of that money, they could certainly earn more on it through these investments, even in Treasury bills, but especially in different kinds of securities.

But the deficit, people talk about how we spend too much money. One of the ways, certainly, to prevent the Congress from spending too much money is to not give the Congress this extra money to spend. Because what has happened over the years is it has just become sort of an assumption that that money that is sitting there in the Social Security surplus can be spent on whatever we want to spend it on. Unfortunately, that creates a serious problem for us down the road, because we are not investing that money, because we are not getting a return on that money that is going to help us pay Social Security benefits down the read.

So the idea of the GROW accounts, which would prevents us from spending that money, I think has a double benefit. It would tell the Congress, hey, this is not your money to spend, and you need to find ways to get your spending in order; you need to get ahold of that and review the programs and cut the programs that are not really doing anything for the American people. In fact, right now I am pleased to say there have been well over 100 programs cut in this year's Republican budget, which is very important.

We need to continue along that track. One of the ways to push us to continue along that track is to take the Social Security surplus and put it in a bunch of personal lockboxes like the GROW accounts would set up, so that every American will have confidence that there will be money there for them in Social Security, with their name on it, so we will have that money for them when they need it when they retire.

Mrs. NORTHUP. Reclaiming my time, it is really a matter of restoring the confidence of the American people that we are going to act in the best long-term interests, fiscal interests, of this country. So I thank the gentlewoman very much for her thoughts on that.

I see that now my good friend, the gentleman from Georgia (Mr. GINGREY), is here. He has spent a lot of time talking about and studying the issue of Social Security, is very knowledgeable about it; and I am eager to hear his thoughts on this issue tonight.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Kentucky for not only recognizing me for a few minutes, but for putting together this special hour to discuss something that is so important.

As I went across my district, and I know my colleagues did the same thing, talking about Social Security when the President first rolled out his suggestion of having an individual personal account, it was not just his idea, but I think a very good idea, to carve out up to 4 percent of the 12.4 percent payroll tax in an optional way for those workers under 55, and to let that part of their Social Security account be an account that they actually own, they actually have ownership of, and it could enjoy the miracle of compound interest. Einstein said that was the greatest power in the world, even more powerful than atomic fission. But clearly that was a good idea. I think it is still a good idea.

But as I talked about that in my town hall meetings across the Eleventh District of Georgia, Mr. Speaker, the one recurring theme that I heard from folks, mostly seniors in the audience, but a lot of times they were younger workers, they said, Congressman, we are not sure about this individual personal account thing.

I think people are afraid of change, and they would express a little bit of hesitation and doubt about it. But one thing that seemed consistent almost every time I did a town hall meeting, and I think I probably have done at least 15 on this subject, was whatever you do, Congressman, please, go back to Washington and tell your colleagues on both sides of the aisle that this business of robbing, of raiding that trust fund has got to stop. If you do not do anything else, just solve that problem, because nothing else really matters if you continue to take this excess money that has been coming in since 1935 when we had 15 workers for every beneficiary and people died before they reached the age at which they could earn a benefit at age 65. Life expectancy was 64 on average, and we did not have any problem.

□ 2145

But we have time over these coming years. I say ''we,'' and my colleague pointed out just a little earlier, we were not around, not many of us, I think I was 3 years old when Franklin Delano Roosevelt died. But Congresses have been spending that excess money in the so-called trust fund to the point that $1.7 trillion is missing.

But I think it is important for us, my colleagues, to let the American people know that that money was not squandered, it was not wasted. We are not talking about fraud and abuse; we are talking about spending money on things like K through 12 education, Head Start programs, benefits for our veterans, which they so richly deserve, in times like we are now when we are in a shooting war and we have to equip our troops to make sure that we give them every opportunity to win. That is where the money has gone.

I think Members of Congress on both sides of the aisle are, by their very nature, compassionate. And when these folks come to us and say, we need just a little bit more, Mr. Congressman and Mrs. Congresswoman, we need just a little bit more, we have little children that have needs, we have disabled people that have needs, that is where the trust fund has gone.

So I think it is understandable. We can play this blame game and finger point and say, well, the Democrats did this, or President Clinton, or the Republicans have spent the money, or President Bush is spending the money to wage a war in Iraq and Afghanistan. But what we are talking about now with this idea of the GROW account is to answer the complaint of the people in the 11th district of Georgia, and I am sure my colleagues' districts as well, let us do finally put a lockbox on the Social Security Trust Fund.

So I really commend the members of the Committee on Ways and Means, the gentleman from Louisiana (Mr. MCCRERY), the gentleman from Florida (Mr. SHAW), the gentleman from Texas (Mr. SAM JOHNSON), the gentleman from Wisconsin (Mr. RYAN), the gentleman from Arizona (Mr. SHADEGG), and my colleagues here tonight, the gentlewoman from Pennsylvania (Ms. HART) and, before that, the gentleman from Indiana (Mr. CHOCOLA) was with us. I think the Committee on Ways and Means has really come up with a novel idea. I hope we will not abandon the thought of individual personal accounts coming out of the payroll tax, and I think at some point we will do that, and we need to continue to work on the solvency of Social Security.

But this is a great way, these GROW accounts, to say that we are going to take the excess, and there will be, Mr. Speaker, an excess of revenue coming in over benefits being paid out from now until 2017. I do not think anybody disagrees with that. I think one of my colleagues tonight said that we are talking about maybe as much as $700 billion over that period of time before we reach that cross-over where the amount coming in is the same as the amount going out. But we have got that window of opportunity, we are talking about 12 years, where we can allocate that money, that excess money to individuals younger than age 55, unless they opt out, and then in 2009, as I understand the GROW accounts, we will actually not only have the opportunity to invest that into government bonds, but put it in a well-managed Thrift Savings Plan so that our beneficiaries can then enjoy the miracle of compound.

So I am really glad to be here tonight to lend my thoughts to it. I think it is

a great idea. I commend the committee. I look forward to having the opportunity to go back home during the August recess and tell my colleagues that yes, we are finally going to respond to the best suggestion that I have heard, and it was from the folks back home; let us finally put a lockbox on the excess dollars coming in.

With that, I will yield back to the gentlewoman from Kentucky and thank her for letting me participate this evening.

Mrs. NORTHUP. Mr. Speaker, I thank the gentleman, and I think he raises a point that is important.

Many nights we have talked about personal savings accounts and how many of us believe that in the long run they are the best answer to solvency, to making sure that our younger workers have a system that is there for them, that gives them a good return on investment, a system where as Americans live longer they can count on these dollars in their retirement.

But that is not possible today. It is not possible for a variety of reasons. Part of it is politics, part of it is all of the scare tactics that are being used. But, more importantly, sometimes, when you have a very big, complicated problem, it is easier if you solve it in steps, and the first step that Americans seem to be asking us to do is stop making the problem worse by spending the Social Security surplus on other things other than Social Security.

I think that is very exciting. When we do that, and I am convinced we will do that, we are going to see that seniors are going to keep getting their Social Security check just like they always have; we are going to see that younger workers are going to find out each year what they have in a personal account for themselves that is going to grow. Many families, especially young families that are trying to balance children and new jobs and so forth, this may be the only savings that they have from one year to the next, and that will be reassuring. And as people understand how that works, I am convinced that the support and the interest in growing that to truly solving the Social Security system will be there.

I know that my friend, the gentlewoman from Pennsylvania (Ms. HART) also has talked before about the hole we are in, if we do nothing, and why we have to deal with this problem now. I think it is important that the gentlewoman add that to the record of our discussion tonight.

Ms. HART. Mr. Speaker, I thank the gentlewoman for yielding. I will be brief. I think it is important for us to understand the absolute size of this problem if we do not do anything. Because again, GROW accounts are the beginning of a solution to the problem of making sure that there are benefits that are going to be able to be paid to people who are expecting Social Security.

Right now we just cannot make that statement. We cannot tell people we are going to make sure all of your benefits are paid because, in fact, in 2041, the trust funds will be gone. At that point, the payroll taxes will be paid out as they come in and will only cover 74 percent of the benefits. A couple of years later, it declines to a much lower percentage, in the 60 percent range, and lower and lower. Obviously, people do not want to receive less in their Social Security check.

So we are in a position where we need to identify and really realize that we have a serious unfunded liability, the gap between program revenues, things that are coming in, and the costs that we know that we will have to pay. It is like a pension plan that is going bankrupt.

After considering the trust fund's current balance of about $1.7 trillion, which is the unfunded liability, the cost of the program would be $4 trillion in present value. That is $300 billion more than last year's report. So the longer we wait to try to change the system, the more it is going to cost to change the system and find a way to GROW accounts, and this GROW account bill will help us find a way to fill in that unfunded liability.

So the promise to maintain those benefits for people is really an empty promise until we make a change.

We have an opportunity from now until 2017 to start real accounts with real money in them for the American public.

I really thank the gentlewoman from Kentucky (Mrs. NORTHUP) for bringing this to the attention of the American people, because they need to spend some time and understand this issue so that they can support these good proposals that are out there. I commend the gentlewoman for what she is doing and I thank her for allowing me to join her tonight.

Mrs. NORTHUP. Well, I am so excited. I know that the gentlewoman is on the committee that is heading this up. It is an enormous challenge and you all are doing a fabulous job. As the rest of us worry about this and study it and provide ideas, we are so grateful that the gentlewoman's committee is committed to making this happen.

Mr. Speaker, I see now that the gentleman from Texas (Mr. HENSARLING) has joined us. It is the end of a very long day, and I am so appreciative that the gentleman came down, because I know that he has worked hard on these proposals and has been committed to them. He has been here with us on other evenings as we have talked about Social Security, and we are eager to have the gentleman join us tonight.

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for yielding, and I especially thank her for her leadership.

Retirement security and saving Social Security is truly a critical issue in America. To me, this is much more than a simple congressional debate; this is a debate that I take very personally. Mr. Speaker, my parents are in their seventies. Social Security is part of their retirement, a very important part of their retirement security, and not only as a United States Congressman, but as a son, I am committed to ensuring that they receive every single dollar that Social Security says that they will receive. I have a moral obligation to my parents, and I know everybody in Congress feels that same obligation.

But not only do I feel I have a moral obligation to my parents, I am also a father. I have a 3½-year-old daughter. I have a 22-month-old son. Social Security as we know it will not be there for them unless we act.

I can understand how different people in this body can have different solutions to the problems that we are facing in Social Security, but I cannot believe those who would simply deny the existence of the problem.

Mr. Speaker, I guess the challenge is, because too often in this town we are looking to the next election and we are not looking to the next generation. I guess there is some good news, and we are talking about it tonight. Social Security is still running a surplus today. That is good news. Those who are on Social Security, those who will soon be on Social Security, they are going to be in fine shape, Mr. Speaker. But it is those future generations, it is for everybody in America who may have that 3½-year-old daughter, that 22-month-old son, for whom we have to do something.

Now, as much as we would like in Congress to repeal the laws of demographics, we simply cannot do it. We cannot deny the fact that when Social Security was first created, you had almost 50 workers paying into the system for every one person taking out of the system. Now, Mr. Speaker, we are down to only 3 and a third workers, 3 and a third workers paying into a system for every one that is taking out. Very soon, we are going to be down to 2 workers paying into the system for every one.

Another demographic trend that we cannot outlaw, it is great for seniors, not too good for Social Security, is the average life span in America is increasing. When Social Security was first created, the average life span of an American was 60 years of age. I mean, their name was called on the roll up yonder before they ever saw one penny of their retirement. That is what many Americans faced. Well, thanks to the marvels of modern medicine, which my colleague, the gentleman from Georgia (Dr. GINGREY) knows a lot about, the average life span of an American today is 77 years of age.

So we have more and more retirees, we have fewer and fewer workers, and those retirees are living longer and longer and longer, and the system simply cannot handle that. I mean, right now the cost of doing nothing is tremendous. We are looking right now at a shortfall in Social Security of $10.4 trillion.

Now, I am not sure if anybody in America can really conceptualize or grasp this figure of $10.4 trillion, trillion with a T. But I did a little math and what that means, Mr. Speaker, is if we wanted to try to solve the problem of Social Security for future generations and solve it today, every American would have to write a check out for $34,000; a family of four over $125,000, to try to solve the problem today.

Now, what happens if we do nothing? And unfortunately, many of our colleagues on the other side of the aisle are part of the school of thought that we should do nothing. Well, if you look very closely at what the Social Security law says today, what current law says, what it really says is that my children are going to face an automatic benefit cut of probably over a third. Now, when I go to town hall meetings in my congressional district back in Texas and ask how many people are on Social Security and maybe half of them raise their hands, I ask, how many of you would be willing to take a third cut of our Social Security benefits? Not one hand goes up. And then I ask, well, how about your grandchildren? Do you mind if they have their benefits cut by a third? Not a single hand goes up.

Current law says, when the trust fund is exhausted, there will be an automatic benefit cut, and it can approach one-third. Mr. Speaker, that is just not fair. I mean, this is an issue of generational fairness.

I would love for us to solve the problem of Social Security tonight. Every day we put it off, it is costing the American people an extra $200 million. We are kicking that can down the road, because too many people are looking at that next election and not the next generation. So as much as I would like to solve the problem tonight, I know perhaps that is not realistic.

□ 2200

But surely, Mr. Speaker, surely we can agree that the trust funds in Social Security ought to be dedicated to Social Security. But that is not the case. Forty-nine different times Congress has taken that money, and they spend it for something else.

Now, sometimes they spend it for really good things. They spend it on Kevlar vests for our troops in Iraq. Maybe they spend it to help guarantee a student loan. Maybe they help a low-income person get into their first home.

But more often than not, they also spend it on wheelchairs for Medicare that cost five times as much as those in the VA. They spend it on $800,000 outhouses in Iowa, and the toilet does not even flush. They spend it on studies of how and why college students decorate their dorm, and the list goes on and on and on.

There is a spending problem in Washington, D.C., Mr. Speaker, and we need to make sure that the Social Security trust funds are solely dedicated to Social Security. And so, fortunately, a number of our colleagues came up with an idea.

They call them GROW accounts, and it is a very, very simple idea. It says, take the remaining Social Security surpluses, and we think maybe we have about 12 years left before Social Security begins to go bankrupt. If the tidal wave of red ink only gets larger and larger and larger, let us at least save the surpluses we have and let us get it out of Washington because Washington has been taking that money and spending it on something else.

Let us get it into your account, an account with your name on it, something that you own. And, Mr. Speaker, a lot of people in America do not realize that they do not own their own Social Security. Several Supreme Court cases have ruled you do not own your own Social Security. So this is a very simple idea. Surely, we in Congress can at least agree on this one small baby step, to try to keep the security in Social Security. Let us take these remaining surpluses, let us put them into an account that you own, that Congress cannot spend, that bureaucrats cannot take away. You own it, something that you can leave to your family. Put it in a very safe investment, put it into a T-Bill.

Now, I do not know how anybody, Mr. Speaker, can call this a risky proposition, but they do. Let me tell you what is really risky. What is really risky is Americans leaving their retirement security here in Washington, D.C. when the trust fund has been raided 49 different times.

Mr. Speaker, there have been 20 different tax increases on Social Security, 20 different tax increases. And every time that the taxes are increased, your rate of return goes down. And that is important because we are losing the security out of Social Security.

Now, my grandparents, who are deceased, who were born about 1900, they got about a 12 percent rate of return on their Social Security. That was a great rate of return. My parents, who I alluded to earlier this evening, they were born in roughly 1930. They are getting about a 4½ percent rate of return on their Social Security, and that is not bad. My generation, represented by those born roughly 1960, we are going to get about 2½ percent rate of return on our Social Security. That is barely keeping pace with inflation. And my children, my children, my 3½-year-old daughter, my 22-month-old son, Mr. Speaker, they are going to get a negative rate of return. They are going to put more money into Social Security than they take out.

Mr. Speaker, that is not fair. That is where the risk is. The risk is doing nothing. The risk is leaving our Social Security here. There have been multiple benefit cuts in Social Security. We cannot have the trust fund raided. The tax increases, the benefit cuts, the declining rates of return, the no ownership rights. Surely we can agree on this modest step forward of setting up these GROW accounts so that Americans can count on that Social Security so the trust fund cannot be raided and we can have personal accounts with your name on it. And, Mr. Speaker, that would be one positive step that we could take in this body to help save Social Security for future generations.

Mrs. NORTHUP. I thank the gentleman from Texas (Mr. HENSARLING), who is a good friend. I also thank the gentleman from Georgia (Mr. GINGREY) and the other Members that joined us tonight to talk about this very, very important issue.

You talk so much about the different generations. It is amazing how many people that are concerned about Social Security solvency think about this in terms of all the different generations. I often picture the generations sort of lined up, my mom and dad, my dad passed this year, but my mom. She is 82, and she is sort of up at the front of the line. And then you get back, as people age, and I am 57 and so I am back still on this side of the line of retirement, eight steps away from retirement. My children in their 30s and 20s are further behind me in the line.

And the way Social Security works is everybody in the back of the line, before they get to retirement, helps pay the retirement for those at the front of the line. The problem is the line in the back is getting shorter as the line in the front is getting longer. What GROW accounts do is allow younger workers in a sense to throw over the line some savings that will be there when they get there. It saves the people behind them in the line from having to fully fund their retirement, and it gives them the confidence that there will be a retirement savings for them.

It begins to change from of a pay-as-you-go system to a long-term funded solvent system that will take care of Americans today, Americans tomorrow, and Americans in the future, so that our whole country will be solvent and able to address the emerging challenges that are bound to emerge with each generation. It is the right thing to do. It is the fair thing to do. It is a good idea for a transition to go through the GROW accounts so that we can set up a system that helps us transform Social Security from a pay-as-you-go to an invested solvent system.

I would like to thank my friends and colleagues who joined us late tonight to discuss this important issue. I look forward to working with you, and I know you do also with all the Members the Congress so that we can serve the American people in a responsible way.

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

OUR NATIONAL ENERGY POLICY

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced

policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes.

Mr. INSLEE. Mr. Speaker, I come to the floor tonight in part of a continuing discussion of our national energy policy, and I come specifically this evening to address some new science. There have been two new developments that are important to America in regard to our energy policy. One is some very new emerging science indicating that we need to change our energy policy and have one that is much more optimistic and visionary; and, two, the results of the energy policy bill that has come out of the House that is now in the conference committee that unfortunately has fallen very short of what this country needs.

And, third, I will finish with an optimistic note about a discussion of how this country can adopt a truly new technologically oriented, optimistic, can-do energy policy that can help our country break our addiction to Middle Eastern oil, stop global warming, and grow jobs in this country with these new energy sources that we need to develop.

But first I would like to start the discussion by talking about some emerging science. There really are three reasons that we need a new technologically oriented clean energy policy for America. We clearly need to break our addiction on Saudi Arabian oil that is a security threat to the United States. That is number one. And we can do it with a high-tech future.

Number two, we have to stop global warming, which is a real threat and the science that I will talk about is in that regard. And, three, we need to grow our economy by having the next generation of technological development to truly have a new breakthrough energy policy for this country.

But I would like to start tonight's discussion by talking about some new science that has come in just in the last several weeks that has a bearing on our need for a clean energy future in this country. This science has been accumulating for the last decade or so; but it is very interesting just in the last several weeks, we have had some very fundamentally profoundly disturbing scientific revelations that lead to the conclusion that our Nation needs to lead the world to a new energy future.

I would like to set the stage, if I can, to talking about some of the things that have been known, at least on a gross basis, that are happening in the world today. And basically what is happening in the world today is in a real sense, it is melting. I want to refer to a picture of the Upsala Glacier in Patagonia at the southern tip of South America, a picture here taken in 1928. This huge glacier at the tip of South America. You can see it here, pretty vast field of ice in 1928. Same picture taken in 2004, basically showing the disappearance of this enormous multi-square mile field of ice that in this photograph has disappeared and now is essentially a bay at the southern tip of South America, an incredibly rapid, rapid change since 1928. This picture unfortunately is very typical of what is happening in glaciers around the world due to the warming of the Earth.

A picture to show that it is not limited to South America. This is a photograph of the good old United States of America, one of my favorite national parks, Glacier National Park. On the left it shows a picture of the Grinnell Glacier in 1938. You can see it extends down into this basin, comes off this cliff, has a rather large area of flat glacier down in this area.

Same picture, same observation point in 1981. You see that this extent of the glacier has now totally disappeared. There is a lake where the glacier used to be. The Grinnell Glacier is rapidly receding. There were 150 glaciers in Glacier National Park a hundred years ago. There are about 30 significant ones now. And the scientists project that in one of our most treasured jewels of our crown, we will have no glaciers of any significance in Glacier National Park 50 years from now.

So, in fact, what we see is that due to a national or a global phenomenon, some of the most pristine treasures of America are being destroyed by global warming, and so our grandchildren, in hopes of having some some day, our great grandchildren will have to say we will take you to the park formerly known as Glacier because it will not have glaciers anymore.

The point I would like to make is that this is not just an isolated regional occurrence happening at the southern tip of South America or in our treasured Glacier National Park. In fact, it is something that is happening all over the globe. We now know some information that shows the thickness of long-term perennial ice in the north, and we now have very, very conclusive evidence that that ice is melting significantly.

This is a graph showing the extent and thickness of the ice cover in the Arctic in various locations during the 1950s, 1960s, and 1970s compared to the thickness with observations taken in the last 15 years. The blue, for instance, at the North Pole, shows the meters, just under 4 meters of thickness of ice at the North Pole on average in the 1950s, 1960s, and 1970s. The brown bars show the thickness in the last 15 years. You see it has gone down to under 2½ meters of thickness, probably a 40 percent reduction in thickness at the North Pole.

It is not isolated. In the Nansin Basin there was about 4 meters of thickness. It has gone down to about 2.25 meters. In the Eastern Arctic, it is even more pronounced, from about 3.4 meters down to about 1½ meters. It is the same story all across the Arctic. The Arctic is melting. It is becoming less thick by factors of almost half. Just under half of the ice in the Arctic is gone as a result of global warming, something that we have grown up with, something that 15 years ago we could not have imagined could disappear.

□ 2215

It is not just the thickness and it is not just in the Arctic. If you look at Greenland, and Greenland for reasons I will talk about is one of the great question marks about what is going to happen to the world in the next century. Greenland is an enormous reservoir of ice, thousands of feet thick covering the continent. But what has happened in 2002, this is a map of Greenland, basically showing where the melt has been in 2002 in these red areas. And you see a rather pronounced area where you have had this very significant melting along the periphery of the Greenland ice sheet.

What scientists have found is a very disturbing phenomenon that has occurred in Greenland and that is that there have been these fissures or crevasses open up that allow this melt water to melt down which lubricates the glacier which hastens the seaward spread of the glacier which can even accelerate the melting even further. This is of tremendous concern. This may get technical but let me notice it.

This is a hidden time but when it comes to climate in Greenland. The reason is off of Greenland is the Atlantic current that operates because of the saltiness, what is called the Halcyon Cycle of cold salt water sinking that creates this current that warms northern Europe, warms the northern Atlantic States of America.

If this ice melts in Greenland it can shut down the Gulf Current. In fact it has done that thousands of years ago. It happened at least once before, shut that current down and actually precipitated, and here is one of the great ironies, a little ice age in the northern hemisphere. That is why the Europeans are terrified of what is happening in Greenland today of this ice melting, making the water fresher, possibly shutting down this Atlantic current, causing this enormous change in our climate factor, a situation in the north Atlantic.

I want to point out these are not hypotheticals, these are not theories. These are not suggestions. These are not abstractions. These are facts. The things I have talked about today are direct observations. No scientist in the world questions them. They are unequivocal and there is no use arguing about them.

So what we have is a rather pronounced worldwide melting of ice and the question now is why is that? Well, there is a clear reason that has now been answered by the scientific community from the international panel of scientists, of over 1,500 scientists from around the world, from every bent, from every philosophical standpoint, geophysicists, geologists, physicists, climatologists, you name it, in the largest gathering of world scientists ever dealing with a climatic issue.

They have said with great confidence that human factors are causing the climate to change, are a significant factor in that change. The National Academy of Sciences of the United States of America, and I am proud of the United States of America, we are the world's greatest scientific authority in the world. Our National Academy of Sciences, the people to whom we trust the scientific intellectual treasure trove of America, a few months ago came out with a conclusion that human activities are a significant cause of the climate change that the world is now experiencing. These are not fruitcakes, crackpots or small granola eaters. These are the people that helped put us on the moon, develop nuclear energy, and basically are the reason the United States leads the world today. We need to listen to them when they tell us something very dangerous is going on in the world today.

What is that? It is global warming caused by gasses that we, all of us, put into the atmosphere, and I would like to talk about that for a moment.

There is a phenomenon that actually is a really good thing. The presence of carbon dioxide is really important for us to live. Right now, carbon dioxide, we need to reduce the amount we are putting in the air because carbon dioxide and methane and a few other gasses are causing this global warming. But do not forget it is actually vital to human life on the planet, because carbon dioxide warms the planet. If carbon dioxide and water vapor and other things were not in the air, we would live on a frozen planet. So having the right amount of carbon dioxide is very important. Too much is a problem and that is what we are experiencing now.

The reason this works, carbon dioxide, it is like a greenhouse. You have heard of the greenhouse effect. It very much is like a greenhouse. Carbon dioxide allows energy in but does not allow energy out. It is like a pane of glass. Just like a pane of glass it has a certain attribute. And scientists taught me this and I will share with you this trick, how this works.

CO_2 is like glass in that it allows light energy to come in but not go out. It is like a one-way door. And the reason it is like that is that CO_2 molecules block ultraviolet rays of light, light at a certain spectrum, excuse me, allows it in, allows ultraviolet rays from the sun in to the Earth, and that is the warming component coming in. But when light bounces back into space, it bounces back at a different frequency, at infrared frequencies.

It holds the energy in and that is good to a certain degree, but the problem is now is that the carbon dioxide levels in the air have gone up dramatically and so we have a thicker blanket on the Earth trapping this energy to a significant degree. Let me talk about now how significant that is.

The numbers I am now going to talk about are also fact. They are not abstractions or hypotheticals. This chart basically shows the CO_2 concentrations in a red line. This is the most disturbing red line that I know of in the world today in the long term because what it shows is for the last thousand years what the carbon dioxide levels were on this red line, and that is expressed in parts per million, how many molecules of CO_2 per million there are in the atmosphere.

If you see a thousand years earlier it was about 280, 278 parts per million on the left side of the chart. We know this because it is pretty amazing. We have air from that period, because there are trapped air bubbles that were trapped by these glaciers a thousand years ago. Scientists drill a core into the ice and they get those little air bubbles and they put them on a devices that measures the concentration of CO_2 and you know exactly how much CO_2 there was. So this is a very precise measurement.

So we know a thousand years ago CO_2 levels were 278 or 280. You will see the next hundred years are about the same. The next hundred about the same. The next hundred there are some minor deviations 500 or 600 years ago. They are staying about the same. Then about a hundred years ago we started to see an uptick of CO_2 levels starting to rise. Something happened about a hundred years ago or a little more than a hundred years ago causing carbon dioxide levels to rise.

What happened is we started to burn coal and oil. When we burn coal it puts carbon dioxide in the atmosphere. So those levels of carbon dioxide started to go up, and they kept going up and now they are going up at a rate unprecedented in global history. As far as we know this is the fastest rate of CO_2 acquisition or increase in global history. And what we see now is we are now up to about 370, I believe it is about 378 parts per million. So we have gone from about 275 a thousand years ago and just in the last hundred years we have gone up about half of that again up to about 373, 378 parts per million. So we were a third or half, depending on how you categorize that number, higher than we were and what are called pre-industrial times.

Now, why is that important? Well, it is pretty obvious. If CO_2 captures heat and it traps heat and you increase the carbon dioxide, you are going to increase the energy that is trapped in the Earth and the temperature of the Earth if it is not used in some other fashion. And that is indeed what has happened. We see temperatures spikes shown in these blue areas. And the blue shows the variations and, of course, the temperature does vary to some degree from year to year and even decade to decade. But what we see is we have had a corresponding increase in temperatures on the Earth as well.

The scientific community has come together to tie those two together, and frankly it makes sense to me that if you increase carbon dioxide by a third, as much as you had in pre-industrial times, it is likely you are going to trap energy in the Earth, and that is exactly what has happened.

It is not just the last thousand years that this correlation has taken place. I want to show a chart which is also observational evidence. This is a chart that is very similar. It shows carbon dioxide levels again in the red line and temperatures in the blue only it goes back 400,000 years. It takes us back further in time. And what we see is that 400,000 years ago we were about 250 and the red line went down and went up and went down and it went down and it went up. And you will notice corresponding changes in the temperature at the same time. When carbon dioxide has gone down, the average temperatures have gone down. Notice we have had some deviation over the 400,000 years.

Carbon dioxide levels have gone up and down. But also notice this, they have never in the last 400,000 years been as high as they are. This is the highest they have ever been, number one. And, number two, the rate of increase is now on this graph essentially a vertical line. The rate of increase of the amount we are putting of carbon dioxide is unprecedented in global history.

So if we look the projection is that if things remain the same we will be up to 550 parts per million by 2050, my kids' lifetime. And by 2100 we will be up to 1,280 parts per million taking a worst case projection. So however you slice it, we are going to have somewhere between a doubling of carbon dioxide and a quadrupling of carbon dioxide in the next hundred years compared to pre-industrial times.

This is bad news for the Earth because we have a system built on a climate regime consistent with somewhere around 300 part per million. And our crops, where our fish are, where we live, how much air conditioning we use, whether we are comfortable or hotter than heck will all change as these CO_2 levels skyrocket.

Now, these are observational issues, observational facts as well that I have given you. Obviously, this is a projection but one that is based on the best available scientific evidence that we have.

Now it just in the atmosphere? No, it is not just in the atmosphere. One of the categorical things that our own oceanographic folks in the United States Government have been studying temperatures in the ocean as well because the ocean is a very efficient sink of energy. It is a storage battery for energy. What they have found is that ocean temperatures as well, and this graph is expressed in heat content rather than temperature, and that is watts per year per meters squared.

The ocean essentially going back from 1993 has had observational changes that have gone up dramatically, as this graph would show, to 2003 as well. And this is actually a piece that had fallen into the scientific puzzle to answer this question when we

have recently found huge amounts of energy essentially stored in the ocean.

Now, this is a concern because the ocean expands as it gets warmer. And if you live on the coastline as I do, the State of Washington, or around Florida or anywhere else for that matter, you need to be concerned about rising ocean levels, not like a tsunami but on a creeping basis, that could inundate significant parts of our coastline in the next hundred years. That expanding phenomenon of water is also increased by the melting of Greenland. And we have projections of anywhere from several centimeters to several meters in the next 100 to 150 years potentially inundating our coastlines. So we have not just the air but the water associated with these problems.

Now, I want to note how this, the things that have happened in the last 4 months that have nailed the nail in the coffin of debate about whether or not global warming has been caused by human, in part, by human-caused action.

□ 2230

Basically, I think that one of the major newspapers I was seeing had a headline that said ''The Debate is Over: It's Fact.'' And I think that pretty much summarizes the state of this situation.

Arguing about whether or not global warming exists right now is a little bit like arguing gravity. It is something you could do several hundred years ago, but not today. We have a lot of questions about the extent, the rapidity, the rate of change, how much coastline will be inundated, how fast the West Nile virus will move north, how fast the tundra will melt. There are a lot of questions about how much and how fast; but the fact it is occurring, clearly, number one, is true; and, second, it is great cause for concern.

These are not abstractions. Our lives are changing today because of this. The ski industry in the Cascade Mountains in Washington essentially was shut down this year. My son is a ski patrolman. He worked for 3 days this year. There was no snow. And having no snow is consistent with what the models predict will become a significant problem for us in the future. And it is not just skiing; we get our irrigation water from there. We run our power in the Pacific Northwest from there. We are experiencing these problems today.

I talked to a friend of mine who went fishing off the coast of Washington. Not many salmon, because the water is six to eight degrees warmer than it has ever been. In fact, we are getting species that have never been seen off the Washington coast. Tuna. Certain species of tuna never seen before off the Washington coast before are now moving north along the coastline because of these warming temperatures.

If you go to Alaska, you will see houses that are falling down because the tundra is melting. And that is significant because the tundra, and this is what is called a multiplier, a feedback effect, when the tundra melts because of warming, it releases enormous amounts of methane. Methane gas is frozen and stored in the tundra, and when it is released, methane gas itself is a global-climated gas. It is four times worse than CO_2. So when you melt the tundra, you accelerate the rate of change. Just like when you melt the ice, you accelerate the rate of warming.

And that is why the North has warmed up so much, because the ice has melted and now the light is absorbed by the dark land rather than reflected back into space. It is called the feedback loop that accelerates the rate of warming that is going on. So we have the native populations in Alaska now having to move their villages because of the collapse of their coastline. And they are seeing the day when they may not be able to hunt for seals any more because the ice is not coming close to the shoreline to support the sea life.

West Nile virus. You have seen these maps that show where West Nile virus has invaded the United States. It is not an accident that some of these diseases are moving north that are carried by mosquitoes, because those insects are moving north. It is not an accident that you are seeing these horrendous fires in the western United States, because the trees have no moisture in them and they are also dying because of beetle infestations.

Why did these beetles all of a sudden show up? These trees have been there for eons. Why all of a sudden are these forests being killed by these insect infestations? Well, one thing we can say is that the milder winters allow these insects to live. So our forests are significantly affected by this situation.

The point I am making is that when you grow a garden in Seattle, Washington, right now, you notice that flowers are coming up earlier. That might be a good thing, but it is not so good a thing if it means we are not someday going to be able to grow wheat in southern regions of the Midwest because it will not support that type of vegetation. So the point is there are real things happening today; and, sadly, we are not responding to them.

Coming back to the pieces of the puzzle that have come into play very recently, there has been a lot of debate about global warming; and as many things in science do, we have advanced from questions to hypotheses to theories to observations to arguments to debates to consensus. There is a consensus in the worldwide scientific community that humans are now playing a role in climate change that is assuredly affecting the globe. And in the last several months, there have been several major studies by very well accredited organizations that have come up with pieces to that puzzle.

For instance, in the last 2 weeks, the Royal Academy of Science in Britain completed a study of the acidity in our world's oceans. Now, the acidity of our world's oceans are affected by the amount of carbon dioxide in the atmosphere that is then dissolved in the ocean. Because carbon dioxide, through a chemical reaction, can make the world's oceans more acidic. They are a little bit alkaline-based now.

Now, the Royal Academy of Sciences goes back to Isaac Newton, I think. Talk about a prestigious group. How are you going to argue with this group? They have concluded that there is a very significant increase in the acidity of the world's oceans because of the increased carbon dioxide going into the atmosphere. That amount, if I understand this correctly, is almost a 30 percent increase in the acidity. It is still alkaline, but it is becoming more acidic, and it is going down in a PH level from, and my numbers may not be correct, if you want to check this, you can go on a Web site called realclimate, it is either dot-org or dot-com, which should give you the numbers. But it is a logarithmic scale. You can see it has gone from 8.5 to 8.2 or 8.1.

Now, that does not sound like much, but it is a logarithmic scale, which means about a 30 percent change, which is significant. And that is significant because life in the ocean, our coral reefs or shellfish, or anything that makes calcium-based covering, like shells and corals, depends on that level of acidity to allow their life forms to exist.

Our coral reefs now are in deep trouble because of temperature. We have had massive bleaching, which is basically the death of coral reefs. They have a life form that builds the reef, and those have died just because of the warmer water. But the changes in the acidity levels, the PH levels, is also a means of mortality for our reef system. Many scientists are very concerned that this could greatly upset the balance of life in our oceans associated with anything that essentially uses calcium that is affected by the PH levels in the water.

So there is one thing that has changed. The National Academy of Sciences, secondly, America's most prestigious organization, and a pretty conservative group, not known for wild ideas, in the last several months came out and said that they had a consensus that human activity is a significant factor in global warming. A significant second thing.

Third thing. A study done of the world's oceans by a third group concluded that the salinity of our oceans is changing significantly because of this fresh water melt coming off from Greenland. When Greenland melts and the Arctic melts, that fresh water goes somewhere. It goes in the ocean and changes the salinity levels because that ice is melting.

Fourth. We have seen significant localized temperature differences of varying significant degrees, six to eight degrees off the coast of Washington, for instance. Those are just

things in the last several months that are occurring.

Now, what they add up to is a picture of a changing globe, one that we are partially responsible for and one that we do not know exactly where it is going. I talked to a scientist down in South America who is studying the rain forest; and he is finding that the vines, now this was in Panama, and he was one of the first guys that had a crane and they put these big cranes up and the crane goes around, they have a little basket and they can look at the top of the rain forests. I went up in one of those cranes. They cover about 2½ acres of ground. It is amazing being up there.

This scientist told me that in studying the rain forest, what they have found is that the type of vegetation in the rain forest is changing dramatically because of the increasing CO_2 levels in the atmosphere. What we see on this chart at first seems like an abstraction; but when you see these CO_2 levels going up dramatically in the atmosphere, that is not just an intellectually interesting point. It means a change in our world.

What it means in the rain forest, this scientist told me, I think his name was George, though I cannot remember his last name, is that certain plants metabolize carbon dioxide better than others and they grow faster than others. What they found is the parasitic plants, the plants that basically use other plants for a structure, like vines, and the vines are called lianas, and the lianas are increasing their rate of growth explosively and are sort of taking over the canopy of the rain forests.

So when we went up there, you could see these places where the canopy of the rain forest was just covered with vines. He told me that 25 years ago that was simply not the case. So what we are seeing is major changes in vegetation patterns in certain places associated with carbon dioxide as well.

So what do we conclude from this? Well, I think that we need to exercise common sense. What this scientist told me, and I thought his characterization of this problem was one of the most sort of commonsense ones I have heard, he said we are now engaged in the largest experiment in human history, and we are the guinea pigs. And he meant by that that this whole global warming experiment that we are conducting in the world, we are the ones likely to be affected by it in ways we cannot fully predict.

In other words, we cannot fully predict the year we will not be able to grow wheat in the southern Midwest. We cannot predict that. We cannot predict the year we will not be able to power our electrical turbines in the Pacific Northwest because of the lack of snowpack, or the year that we will have a 20 percent reduction. We cannot predict when that will happen. We cannot predict the year that malaria will spread significantly north in various environments. We really cannot predict when that will be. We cannot predict when we will have to move the villages in the Arctic because of the receding shoreline. We cannot predict the dates those things will happen, but we are running this large craps game about what we are doing with our Earth by continuing in this course of putting carbon dioxide in the air in this steady curve.

And now I am going to come to what this Congress has to do with this. What the United States House of Representatives, and there are 435 people who work here, 100 over in the Senate, and there is one President and one Vice President, what that group has decided pretty much, at least the majority at the moment, what they have decided is that this explosion of carbon dioxide, this enormous ramp-up of carbon dioxide that has never happened before in the Earth's history as far as we know, that is having these prolific changes on life forms across the world is just hunky-dory and that we can just take our chances.

This U.S. Congress has decided to just roll the dice and let it happen, no matter what is going to happen. We do not have either the insight or the instinct or the willingness to do anything about this problem. And I stand here tonight to say that anybody that spends just a few minutes, just a few minutes acquainting themselves with the recent science on this issue will come away with the conclusion that inaction on this problem is massively irresponsible to our grandchildren and our great grandchildren, and in some parts of the world to ourselves.

That is the situation that is happening in the U.S. Congress because we do not pay attention enough to the science that has shown the conclusion that we have a problem on our hands. This Congress has done nothing about this problem. The President is not willing to deal with this problem. Disappointing. He ran for office saying he was going to support a carbon dioxide cap so we could put at least some limitation on the carbon dioxide we put out. He ran for President telling the American people he would do that, and he has not done a single thing about global warming in the 5 years he has been in office.

There is no excuse for that dereliction of duty. None. He owes us better. And we are capable of doing better because we are the smartest, most technologically oriented people in the world. We owe ourselves and our kids a solution to this problem.

□ 2245

Now what has the President said he was going to do about this problem. Here is what he said he is going to do. He says he is going to have a voluntary program where he will ask major players to volunteer to solve this problem.

Well, you can run a PTA bake sale on a voluntary basis, but you cannot reorient the energy policy of America on a volunteer bake sale. It is a joke. It is a sham. We would rather have the President just admit that he refuses to do anything about this problem. That would be straightforward. But this volunteerism is nothing but a scam. We need to act. We need to do some common-sense things to deal with this CO_2.

Why am I suggesting we have a cap on carbon dioxide. The reason is what we have found is when we cap these pollutants, it works. We have had what is called a cap-in-trade system now for over a decade for sulfur dioxide and nitrogen dioxide. That has been very successful. It has limited those two pollutants without damaging our economy one hoot. And yet this pollutant, the one that is going off the charts, the President refuses to do anything about. We need a CO_2 cap to lead us in ways that we can reduce our contributions of CO_2.

Now there are some other commonsense things we can do. Unfortunately, we have not done them. We can improve the mileage we get from our vehicles. The reason we know that is we have done this. We know that Congress can effectively increase the mileage of our vehicles. If you look at this graph that shows the mileage our vehicles have gotten, as we increase our mileage, we reduce our CO_2 emissions.

In 1975, our cars got 14 miles to a gallon. And then the Congress and the President acted in a bipartisan to increase mileage. In 1984 it got up to 24.5 miles a gallon. Trucks also went up. The average almost doubled. We almost doubled our mileage because we decided to do so. We took some common-sense measures to increase our mileage.

Then in 1985 the Federal Government went to sleep and the Federal Government refused to take any further action to increase mileage, and mileage went down. The average mileage of our total fleet, cars and trucks, had gone down in 1985. Since 1985, we have mapped the human genome, we have invented the Internet and applied it to great usage, and yet the mileage manufacturers provide us has gone down since 1985. We can do better than this.

I am 6 feet 2 inches, 200 pounds and driving a hybrid car that gets in excess of 40 miles a gallon. It is safe, it is comfortable. We can do better.

If we inflated our tires to the manufacture recommended level, we would save more gas than we will ever get out of ANWR if we destroy that area through drilling. So there are things that we can do.

I want to suggest a solution, and that is we can pass the New Apollo Energy Project, a bill that I have introduced with other Members of the House. The New Apollo Energy Project will have an aggressive technologically based way to solve this problem, and it will do that by using what America is great at, which is our creative genius. And the reason we call it the New Apollo Energy Project, it is to kindle the spirit that we had when John F. Kennedy stood right behind me on May 9, 1961,

and he challenged America to go to the moon in 10 years and return a man safely. That was very daring. We had not even invented Tang yet, and our rockets were blowing up on the launch pad. But he did it because President Kennedy understood one thing about the American character, he understood that Americans are genius when it comes to innovation, and that Americans love a challenge.

We need now a bold vision and a challenge to America to invent our way out of this difficulty, to invent the new clean, renewable energy sources that can help solve this problem, to invent the new, more efficient cars, refrigerators, air conditioning units, building, houses, you name it, in a way to use energy more efficiently.

We know if we do that, and the New Apollo Energy Project will do that, we will harness the talent of America to get that done. The reason that we are suggesting this is not just global warming, there are two things that the New Apollo Energy Project will do.

Number one, it will break our addiction to Middle Eastern oil. We know that the energy bill that passed the House, a sordid affair that gave 94 percent of $8 billion, 94 percent of the bill that this Chamber passed, I voted against, 94 percent of the $8 billion of taxpayer money went as a direct subsidy to the oil and gas industry, to the most profitable industry in America, to an industry that is getting over $60 a barrel for fuel.

Hooking our wagon to the oil and gas industry to try to drill our way out of this problem is simply doomed for failure. The reason it is doomed for failure is that the oil is not here, it is elsewhere. We only have 3 percent of the world's oil supply, but we generate 25 percent of the world's CO_2 production. The oil simply is not here. Dinosaurs went somewhere else to die, actually leafy vegetation material. They went mostly to the Mideast, to Venezuela and Indonesia and off the coast of Norway, but not here. So we are chasing a losing proposition here to try to drill our way out of this problem.

Besides, even if it was here, we would be competing with China now with this huge new economy to compete for this new resource. No, this is a failure just waiting to happen. So this 94 percent solution is money that is not going to solve our energy problems.

The New Apollo Energy Project, by contrast, will say we do not have to think about what the Saudi Royal House thinks about our public policy. When we make a decision on the Middle East, we will be free of that. We will not have to face the prospect of our sons and daughters dying in the Middle East again. We have lost enough. Now it is time to get serious about this, and an oil and gas driven policy is not a serious energy policy, it is a sham.

But this New Apollo Energy Project will have a third and very important benefit. It will grow jobs in this country. You have to ask yourself why are we letting the jobs to build fuel efficient cars go to Japan. Those cars should be union jobs here in the United States. Why are we letting jobs go to Germany for solar cell production, they should be here in the United States.

The New Apollo Energy Project is as American as apple pie because it means American jobs. Two causes for optimism in that regard, and a lot of people think when we talk about new energy that somehow it is just pie in the sky, but they really have not paid attention to look at the science that is going on in new energy.

What we find, and these are graphs of the prices of renewable energy systems in the last 30 years or so. What we see is that all of these new technologies have come down in price dramatically. We look at wind here that in 1980 was 30 cents a kilowatt hour, is down to about 4, 5, 6, and is projected to continue to go down.

In my neck of the woods, wind is a huge new growth industry. We are putting in North America's largest wind farm in southeast Washington, a utility very close to where I live. It is essentially market based in a lot of places.

We see photovoltaics have gone by a factor of about 5 in the last 30 years, from 100 cents a kilowatt hour down to about 22 now and projected to go further.

Biomass has gone from 12 down to 7 or 8; solar thermal has experienced the same thing.

What we have found is while oil has been going up, renewables have been coming down, and renewables are somewhat more expensive today, most of them still, than fossil fuels. But that is not going to last long because China is coming on, and if you have seen what has happened to the price of oil, we are going to be in an international bidding war with the Chinese economy, and that price is going to continue to go up. We have something cheaper in these technologies which have become more cost based because they have become more efficient, and we use scales of economy. Every time we build one of these, the price goes down.

Let me show you the house of Mr. and Mrs. Alden Hathaway in Virginia. It was built for about $365,000. A little more expensive than a normal house, although not much. By using solar panel roof, passive energy, an inground heat pump, decent design, net energy consumption used by fossil fuels is zero. Zero.

It is a comfortable home. I have seen it. It would not stand out in any neighborhood, a place to be proud of, and has zero energy consumption. And the secret is they have net metering. When the sun is shining, and even through clouds it works, certain levels of clouds. It feeds electricity back into the grid and their meter runs backward. You sell your energy back to the utility, and they have to pay you for it when we pass my bill, the New Apollo Energy Project.

The point I have is this is real. It is out there today. It is happening. I read in this morning's newspaper about a fellow developing a senior citizen housing complex with essentially the same technology in Thurston County, Washington. This is with us. All this Congress has to do is to listen to the science, be optimistic about American technological development, and have just a little bit of common sense to act in a positive way in the future.

Unfortunately, it has not done that yet, but I stand tonight to say that with this emerging science, with the clarity that has emerged about the threat of global warming, with our positive view about the confidence we have in America's technological ability, we are going to solve this problem. It is doable, it is achievable. The New Apollo Energy Project will help to do that.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3199, USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Mr. GINGREY (during Special Order of Mr. INSLEE), from the Committee on Rules, submitted a privileged report (Rept. No. 109–178) on the resolution (H. Res. 369) providing for consideration of the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3070, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. GINGREY (during Special Order of Mr. INSLEE), from the Committee on Rules, submitted a privileged report (Rept. No. 109–179) on the resolution (H. Res. 370) providing for consideration of the bill (H.R. 3070) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

31ST BLACK ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore (Mr. POE). Under a previous order of the House, the gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, I rise today to join my fellow collegues and Greek Cypriots through the world in remembering the 31st anniversary of the tragic invasion and occupation of Cyprus by Turkish armed forces.

On July 20, 1974, Turkey invaded the sovereign Republic of Cyprus and placed 37 percent of its territory under military occupation. Over the past 31 years, two hundred thousand Greek Cypriots have been expelled from their homes and forced to live as refugees. This illegal occupation persists today, infringing upon principles of national sovereignty and violating the Cypriots' natural right of self-determination.

On this day, as we remember the victims of the Turkish invasion of Cyprus, I urge my colleagues and the world to support the Greek Cypriot concerns about the reunification process. Greek Cypriots want Cyprus united under a plan that will provide a just, fair, and long-term solution to the Cypriot problem. And they deserve nothing less. Any reunification plan must uphold democratic and human rights for all Cypriots. It must resolve property rights issues for Greek Cypriots and it must significantly demilitarize the island. Let me be clear—a plan that is unacceptable to 76 percent of Greek Cypriots cannot be acceptable to the United States or to the international community.

I also urge Congress to use this day of remembrance to honor other victims of Turkish injustice. Today, Turkey continues to violate the religious rights and freedoms of the Ecumenical Patriarch, spiritual leader to millions of Orthodox Christians around the world. The Government of Turkey refuses to recognize the Ecumenical Patriarchate's international status, continues to impede training for the clergy, refuses to reopen the theological institute at Halki, and has confiscated or levied retroactive taxes on Ecumenical Patriarchal properties.

I am pleased that I was able to include language on the Ecumenical Patriarch in the Foreign Relations Authorization Act, which passed the House of Representatives today. This language calls on Turkey to immediately eliminate all forms of discrimination, particularly those based on race or religion. It also calls on Turkey to pledge to maintain and protect religious and human rights without compromise.

Today, I ask my colleagues to join me in solemnly commemorating the 31st anniversary of the invasion of Cyprus. I further ask you to stand firmly with the people of Cyprus in their quest to achieve reunification and justice for Cyprus. The U.S. should not turn its back on the peaceful aspirations of the Cypriot people. Justice dictates that Turkish troops should leave the occupied parts of northern Cyprus, and that the Cypriot people—both Greek and Turkish alike—can reunify and enjoy the benefits of peace with justice and the benefits of being member of the EU.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. CARSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at the request of Mr. BROWN of Ohio) to revise and extend his remarks and include extraneous material:)

Mr. MENENDEZ, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, July 25.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, July 27.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, July 25.

Mr. HUNTER, for 5 minutes, July 21.

Mr. CUNNINGHAM, for 5 minutes, July 21.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LYNCH, for 5 minutes, today.

ENROLLED JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a Joint Resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 52. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, July 21, 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:

2891. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Revision to Requirements Regarding Credit for Promotion and Advertising [Docket No. FV05–981–1 IFR] received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2892. A letter from the Acting Under Secretary, Rural Development, Department of Agriculture, transmitting the Department's final rule — Renewable Energy Systems and Energy Efficiency Improvements Grant, Guaranteed Loan, and Direct Loan Program (RIN: 0570–AA50) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2893. A communication from the President of the United States, transmitting a request for a FY 2006 budget amendments for the Departments of Agriculture and Health and Human Services; the Environmental Protection Agency; International Assistance Programs; the National Aeronautics and Space Administration; and the Small Business Administration; (H. Doc. No. 109—49); to the Committee on Appropriations and ordered to be printed.

2894. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Contract Management Agency (DCMA), Case Number 03–02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2895. A letter from the Solicitor General, Department of Justice, transmitting notice that the Department will not appeal the district court's order in the case American Civil Liberties Union v. Norman Mineta, No. 04–0262; to the Committee on Appropriations.

2896. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a report presenting the specific amounts of staff-years of technical effort to be allocated for each defense Federally Funded Research and Development Center (FFRDC) during FY 2006, pursuant to Public Law 108—287, section 8028(e); to the Committee on Armed Services.

2897. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the Department's status and results of the ''National Call to Service'' program for Fiscal Year 2004, pursuant to Section 531(e) of the Bob Sump National Defense Authorization Act of 2003; to the Committee on Armed Services.

2898. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101—510, section 2903(c)(6) and 2914(b)(1); to the Committee on Armed Services.

2899. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of real admiral (lower half) accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2900. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2901. A letter from the Under Secertary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Richard B. Myers, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2902. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

2903. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission; to the Committee on Armed Services.

2904. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal

Year 2004, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

2905. A letter from the Administrator, FNS, Department of Agriculture, transmitting the Department's final rule — Child and Adult Care Food Program: Permanent Agreements for Day Care Home Providers (RIN: 0584–AD69) received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2906. A letter from the Deputy Assistant Secretary for Labor-Management Programs, Department of Labor, transmitting the Annual Report of the U.S. Department of Labor's Office of Labor-Management Standards (OLMS), covering OLMS activities from October 1, 2003 through September 30, 2004; to the Committee on Education and the Workforce.

2907. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Medical Device Reporting; Confirmation of Effective Date [Docket No. 2004N–0527] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2908. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water [Docket No. 2004N–0416] received July 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2909. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Electronic Products; Performance Standard for Diagnostic X–Ray Systems and Their Major Components [Docket No. 2001N–0275] (RIN: 0910–AC34) received June 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2910. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Time Limitation on Recordkeeping Requirements Under the Drug Rebate Program [CMS–2175–F] (RIN: 0938–AN55) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2911. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Federal Policy for the Protection of Human Subjects —— received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2912. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule -Federal Motor Vehicle Safety Standards; Tire Pressure Monitoring Systems; Controls and Displays [Docket No. NHTSA 2005–20586] (RIN: 2127–AJ23) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2913. A communication from the President of the United States, transmitting notification that the national emergency with respect to Liberia is to continue in effect beyond July 22, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109—48); to the Committee on International Relations and ordered to be printed.

2914. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certifiation of a proposed technical assistance agreement for the manufacture of significant military equipment abroad (Transmittal No. DDTC 016–05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2915. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certifiation of a proposed technical assistance agreement for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DDTC 023–05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2916. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of the Netherlands to the Government of Portugal (Transmittal No. RSAT–01–05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2917. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting a report on the audit of the American Red Cross for the financial year ending June 30, 2004, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

2918. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report in accordance with Section 25(a)(6) of the Arms Export Control Act(AECA), describing and analyzing services performed during FY 2004 by full-time USG employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on International Relations.

2919. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2004, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA), as enacted 10 February 1996, by Section 1324 of Pub. L. 104–106, and 21 July 1996, by Section 148 of Pub. L. 104–164; to the Committee on International Relations.

2920. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report of the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on International Relations.

2921. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Expansion of the Country Scope of the License Requirements that Apply to Chemical/Biological (CB) Equipment and Related Technology; Amendments to CB–Related End-User/End-Use and U.S. Person Controls [Docket No. 050401091–5091–01] (RIN: 0694–AD37) received April 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2922. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report regarding calendar year 2004 sales to designated Tier III countries of computers capable of operating at a speed in excess of a specified number of million theoretical operations per second (MTOPS) by companies that participated in the Advanced Simulation & Computing (ASC) Program of the Department; to the Committee on International Relations.

2923. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 535 Division D of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2005 (Pub. L. 108–447); to the Committee on International Relations.

2924. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report describing conditions in Hong Kong that are of interest to the United States, covering the period from April 1, 2004 to March 31, 2005, pursuant to Public Law 104—107 section 576; to the Committee on International Relations.

2925. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period February 1, 2005 through March 31, 2005; to the Committee on International Relations.

2926. A letter from the Acting Chief Counsel, Office of Foreign Assests Control, Department of Treasury, transmitting the Department's final rule — Alphabetical Listing Of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers —— received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2927. A letter from the Acting Director, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program for fiscal year 2005, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform.

2928. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2929. A letter from the Political Personnel & Advisory Comm. Mgmt. Spec., Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2930. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2931. A letter from the Asst. Secretary for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2932. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the Commission's Fiscal Year 2004 Inventory of Commercial Activities, pursuant to Public Law 105—270; to the Committee on Government Reform.

2933. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Sole Source Agreements Issued by the Executive Office of the Mayor and Office of the City Administrator Failed to Comply with Procurement Law and Regulations''; to the Committee on Government Reform.

2934. A letter from the Senior Vice President, Tennessee Valley Authority, transmitting the Authority's second annual report with respect to fiscal years 2000 through 2004, pursuant to Public Law 107—174 section 203(a); to the Committee on Government Reform.

2935. A letter from the Rules Administrator, Bureau of Prisons, Department of

Justice, transmitting the Department's final rule — Over-the-Counter (OTC) Medications: Technical Correction [BOP–1129–F] (RIN: 1120–AB29) received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2936. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Clarifying of Release Gratuities—Release Transportation Regulations to More Closely Conform to Statutory Provisions [BOP–1108–F] (RIN: 1120–AB21) received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2937. A letter from the Deputy Assistant Attorney General, Office of the Attorney General, Department of Justice, transmitting the Department's final rule — Inspection of Records Relating to Depiction of Sexually Explicit Performances [Docket No. CRM 103; AG Order No. 2765–2005] (RIN: 1105–AB05) received May 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2938. A letter from the Director of Publications and Information Technology, American Council of Learned Societies, transmitting the Council's Annual Report for the years 2000–2001 through 2002–2003, pursuant to 36 U.S.C. 1101(56) and 1103; to the Committee on the Judiciary.

2939. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA–03–15351] (RIN: 2127–AJ40) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2940. A letter from the National Ombudsman, Small Business Administration, transmitting a copy of the Administration's Office of the National Ombudsman's Annual Report on COngress for fiscal year 2004; to the Committee on Small Business.

2941. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's annual report on entitlement transfers of basic educational assistance to eligible dependents under the Montgomery GI Bill (MGIB), pursuant to 38 U.S.C. 3020(1); jointly to the Committees on Veterans' Affairs and Armed Services.

2942. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''National Coverage Determinations for Fiscal Year 2003,'' pursuant to Public Law 106—554 section522(a); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committee were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. BUYER: Committee on Veterans' Affairs. H.R. 3200. A bill to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes (Rept. 109–177). Referred to the Committee of the Whole House on the State of the union.

Mr. GINGREY: Committee on Rules. House Resolution 369. Resolution providing for consideration of the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes (Rept. 109–178). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 370. Resolution providing for consideration of the bill (H.R. 3070) to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes (Rept. 109–179). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. CHABOT, Mr. SHERMAN, Mr. PENCE, Mr. ENGEL, Mr. WILSON of South Carolina, Mr. CROWLEY, Mr. TANCREDO, Mr. CARDOZA, Mr. NORWOOD, Mr. KIRK, Mr. MCCOTTER, Mrs. EMERSON, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, Mr. POE, and Mr. LEWIS of Kentucky):

H.R. 3358. A bill to provide for payment of certain claims against the Government of Iran; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. DINGELL):

H.R. 3359. A bill to limit frivolous medical malpractice lawsuits, to reform the medical malpractice insurance business in order to reduce the cost of medical malpractice insurance, to enhance patient access to medical care, and for other purposes; to the Committee on the Judiciary, 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 Mr. NUSSLE:

H.R. 3360. A bill to amend the Internal Revenue Code of 1986 to enhance tax incentives for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself, Mr. PALLONE, and Mr. RADANOVICH):

H.R. 3361. A bill to prohibit United States assistance to develop or promote any rail connections or railway-related connections that traverse or connect Baku, Azerbaijan; Tbilisi, Georgia; and Kars, Turkey, and that specifically exclude cities in Armenia; to the Committee on International Relations, and in addition to the Committee on 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. ANDREWS:

H.R. 3362. A bill to protect small businesses from increased tariffs and other retaliatory actions taken by the United States during a trade dispute; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 3363. A bill to amend the Tariff Act of 1930 relating to drawback; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. CANNON, Mr. MCGOVERN, Ms. SOLIS, Ms. LINDA T. SÁNCHEZ of California, Mr. MORAN of Virginia, and Mr. GUTIERREZ):

H.R. 3364. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to identify and register certain Central Americans residing in the United States; to the Committee on the Judiciary.

By Mr. FORTUÑO:

H.R. 3365. A bill to make funds generated from the Caribbean National Forest in the Commonwealth of Puerto Rico available to the Secretary of Agriculture for land acquisition intended to protect the integrity of the buffer zone surrounding the Caribbean National Forest, and for other purposes; to the Committee on Resources.

By Mr. HIGGINS:

H.R. 3366. A bill to amend the Niagara Redevelopment Act to encourage economic development and recovery in western New York, to promote fiscal transparency, to enhance the safety and security of the Niagara Power Project, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HULSHOF (for himself and Mr. BECERRA):

H.R. 3367. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 3368. A bill to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office''; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. FRELINGHUYSEN, Ms. DELAURO, Mr. CASE, Ms. SCHAKOWSKY, Mr. MCNULTY, Mr. MCDERMOTT, Ms. BORDALLO, Mr. SCHIFF, Mr. FARR, Ms. MCCOLLUM of Minnesota, and Mr. DAVIS of Illinois):

H.R. 3369. A bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, 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. WEINER (for himself, Mr. CROWLEY, Mrs. MALONEY, and Ms. BERKLEY):

H.R. 3370. A bill to require the Secretary of the Treasury to take certain actions with regard to the Arab Bank, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTKNECHT (for himself, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. TIAHRT, Mr. BISHOP of New York, Mr. BROWN of Ohio, Mr. BARTLETT of Maryland, Mr. RAMSTAD, Mr. OBERSTAR, Mr. KLINE, Ms. ROS-LEHTINEN, Mr. CUNNINGHAM, Mr. HASTINGS of Florida, Mr. BURGESS, Mr. REICHERT, Mr. SABO, Mr. HEFLEY, Mr. MORAN of Kansas, Mr. ETHERIDGE, Mr. LUCAS, Mr. HOLDEN, Mr. JENKINS, Mr. GOODLATTE, Mr. HAYES, Mr. POMBO, Mr. PETERSON of Minnesota, Mr. COBLE, Mr. SCHWARZ of Michigan, Mr. OTTER, Mr. ENGLISH of Pennsylvania, Mr. TAYLOR of North Carolina, Mr. WEINER, Mr. CUELLAR, Mr. GINGREY, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. LINDER, Mrs. CUBIN, Mr. KINGSTON, and Mr. EVERETT):

H.J. Res. 61. A joint resolution supporting the goals and ideals of Gold Star Mothers Day; to the Committee on Government Reform.

By Ms. LEE:

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring victims of HIV/AIDS and recognizing the struggle to prevent and treat HIV/AIDS in the United States and throughout the world; to the Committee on Government Reform.

By Mr. KUHL of New York:

H. Res. 371. A resolution expressing the sense of the House of Representatives that each State should revise its laws and regulations to enable individuals and small businesses to obtain health insurance through the combination of a health savings account and a high-deductible health plan; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H. Res. 372. A resolution increasing the amount provided for the Members' Representational Allowance of a Member of the House of Representatives who employs a veteran with a service-connected disability; to the Committee on House Administration.

By Ms. WOOLSEY:

H. Res. 373. A resolution recognizing the dangers posed by nuclear weapons and calling on the President to engage in nonproliferation strategies designed to eliminate these weapons of mass destruction from United States and worldwide arsenals; to the Committee on International Relations, and in addition to the Committee on Armed 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.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LYNCH introduced a bill (H.R. 3371) to provide for the liquidation or reliquidation of certain entries; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. SMITH of Texas.

H.R. 95: Mr. RAMSTAD and Mrs. MYRICK.

H.R. 97: Mr. AL GREEN of Texas and Ms. KAPTUR.

H.R. 282: Mr. POMEROY.

H.R. 297: Mr. LARSON of Connecticut.

H.R. 309: Mr. COLE of Oklahoma.

H.R. 341: Mr. BOEHLERT.

H.R. 371: Mr. KUCINICH.

H.R. 379: Mr. PASTOR and Mr. CLAY.

H.R. 442: Mr. AKIN and Mr. STEARNS.

H.R. 552: Mr. DAVIS of Kentucky, Mr. SESSIONS, and Mr. PETERSON of Minnesota.

H.R. 557: Mr. CUNNINGHAM and Mr. OTTER.

H.R. 613: Mr. DAVIS of Illinois.

H.R. 635: Mr. LAHOOD.

H.R. 662: Ms. CARSON.

H.R. 783: Ms. KILPATRICK of Michigan.

H.R. 819: Mrs. BIGGERT.

H.R. 856: Mr. SOUDER, Mr. PORTER, and Mr. RYAN of Ohio.

H.R. 867: Ms. KILPATRICK of Michigan.

H.R. 872: Mr. KUHL of New York and Mr. DICKS.

H.R. 896: Mr. POMEROY, Ms. LEE, Mr. BLUMENAUER, and Mr. GERLACH.

H.R. 898: Mrs. BONO and Mr. REYES.

H.R. 925: Mr. GINGREY and Mr. PUTNAM.

H.R. 930: Mrs. BLACKBURN.

H.R. 934: Mr. SIMPSON.

H.R. 949: Ms. ROS-LEHTINEN and Mr. KILDEE.

H.R. 998: Mr. GUTKNECHT and Mrs. JOHNSON of Connecticut.

H.R. 1039: Mr. BOUSTANY.

H.R. 1124: Mr. RAMSTAD.

H.R. 1141: Mr. NORWOOD, Mr. MCNULTY, and Ms. WASSERMAN SCHULTZ.

H.R. 1167: Mr. AKIN.

H.R. 1182: Mr. STARK.

H.R. 1202: Mr. BEAUPREZ.

H.R. 1204: Mrs. KELLY and Mr. CARNAHAN.

H.R. 1241: Mr. BISHOP of Utah.

H.R. 1246: Ms. SCHWARTZ of Pennsylvania.

H.R. 1259: Mr. FATTAH.

H.R. 1307: Mr. SMITH of New Jersey, Mr. HOLT, Mr. LOBIONDO, and Mr. PASCRELL.

H.R. 1366: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1405: Mr. PETERSON of Minnesota, Mr. ENGEL, and Ms. LEE.

H.R. 1431: Mr. SCHWARZ of Michigan and Mr. HONDA.

H.R. 1443: Mr. FRANK of Massachusetts, Mr. REYES, and Mr. SNYDER.

H.R. 1498: Mr. FRANK of Massachusetts and Mr. MURPHY.

H.R. 1505: Mr. SIMPSON.

H.R. 1526: Ms. BALDWIN, Mrs. LOWEY, Mr. WEINER, and Mr. MCDERMOTT.

H.R. 1548: Mrs. CAPITO.

H.R. 1602: Miss MCMORRIS and Ms. HARRIS.

H.R. 1648: Mr. CARDIN.

H.R. 1652: Mrs. JOHNSON of Connecticut, Ms. LORETTA SANCHEZ of California, Mr. DELAHUNT, Mr. THOMPSON of California, Ms. SCHWARTZ of Pennsylvania, and Mr. ENGEL.

H.R. 1668: Ms. DELAURO, and Mr. HINCHEY.

H.R. 1696: Ms. BEAN and Mr. MILLER of North Carolina.

H.R. 1714: Mr. CANTOR.

H.R. 1729: Mr. ENGLISH of Pennsylvania.

H.R. 1736: Mr. SMITH of Texas, Mr. BOEHLERT, and Ms. ZOE LOFGREN of California.

H.R. 1772: Mr. DOOLITTLE.

H.R. 1791: Mr. STRICKLAND.

H.R. 1823: Mr. HONDA.

H.R. 1849: Mr. CARDOZA.

H.R. 1898: Mr. BOUCHER.

H.R. 1977: Mr. MCDERMOTT.

H.R. 2121: Mr. FOSSELLA, Mr. HERGER, Mrs. JOHNSON of Connecticut, and Mr. BUTTERFIELD.

H.R. 2177: Ms. DEGETTE and Mr. HOLDEN.

H.R. 2181: Mr. ENGLISH of Pennsylvania.

H.R. 2193: Mr. MCINTYRE.

H.R. 2209: Mr. SPRATT.

H.R. 2238: Mr. BOOZMAN.

H.R. 2356: Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. MILLER of North Carolina, Mr. BACHUS, Mr. SALAZAR, Mr. HINOJOSA, Mr. WESTMORELAND, Mr. SCHIFF, Mrs. KELLY, Mr. CLYBURN, Ms. SCHWARTZ of Pennsylvania, Mr. JONES of North Carolina, and Mr. CUELLAR.

H.R. 2363: Mr. GARY G. MILLER of California.

H.R. 2412: Mr. SCHIFF.

H.R. 2456: Mr. MEEKS of New York.

H.R. 2498: Mr. ANDREWS, Mr. GENE GREEN of Texas, and Mr. GOODE.

H.R. 2526: Ms. SCHWARTZ of Pennsylvania.

H.R. 2533: Mr. MCGOVERN.

H.R. 2560: Mrs. JONES of Ohio.

H.R. 2669: Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. OWENS, and Mr. RANGEL.

H.R. 2717: Ms. ESHOO, Mr. MCNULTY, Mr. RAHALL, Mr. REYES, Mr. MCINTYRE, and Mr. INSLEE.

H.R. 2727: Mrs. MCCARTHY, Mr. STRICKLAND, Mr. KING of New York, and Mr. INSLEE.

H.R. 2780: Mr. MCGOVERN, Ms. VELÁZQUEZ, Ms. DELAURO, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. EMANUEL, Mr. CROWLEY, Mrs. MALONEY, and Mr. MCNULTY.

H.R. 2793: Mr. PUTNAM and Mr. WALSH.

H.R. 2794: Mr. UDALL of Colorado, Mr. FOLEY, and Mr. CALVERT.

H.R. 2803: Mr. ROGERS of Alabama, Mr. MCHUGH, Mr. WAMP, Mr. SIMMONS, and Mr. KUHL of New York.

H.R. 2828: Mr. FRANK of Massachusetts.

H.R. 2842: Mr. ENGLISH of Pennsylvania.

H.R. 2874: Mrs. EMERSON.

H.R. 2952: Mr. SCHIFF, Mr. BERMAN, Mr. CUELLAR, Mr. WAXMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BALDWIN, Mr. WU, and Mr. COSTA.

H.R. 2963: Mr. BRADY of Pennsylvania.

H.R. 2964: Mr. DOGGETT, Mr. REHBERG, and Mr. MCINTYRE.

H.R. 2981: Mr. RENZI.

H.R. 3050: Mr. CALVERT.

H.R. 3061: Mr. ENGLISH of Pennsylvania.

H.R. 3098: Mr. MICA, Mr. BACA, Mr. CHOCOLA, Mr. FEENEY, Mr. BAKER, Ms. GINNY BROWN-WAITE of Florida, Mr. ROSS, Mr. MARSHALL, Ms. HOOLEY, Mrs. TAUSCHER, Ms. GRANGER, Mr. CROWLEY, Mr. SESSIONS, Mr. WYNN, Mr. Burgess, Mr. SPRATT, Mr. MENENDEZ, Mr. NEY, Mr. CARDIN, Mr. ENGLISH of Pennsylvania, and Mr. BARTON of Texas.

H.R. 3108: Ms. WASSERMAN SCHULTZ and Mr. KIRK.

H.R. 3111: Mr. FOLEY.

H.R. 3127: Mr. MCCOTTER, Mr. BLUMENAUER, Mr. HOLDEN, Mr. WEXLER, Mr. SOUDER, Mr. ALLEN, Mr. GALLEGLY, Mr. CLEAVER, Mr. CASE, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. HONDA, Ms. PELOSI, Mr. ACKERMAN, Mr. PRICE of North Carolina, Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEACH, Mr. KING of New York, Mr. GREEN of Wisconsin, Mr. PENCE, Mr. BURTON of Indiana, Mr. BERMAN, and Mr. UDALL of Colorado.

H.R. 3132: Mr. BOUSTANY, Mr. TERRY, Mr. KUHL of New York, Ms. GRANGER, and Mr. WILSON of South Carolina.

H.R. 3135: Mr. OBEY.

H.R. 3142: Mr. DELAHUNT, Mr. MICHAUD, and Mr. FRANK of Massachusetts.

H.R. 3160: Mr. UDALL of Colorado.

H.R. 3165: Mr. ENGEL, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, and Mr. BERMAN.

H.R. 3167: Mr. MILLER of Florida and Mr. KOLBE.

H.R. 3184: Mr. MCCOTTER, Mr. PENCE, Mr. NORWOOD, Mr. CHABOT, Mr. MCCAUL of Texas, and Mr. CARDOZA.

H.R. 3187: Ms. WOOLSEY, Mr. MCHUGH, Mr. BROWN of Ohio, and Mr. ALLEN.

H.R. 3194: Mr. OWENS, Ms. WASSERMAN SCHULTZ, Mrs. MCCARTHY, Mr. MENENDEZ, Mr. AL GREEN of Texas, and Mr. PETERSON of Minnesota.

H.R. 3200: Mr. FILNER, Ms. HERSETH, Mr. GUTIERREZ, Mr. STRICKLAND, Ms. CORRINE BROWN of Florida, Mr. REYES, Ms. HOOLEY, and Mr. BUYER.

H.R. 3251: Ms. CORRINE BROWN of Florida.

H.R. 3252: Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. CARDOZA, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. RANGEL, Mr. RUSH, Mr. LANTOS, Mr. THOMPSON of Mississippi, Mr. SCHIFF, Mr. FORD, Mr. BUTTERFIELD, and Mr. PETERSON of Minnesota.

H.R. 3268: Mr. LINDER and Mr. CARTER.

H. Con. Res. 137: Mr. CAPUANO.

H. Con. Res. 138: Mrs. LOWEY.

H. Con. Res. 179: Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. HONDA, Mr. MCDERMOTT, Mr. CASE, Ms. SCHWARTZ of Pennsylvania, Mr. SIMMONS, Ms. MATSUI, Mr. MCNULTY, and Mr. SCHIFF.

H. Con. Res. 181: Mr. SIMPSON, Mr. WAMP, Ms. WASSERMAN SCHULTZ, and Mr. GILLMOR.

H. Con. Res. 187: Mr. EVANS, Mr. KUCINICH, and Ms. SCHAKOWSKY.

H. Con. Res. 194: Mr. MCCOTTER and Mr. BISHOP of Georgia.

H. Con. Res. 202: Mr. MCNULTY and Mr. PETERSON of Minnesota.

H. Con. Res. 206: Mr. RANGEL and Mr. FLAKE.

H. Con. Res. 210: Mr. DOOLITTLE, Ms. DELAURO, Mr. PORTER, Mr. MEEHAN, Mr. REYES, Mr. BROWN of South Carolina, Mr. MOORE of Kansas, Mr. ROTHMAN, Mr. MILLER of Florida, Mr. WICKER, and Mr. CUNNINGHAM.

H. Res. 17: Mr. COBLE.

H. Res. 37: Mr. KENNEDY of Minnesota.

H. Res. 137: Mr. ROGERS of Kentucky.

H. Res. 166: Ms. ROYBAL-ALLARD.

H. Res. 220: Mr. MARCHANT, Ms. DEGETTE, Mr. RAMSTAD, Mrs. WILSON of New Mexico, Mr. SULLIVAN, Mr. ALEXANDER, and Mr. DOYLE.

H. Res. 329: Mr. MEEHAN, Mr. STARK, Mr. OWENS, and Ms. WOOLSEY.

H. Res. 366: Mr. STUPAK, Mr. HOEKSTRA, Mr. EHLERS, Mr. CAMP, Mr. KILDEE, Mr. ROGERS of Michigan, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. LEVIN, Ms. KILPATRICK of Michigan, and Mr. CONYERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3003: Mr. MORAN of Kansas.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, JULY 20, 2005 No. 99

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who determines the steps of humanity, keep us in right paths. Deliver us from the detours of pride and anger that keep us from maximizing our possibilities. Guide our Senators through the labyrinth of tough decisions. Give them an ethical compass with which to navigate. Help them to seek You often for the guidance that will enable them to reach a safe destination. Give wisdom to our global leaders that they may live for Your honor.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader and the second half of the time under the control of the Democratic leader.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will begin the Senate's session with a 60-minute period for morning business. Following morning business, we will return to the pending business of the Foreign Operations appropriations bill. We made substantial progress over the course of yesterday and last night, and although we were unable to finish the bill, the chairman was able to reach a consent limiting the number of amendments we will handle today. Many of those amendments may be worked out or perhaps not even offered. Therefore, we expect we can finish the Foreign Operations appropriations bill at an early hour today. We will have rollcall votes throughout the day until final passage of that measure.

As a reminder to my colleagues, we filed a cloture motion on the Dorr nomination. That nomination is to be Under Secretary of Agriculture for Rural Development. That cloture vote will occur on Thursday morning.

There are a number of other important issues we have mentioned over the course of the last couple days, including last night, that we will continue to work toward agreements on. I will keep all of our colleagues apprised as the schedule changes.

SUPREME COURT NOMINATION OF JOHN ROBERTS, JR.

Mr. FRIST. Mr. President, today in the Senate we will undertake one of our most significant and historic constitutional responsibilities. The eyes of all Americans and of history will be focused upon us. The American people, through their votes, have entrusted us with the constitutional responsibility to provide advice and consent on Supreme Court nominations. They have entrusted us to govern as their elected representatives. We must ask ourselves: How will the American people view us—how will history judge us—for the deliberations we begin today?

It is my goal the American people will say, and history will record, that we were fair and thorough, that we treated our Supreme Court nominee, Judge Roberts, with dignity and respect, and that we worked expeditiously to confirm Judge Roberts before the Supreme Court began its new term in October.

Leading up to his announcement last night, the President engaged in a selection and a consultation process that can be characterized with a few words: ''bipartisan,'' ''inclusive,'' and ''unprecedented.''

The President and his White House reached out to both Republicans and Democrats. He listened thoughtfully to our views and he thoughtfully welcomed our suggestions on potential nominees and on the nominations process. In all, the White House contacted more than 70 Senators, including more than two-thirds of the Democratic Caucus and, of course, every single member of the Judiciary Committee.

The President was not required by the Constitution to reach out or consult. He was not required to take any time at all. He could have rushed through his choice. He could have nominated someone on the same day Justice O'Connor announced her retirement without consulting anyone, but he did not. The President sought input because he believed it was the right thing to do. I commend him for this inclusive approach, which I believe has strengthened the overall integrity of this process.

Now we move to the next stage. Last night the President announced the nomination of Judge John Roberts, Jr., to be an Associate Justice of the Supreme Court.

Most Americans are getting their very first glimpse of the nominee.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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What do we know about him? Born in Buffalo, NY, in 1955, Judge Roberts was raised in Indiana with his three sisters. He ventured off to Massachusetts for college at Harvard and graduated summa cum laude with a bachelor's degree in, as we have heard, only 3 years. During the summers, he worked at a steel mill to help pay for college.

But his academic journey did not stop here. He then enrolled in Harvard Law School, where he once again excelled. He earned the coveted position of editor of one of the most well-respected law journals in the country, the Harvard Law Review.

After graduating from law school with high honors, Judge Roberts served as a law clerk to Judge Henry Friendly on the Second Circuit, and then to William Rehnquist, who was then an Associate Justice on the Supreme Court.

In 1981, he continued his legal career at the Department of Justice as the Special Assistant to the U.S. Attorney General, and then as Associate Counsel to President Reagan.

In 1986, Judge Roberts entered private practice, joining the law firm of Hogan & Hartson, where he specialized in civil litigation. Three years later, he returned to public service as the Principal Deputy Solicitor General of the United States.

During his legal career, he has argued an impressive 39 cases before the Supreme Court—39 cases. To put that in perspective, only a few of the 180,000 members of the Supreme Court bar have ever argued a single case before the high Court.

In January 2003, President Bush nominated Judge Roberts to serve on the DC Circuit Court of Appeals, often referred to as the second highest court in the land.

Upon his nomination to the appellate court, more than 150 members of the DC Bar—including both Republicans and Democrats—expressed support for Judge Roberts. In a letter to the Senate Judiciary Committee, they wrote that Judge Roberts is ''one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate.''

Judge Roberts' nomination was well received by the Judiciary Committee and was favorably reported out of the committee by an overwhelming, bipartisan vote of 16 to 3, and on May 8, 2003, he was unanimously confirmed by the Senate.

I believe Judge Roberts is exactly the kind of Justice America expects on the Supreme Court. He is among the best of the best legal minds in America. He is a mainstream conservative, someone who understands that the role of a judge is to interpret the law and the Constitution and not to legislate from the bench.

He is someone who will be fair, open-minded, and impartial—not someone who will prejudge cases, predetermine outcomes, or advance a personal political agenda.

In short, he is a Supreme Court nominee who will make America proud. Throughout his life, Judge Roberts has worn many hats: a devoted husband and father of two, a skilled litigator, and a superb jurist. I am confident Judge Roberts will be an asset to the Supreme Court and that he will serve with honor and distinction, just as he has on the DC Circuit Court.

As we look ahead, I do encourage my colleagues to remain focused on our three goals: first, conducting a fair and thorough confirmation process; second, treating Judge Roberts with dignity and respect; and, third, having an up-or-down vote on Judge Roberts before the Supreme Court starts its new term on October 3.

These goals are reasonable. These goals are achievable. There are 75 days from today until October 3. It took an average of 62 days from nomination to confirmation for all the current Supreme Court Justices. It only took an average of 58 days to confirm President Clinton's nominees, Justices Breyer and Ginsburg. And even though some Senators held different philosophical views from these Justices—in many cases vastly different philosophical views—they both received up-or-down votes and were confirmed by wide margins. These nominations serve as useful models for us today.

Ultimately, I hope this process is marked by cooperation, and not confrontation, and by steady progress, not delay and obstruction.

This morning, less than 12 hours after the President's announcement, some extreme special interest groups already are mobilizing to oppose Judge Roberts. They are not even giving him the courtesy of reserving judgment until the Judiciary Committee hearings. Together, as Senators, we can rise above the partisan rhetoric and obstruction that has gripped the judicial nominations process in the past.

A thorough investigation and debate on Judge Roberts does not require delay or personal attacks or obstruction. A fair and dignified process is in the best interests of the Senate, the Supreme Court, the Constitution, and the American people.

I look forward to welcoming Judge Roberts to the Senate a bit later today. I urge my colleagues to join me in congratulating him on his nomination to the Supreme Court.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF JOHN ROBERTS TO THE UNITED STATES SUPREME COURT

Mr. REID. Mr. President, as we all know now, last night the President announced he will nominate John G. Roberts of the District of Columbia Court of Appeals to the U.S. Supreme Court. I congratulate Judge Roberts on this most high honor.

Now the Senate begins the process of deciding whether to confirm Judge Roberts to a lifetime seat on the Supreme Court. The Supreme Court is the final guardian of the rights and liberties of all Americans. Serving on the Court is an awesome responsibility, and the Constitution gives the Senate the final say in whether a nominee deserves that trust. We should perform our constitutional role with great care.

Under the leadership of Chairman SPECTER and Ranking Member LEAHY, I am convinced the Judiciary Committee is in good hands. Two of our most respected, experienced lawyers in the Senate are going to operate this hearing process. They are exemplary of how we should work on a bipartisan basis. Since they have taken over the responsibilities of the Judiciary Committee, there has been real congeniality. Members of the committee seem to be more productive. I am very happy with both Senator SPECTER and Senator LEAHY.

It goes without saying, as we have heard from the distinguished majority leader, that John Roberts has a distinguished legal career. It is very impressive. Both in Government and in private practice, he has been a zealous and often successful advocate for his clients. As we have learned, he has argued 39 cases before the Supreme Court. For those of us who are lawyers, that is what we would say is a big deal. By all accounts, he is a very nice man. I have not met him. I look forward to doing that this afternoon.

While these are important qualities, they do not automatically qualify John Roberts to serve on the highest court in the land. Nor does the fact that he was confirmed to serve on the Court of Appeals mean he is entitled to be automatically promoted.

The standard for confirmation to the Supreme Court is very high. A nominee must demonstrate a commitment to the core American values of freedom, equality, and fairness. Senators must be convinced that the nominee, John G. Roberts, will respect constitutional principles and protect the constitutional rights of all Americans.

So the expectations for Judge Roberts are especially high because he has such large shoes to fill, and I do not mean that literally—large judicial shoes.

Justice Sandra Day O'Connor has been a voice of reason and moderation on the Court for 24 years. She has been the deciding vote in some of the most important questions in our society: Questions of civil rights, civil liberties, the right to privacy, and the first amendment freedoms of speech and religion.

I don't know very much about John Roberts. But one of the things I am going to look for as a lawyer, as someone who has practiced in the trial bar and, to a more limited extent, the appellate level—I argued cases before the

Nevada Supreme Court and the Ninth Circuit, but I certainly don't hold myself out to be an expert in appellate law; I consider myself to be an expert on the trial bar—I believe it is important that we have a person on the Court who believes in precedent, stare decisis, something we learned about in law school. I am hopeful that John Roberts will follow along the same line he took up when he appeared before the Judiciary Committee last time, indicating that he believed in precedent. Justice O'Connor, therefore, should be replaced by someone like her in the constitutional mainstream.

To gather the information it needs to make this decision, the Senate turns, first and ultimately for our ability to get information, to the Judiciary Committee. As I have indicated, I have confidence that the Judiciary Committee will garner information that is important to the American people and allow us to have a better picture of this man with his impressive legal resume. Clearly, a judicial nominee should not comment on pending cases—we all understand that—but there are many other questions a nominee must answer. I encourage Judge Roberts to be forthcoming in responding to the committee's questions and providing written materials requested by the Senate.

In the end, Judge Roberts must demonstrate to the Senate that he is a worthy successor to Justice O'Connor. To do that, he must win the confidence of the American people that he will be a reliable defender of their constitutional rights. Judge Roberts has argued many cases in his career, but this is his most important by far.

Since Justice O'Connor announced her retirement, I have called on the President to choose a nominee who can unite the country, not divide it. It remains to be seen whether John Roberts fits that description. I hope that he does. I look forward to giving him the opportunity to make his case to the American people.

I yield the floor.

The PRESIDENT pro tempore. The majority whip is recognized.

Mr. MCCONNELL. Mr. President, I rise to address the Senate on the issue brought to the fore last night by the nomination of John Roberts to be Associate Justice of the U.S. Supreme Court.

Judge Roberts, as we are all beginning to learn, has an impressive record. He has keen intellect, sterling integrity, and a judicious temperament. Most importantly, Judge Roberts will faithfully interpret the Constitution, not legislate from the bench. He has earned the respect of his colleagues, and I am confident he will make a fine addition to the U.S. Supreme Court.

He was raised in middle America in Indiana, a neighboring State to my own State of Kentucky. Judge Roberts is a son of the Midwest who went on to argue a remarkable 39 cases before the Supreme Court, more than virtually any other member of the Supreme Court bar. He graduated summa cum laude from Harvard and then graduated with high honors from Harvard Law School where he served as an editor of the Harvard Law Review. If that were not enough, he then went on to clerk for Chief Justice William Rehnquist, actually during the Chief Justice's period as Associate Justice, and served in various positions in the Justice Department. Now he serves with distinction on the DC Circuit Court of Appeals, often referred to as the second highest court in the land, and, of course, the Senate unanimously confirmed him to that position in 2003.

The President of the United States has discharged his constitutional obligation under article II, section 2 to nominate justices of the Supreme Court. He has chosen a truly outstanding nominee. It is now our job to provide advice and consent. In doing so, we should follow basically three principles. No. 1, we should treat Judge Roberts with dignity and with respect. No. 2, we should have a fair process. And No. 3, we should complete that process with either an up-or-down vote in time for the Court to be at full strength for its new term beginning October 3 of this year. These principles are simple and they are sound. Unfortunately, the Senate has not always followed them.

As to the first principle, the Senate has not always treated judicial nominees of Republican Presidents with respect. Last Friday, for example, I recounted how some of our colleagues spoke harshly about Justice Souter's fitness for office. Our colleagues' harsh criticism of Justice Souter was hardly unique. President George Herbert Walker Bush's other Supreme Court nominee, Justice Clarence Thomas, suffered far worse attacks. By engaging in an unprecedented level of consultation, the President has respected the views of Senators. Now Senators ought to reciprocate and treat Judge Roberts with the same dignity and respect that we afforded President Clinton's Supreme Court nominees over the last 10 years.

The Senate did not defeat Justice Ginsburg's nomination, even though she had argued in her capacity as a private lawyer for such provocative positions as abolishing Mother's Day and Father's Day in favor of a unisex parents day, and for other even more colorful positions. Those arguably unusual positions were not held against her during her confirmation process. I can recall voting for Justice Ginsburg myself. Similarly, we should not caricature Judge Roberts' beliefs or views. We should not attribute to him the actions of clients he has represented. We certainly should not criticize Judge Roberts because his position in a particular case did not mirror a Senator's personal policy preferences, nor when it comes to a fair process should we require Judge Roberts to prejudge cases or to precommit to deciding certain issues in a certain way. We should respect the fact that he may place himself in a compromising position by doing so, just as we did with Justice O'Connor, Justice Ginsburg, and other nominees who have come before us in the past. The inquiry should be thorough but at the same time fair.

Slow walking the process beyond historical norms and engaging in a paper chase simply to delay a timely up-or-down vote are not hallmarks of a fair process. The Supreme Court begins its new term on October 3. As Senator FRIST has pointed out, the average time for a nomination to confirmation for the current justices was 62 days. The average time from nomination to confirmation for President Clinton was 58 days. Justice Ginsburg was confirmed in only 42 days. The Senate has 72 days to complete action on Judge Roberts' nomination, in time for him to join the Court by the start of its new term, October 3. By any standard, that is a fair goal. What is not fair and what is, quite frankly, a little curious is for some of our colleagues who, before even having heard a single word of testimony, have already come up with excuses as to why we should depart from this historical standard. It is disturbing that they seek to justify so far in advance why the Court should begin its proceedings at less than full strength.

We, on this side of the aisle, are not asking the Senate to change its practices or standards. We are not asking that this President be treated better than his immediate predecessor. We are asking for equal treatment. Let's treat President Bush's nominees as we treated President Clinton's nominees. I am hopeful that the respect the President has shown the Senate will be reciprocated and that our handling of Judge Roberts' nomination will bring credit to the Senate.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I join my colleagues in making brief comments about the selection of Judge John Roberts from the DC Circuit Court of Appeals to serve as Associate Justice of the U.S. Supreme Court, and I follow my colleague from Kentucky in noting how Ruth Bader Ginsburg was treated—appropriately, properly, with due diligence, and speed so that the nomination went through in an orderly process. She took the seat of Justice Byron White who was one of the dissenters in Roe. A number of my colleagues are saying we need to have somebody in this position that is exactly the same as Sandra Day O'Connor in her position. Yet that wasn't the standard that was applied in the most recent case with Ruth Bader Ginsburg, the replacement for Justice Byron White.

The process is as it is. The President nominates. The President campaigned vigorously about the role of the Supreme Court and the role of the courts in society today. He has made a noteworthy choice, a person of outstanding

academic credentials. I have heard a colleague of mine say: I don't know yet how I will vote, but I would certainly hate to argue a case against him. Somebody who has argued 39 cases in front of the Supreme Court is very impressive indeed. But I also would like to note that the process is for the President to nominate and us to vote by a majority. That has been the historical setting, and that is what we should continued to do in this case.

My colleagues have already outlined some of Judge Roberts' excellent legal credentials. He graduated magna cum laude from Harvard Law School. He clerked for then-Associate Justice Rehnquist.

He served as Principal Deputy Solicitor General at the Department of Justice. He amassed a strong record as a Supreme Court advocate in private practice and has distinguished himself as a judge on the court of appeals. As one of my colleagues said last night, Senator SCHUMER, Judge Roberts has the ''appropriate legal temperament and demeanor.'' We would call that, from my part of the country, ''midwestern calm.'' He has a great deal of calm demeanor about him that is quite good for judicial temperament.

I was particularly struck by Judge Roberts' statement at the White House yesterday evening, speaking extemporaneously and with all the skill of a practiced lawyer and as a person of not only a well-trained mind but a deep heart. He said he had a ''profound appreciation for the role of the Court in our constitutional democracy.'' The role of the Court in American life and Government is of great concern to the country today. That statement means a lot—rule of law rather than the rule of man. We are a country of laws, ruled by laws and not by the whim of any person or any five people. It is a set of laws. It is a Constitution. That is what rules in this country.

It is my hope that Judge Roberts and any nominee to the Supreme Court would be faithful to the role originally intended for the courts by the Framers of the Constitution. In our system of government, the Constitution contemplates that Federal courts will exercise—this is very clear within the Founders—limited jurisdiction. The Federal court is to be a limited jurisdiction court. They should neither write nor execute the laws but simply ''say what the law is,'' as former Chief Justice Marshall stated in Marbury v. Madison.

As Alexander Hamilton explained, this limitation on judicial powers is what would make the Federal judiciary the ''least dangerous branch.'' In his view, judges could be trusted with power because they would not resolve divisive social issues, short circuit the political process, or invent rights which have no basis in the text of the Constitution. That was simply not the role of the courts. They were simply to say what the law is, not to write it, not to execute it.

The expanded role assumed by the Supreme Court in recent years—and in Federal courts generally—makes it all the more important that Judge Roberts exhibit proper respect for the restrained role of the Federal courts in American Government. I hope the confirmation process demonstrates that he will live up to the President's ideal of nominating individuals who will refrain from making law on the bench.

This is a big issue in society today. People want to have legislatures to make laws. That is what we do. They want to have executive branch to execute. That is what they do. And the Court simply says what the law is. It does not write it.

Speaking of the confirmation process, I will say a few words about what to expect in the days ahead. Judge Roberts hardly had a chance to step before the cameras last night before interest groups had attacked him. MoveOn.Org attacked Roberts as a ''right-wing corporate lawyer and ideologue.'' NARAL Pro-Choice America blasted Roberts immediately as an ''anti choice extremist,'' urging him to ''help save the Supreme Court from President Bush.''

Even though Judge Roberts was approved as a DC Circuit Court judge in 2003, 2 years ago, without objection, and received the vote of Ranking Member LEAHY in the Judiciary Committee at that time as well, the interest groups immediately came out, before a word was said, even before the President presented him to the public, and made these sorts of characterizations of Judge Roberts. It is not right. It is not the process we should follow. We should look to the record of the individual and we should hold open and in-depth hearings. But there should not be these sorts of characterizations. These statements smack of personal attacks and litmus tests and are not becoming of a serious, openminded debate on the nominee.

I hope my colleagues resist the demands from these outside groups for knee-jerk opposition to Judge Roberts. We should instead live up to the tradition of careful, considered debate, which is the heritage of this great institution. Our deliberation on this nomination should be respectful and it should focus on substance.

It would be a tragedy for this body, and for the Republic, if the confirmation process for Judge Roberts reflects the treatment some of President Bush's nominees to this point, including Roberts himself in looking to be a circuit court nominee, have received. Judge Roberts' pleasant demeanor should be matched by civil treatment in the Judiciary Committee and on the Senate floor.

Finally, neither filibusters nor supermajority requirements have any place in the confirmation process. Those tactics of obstruction should become the historical relics they deserve to be. The country deserves, and the Constitution demands, a prompt, thorough debate, and a fair up-or-down vote on Judge Roberts' nomination to the Supreme Court. I look forward to being an active participant in that process and also to having this debate about the role of the courts in American society and American Government today. I think it is important that we have those debates. This is an eminently qualified nominee. He deserves fair treatment and a fair up-or-down vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALENT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COLEMAN. 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. COLEMAN. Mr. President, the nomination of a Justice to the Supreme Court of the United States is a solemn and momentous occasion. Our Constitution is the rarest of political documents in human history. Those individuals who are appointed for life to be its stewards and interpreters are extremely important to our future.

Each Court is made up of nominees from different political eras, shaped by unique forces and ideas. It is the dialog among the senior Justices and the new ones, those nominated by Democrats and Republicans, and all the backgrounds represented, that gives the Court its legitimacy and dynamism.

The PRESIDING OFFICER. The time designated for the majority has expired, unless the Senator gets unanimous consent for additional time.

Mr. LEAHY. Mr. President, reserving the right to object, how much time would the Senator be seeking? The only reason I ask is we are having a major hearing in Judiciary right now and we are trying to work it out based on the time that had been allotted.

Mr. COLEMAN. No more than 7 minutes. I can probably do it in 5.

Mr. LEAHY. Mr. President, I am worried about that hearing. Let's do this. I want to accommodate my colleague. I ask unanimous consent that he be allowed to continue for 5 minutes, but that the time not come from the time reserved for the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I thank the Senator for that opportunity.

When the Court begins its term in October, we will include nominees spanning seven administrations and people shaped by events from Watergate to September 11 and beyond.

The Founders invested the President with the power to make nominations to the Federal judiciary and gave the Senate the role of providing advice and consent with respect to any nominee.

I am pleased that after extensive and unprecedented consultation with the Senate, President Bush announced Judge John Roberts as his nominee to

be the next Associate Justice of the Supreme Court, filling the vacancy left by Justice O'Connor.

Judge Roberts has a distinguished record and extensive experience. Judge Roberts graduated summa cum laude from Harvard University and Harvard Law School.

Judge Roberts clerked for Judge Henry Friendly on the Second Circuit and later for Justice William Rehnquist at the Supreme Court. After his clerkships, he served in the Department of Justice as associate counsel to President Ronald Reagan before going into private practice.

After 3 years in private practice, Judge Roberts returned to the Department of Justice as Principal Deputy Solicitor General, a position in which he briefed and argued a variety of cases before the Supreme Court.

Judge Roberts reported favorably out of the Senate Judiciary Committee by a vote of 16 to 3, and he was confirmed by the Senate for the DC Circuit Court of Appeals by a voice vote. The Presiding Officer and myself were there at that time. By unanimous consent this judge was confirmed.

I look forward to learning more about the nominee's views on the proper role of the judiciary at his confirmation hearings, as well as a thorough floor debate in which all are heard.

Again, and above all, Judge Roberts' nomination should be handled with the utmost dignity and respect, which the position he has been nominated to deserves. The fact that the nominee is a person of character and integrity will add to the tenor of the proceedings.

The nominations process needs to be fair, including a fair hearing, a floor debate in which all views are heard, and then an up-or-down vote on confirmation, so he can be sitting on the Supreme Court when the term begins in October of this year.

Judges are like umpires. They should be neutral. We trust them not to pick sides before the game begins but to fairly apply the rules. We should measure our nominees on whether they will give all parties a fair shake and consider the merits of every dispute, not based on whether we like particular results.

In carrying out my part in the Senate's role, I have always believed our Founding Fathers intended judges to interpret the Constitution rather than make law from the bench. The law needs to be stable and dependable, for the good of the whole society. I will continue to evaluate nominees based on whether they demonstrate competence, appropriate judicial temperament, and a commitment to the fair construction of our Constitution and our laws.

It is important that the Senate act promptly so we have a nine-member Supreme Court in October when the new term begins. There is no reason why that should not happen.

I commend the President for both his selection and the process he went through to make it. Sandra Day O'Connor has been a historic and wise figure on the Court. I hope her legacy of grace and class will extend to the process by which her seat on the Court will be filled. When Ronald Reagan appointed her, it changed our Nation for the better, and she has been a remarkably strong and influential figure even outside the confines of the Court.

I am honored by the opportunity the people of Minnesota have given me to examine the President's nominee. I will render a judgment on the President's choice with the values and expectations of Minnesotans in mind. It is an exciting time for this country to reexamine our constitutional processes and democratic institutions and come together. I think that is important. We have a unique opportunity to come together and have a dignified process, not to be pulled by special interest groups that will try to dictate what we should do based on their beliefs rather than what is good for the country. What is good for the country is to have a process in which we examine the character and integrity and judicial temperament of a candidate, not their position on a particular case. If you look at the history of Judge Roberts, who was in the Solicitor General's Office, he argued cases there; he did his job. Folks will say he argued that the Supreme Court doesn't require taxpayers to pay for abortions. They will point to a case where he defended U.S. law to protect the American flag. He was doing his job and he did it well. We should be looking at whether he did it well.

I commend the President on his choice and look forward to a confirmation process of dignity, respect, and commitment to the best interests of our Nation a generation into the future.

We pride ourselves on being the greatest deliberative body in the world. This is our moment to show that to the country and the world. Let us do it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that, in light of the additional 5 minutes on the other side, 5 minutes also be added to the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the distinguished Presiding Officer.

Mr. President, capping days of public speculation that maybe the President would appoint Judge Edith Clement or Attorney General Alberto Gonzalez or any number of other people, the President made a dramatic evening announcement of his intention to nominate Judge John Roberts to succeed Justice Sandra Day O'Connor on the U.S. Supreme Court.

The President called Senator FRIST, Senator REID, Senator SPECTER, and myself last night before this announcement to discuss it. I appreciated his call and the reasons he gave for the nomination. As I said to him last night, he has done his part of the equation, a very important part as President. He nominates the Justice. It is interesting that, in a nation of 280 million Americans, only 101 of us get a chance to actually have a say in who is going to serve on the Supreme Court, a person who is there to protect the rights of all Americans on the one body that is to be the ultimate check and balance in our Government. Of the 101, first, of course, is the President making the nomination. But then the 100 men and women in the Senate have an awesome responsibility to the rest of the Nation in how we vote. That is our job. The Senate has to fulfill its constitutionally mandated duty to ensure those who receive lifetime appointments to our highest Court will protect the rights and liberties of all Americans—not those of just one political party or the other but of all Americans—that they will uphold our Constitution and our laws and that they will be impartial in their judicial approach.

As I said, the President has announced his choice. Now we in the Senate have to rise to the challenge and get to work. To fulfill our constitutional duties, we need to consider this nomination as thoroughly and carefully as the American people expect and deserve. That is going to take time. It will take the cooperation of the nominee and the administration. It will require Republicans, as well as Democrats, to take seriously our constitutional obligations on behalf of all the American people, not just a select few. I will say similar things to Judge Roberts when I meet with him later today.

Justice O'Connor serves as a model Justice. She is widely respected by America as a jurist with common sense and practical values who brought no agenda from the far left or the far right. She did not prejudge cases. She cast the critical deciding vote in a number of significant cases. Her legacy of fairness is one that all Americans should want to see preserved. For 24 years on the Supreme Court, she has tried to decide cases fairly and with an open mind. I thank her for her service to the country and her graciousness in agreeing to serve until her successor is considered and confirmed by the Senate and appointed by the President.

I regret that some on the extreme right have been so critical of her and so adamantly opposed to a successor who shares her judicial philosophy and qualities. Their criticism reflects their own narrowmindedness and biased agenda. I regret that they have taken out ads and gone on the news trying to tarnish her record. Frankly, the American people know better, and nothing will tarnish the record of the first woman Justice of the U.S. Supreme Court.

I have noted that our neighbor to the north, Canada, a country that is only an hour's drive from my home in

Vermont, also has a supreme court with nine members, but four of them are women, including the Canadian chief justice. I look forward to the time when the membership of the U.S. Supreme Court is more reflective of America as Canada's supreme court is more reflective of that country.

I know Hispanics across the country are disappointed the President has missed this extraordinary historic opportunity to pick a candidate who will make the Court more diverse. I hope he will consider that in future nominations.

There was no dearth of highly qualified individuals who could have served as unifying nominees while adding to the diversity of the Supreme Court. Reports last week mentioned Judge Sonia Sotomayor of the Second Circuit and Judge Edward Prado of the Fifth Circuit. Certainly these are the kind of candidates worthy of consideration.

Judge Sotomayor was first appointed to the Federal court by President George H.W. Bush, the President's father. Judge Prado was first appointed by President Reagan and elevated to the circuit by the current President Bush. They are among the people who should be considered. There are many outstanding Hispanic judges and African-American judges who could have added to the diversity of the Supreme Court and made it more representative of all Americans.

Last week, Chairman SPECTER and I spoke about our interests in having the President consider nominees from outside what I call the ''judicial monastery.'' I believe their life experience is important and that the Supreme Court could have benefited from someone with experiences that were not limited to those of a circuit judge. Certainly, this is a consideration the President should make if he has further nominees. I wish he had done so with this nomination.

So now, however, the nomination has been made. The President has spent several weeks in determining who he wants. He has made his selection. Now it is the Senate's turn to decide what we will do. Above all, we in the Senate need to ensure that the Supreme Court remains protective of all Americans' rights and liberties from government intrusion and that the Supreme Court understands the role of Congress in passing legislation to protect ordinary Americans from abuse by powerful special interests.

No one is entitled to a free pass to a lifetime appointment to the Supreme Court, whether nominated by a Democrat or by a Republican. And there are far different considerations for the Supreme Court than there are for circuit courts. How the nominee views precedent, what the nominee regards as settled law, how the nominee will exercise the incredible power of a Supreme Court Justice to be the final arbiter of the meaning of the Constitution—all of these raise very different considerations than those for a lower court nominee. In addition, a nominee coming from the appellate bench will have a record there in votes and opinions and performance that will provide important additional insights into his likely tenure as a Supreme Court Justice.

We have to take the time to evaluate this nominee for a lifetime position on the Supreme Court. After all, if confirmed, Judge Roberts could be expected to serve to the year 2030 or 2040. So we have to have time to perform due diligence on Judge Roberts' record and judicial philosophy. The Senators on the committee have to have time to prepare for fair and thorough hearings. I ask all Senators to be mindful of the Senate's fundamental role in this process. The Americans put us all here to do an important job, and it is critical that we treat that responsibility with the seriousness and respect it deserves.

I start, as I always have, from the premise that the Supreme Court should not be a wing of the Republican Party or a wing of the Democratic Party. It has that responsibility not only to all 280 million Americans but also to millions and millions of future Americans. The independence of the Federal judiciary is critical to our American concept of justice for all. The Supreme Court provides a fundamental check in our system of government. We have to ensure that it serves as a bulwark of individual liberty against incursions or expansions of power by the executive branch. We also have to ensure that the Supreme Court respects the role of Congress when it acts to protect Americans from those with great power, to improve their lives with environmental laws, and by reining in powerful special interests.

We know that the current Supreme Court is the most activist Supreme Court in my lifetime. Time and time again, they have set aside congressional laws, some of long standing, and basically written new laws of their own. There was a time when my friends on the other side of the aisle were very opposed to the idea of an activist Supreme Court. Now we find that two of the heroes of the right are the most activist members of the current Supreme Court, Justice Thomas and Justice Scalia.

Ours is a nation based on the rule of law. The test of a good judge is his or her ability to apply the law fairly. As I evaluate candidates for lifetime appointments that often span not merely years but decades, I want to make sure that everybody who comes before the Court can look at that Justice and say: I can be treated fairly no matter who I am, no matter what political party I belong to, no matter what my station in life.

They are going to be there a long time. Justice O'Connor served for 24 years. Chief Justice Rehnquist has served for 34 years. Since 1970, the average term has been 25 years. So we are considering a nomination not just for the period remaining in the Bush administration, which is going to end in 2008, but for our children's and grandchildren's futures, 2030 and beyond.

This nomination fills the seat that Justice O'Connor occupied while serving as the ''swing'' or decisive vote in so many cases, and if her successor does not share her judicial philosophy, that replacement could radically change the Court in the way our Constitution is interpreted.

It is critical we not prejudge a nominee and that the Judiciary Committee be accorded the time to develop a full record on which Senators can base an informed judgment. I was disappointed to hear somebody say last night: Why can't we move immediately to the hearings? Come on, the American people would justly feel on something such as this that their rights have been shortchanged.

I look forward to working out agreements with Chairman SPECTER on procedures to allow the kind of thorough consideration that a nominee to a lifetime appointment to the Supreme Court deserves, and I know Chairman SPECTER feels the same way.

A preliminary review of Judge Roberts' record suggests areas of significant concern that need exploration. We have to consider his service on the circuit court, even though that is quite limited. We need to understand how he will exercise judicial power.

An independent study—and I referred to this earlier—demonstrated that the Rehnquist Court has been the most activist Court in my lifetime in overturning congressional enactments and restricting legislative authority—actually the most activist since before the New Deal. The most activist members, of course, as I said earlier, are Judge Thomas and Judge Scalia. We need to know what kind of Supreme Court Justice John Roberts would be.

When I talked with the President, I said I hoped that they would cooperate so that all relevant matters can be constructively explored as we begin this important process. When I meet with Judge Roberts today, I will ask for his cooperation. After all, the Constitution speaks of advise and consent. It does not speak about nominate and rubberstamp. That, incidentally, is a position I have taken whether it has been a Democrat or a Republican on the Supreme Court.

I look forward to hearings that will inform the Senate and the American people in making the Senate's confirmation decision. I have been here for hearings and to vote on all nine members of the Supreme Court and for one other who did not make it. Presidents come and go. Senators come and go. The Supreme Court Justices tend to be there a lot longer than all of us. I want to make sure we do our job the right way.

Mr. President, I know there are other members of the Senate Judiciary Committee who wish to speak. In fact, I see the member of the committee who has either presided over or been present for

more Supreme Court nominations than any Member now serving in the Senate. I yield to the distinguished senior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Vermont. Listening to Senator LEAHY reminded us that the Judiciary Committee is in good hands, with Senator SPECTER and Senator LEAHY ensuring we are going to have a fair, open, transparent, and timely hearing, the way the American people deserve. We thank him for his continued service on the Judiciary Committee and for how he is developing this whole process. It is going to be done with great dignity. I thank Senator LEAHY.

Mr. President, the nomination of John Roberts to the Supreme Court comes at a time of heated debate and great division in America—a debate that is reflected in the deliberations of a Supreme Court in which his vote—just like Justice O'Connor's—will affect the freedoms and liberties of Americans on vital questions before the country.

I will not prejudge the President's nominee. And I will not decide whether to support or oppose him based on any single issue.

What all Americans deserve to know is whether Judge Roberts respects the core values of the Constitution and falls within the conservative mainstream of America, along the lines of Justice Sandra Day O'Connor.

That is the issue, and I look forward to asking the important questions that are on the minds of Americans as they consider his nomination to our Nation's highest court.

Supreme Court nominations involve far more than the hotly-debated social issues so often discussed in the media. Presidents have 4-year term. Senators serve for 6 years. But Supreme Court Justices serve for life, without ever having to face the electorate. Our decision whether to confirm a Supreme Court nominee affects the rights and freedoms not only of our generation, but those of our children and grandchildren as well.

The Court's decisions affect whether employees' rights will be protected in the workplace. They affect whether families will be able to obtain needed medical care under their health insurance policies. They affect whether people will actually receive the retirement benefits that they were promised. They affect whether people will be free from discrimination in their daily lives. They affect whether students will be given fair consideration when they apply to college. They affect whether persons with disabilities will have access to public facilities and programs. They affect whether we will have reasonable environmental laws that keep our air and water clean. And they affect whether large corporations are held accountable when they injure workers and consumers.

Each of these issues—and many others—has been addressed by the Supreme Court in recent years. In many of these cases, the Court was narrowly divided, and these issues are likely to be the subject of future Court decisions in the years to come.

Because so much hangs in the balance, Supreme Court nominees have a heavy burden to show that they will uphold justice for all. They must demonstrate a core commitment to preserving equal protection of the laws, free speech, workers' rights, and other individual rights. Americans deserve to know if nominees will be on the side of justice and individual liberties, or if they will side with powerful special interests.

The Senate's role will be to establish clearly whose side John Roberts would be on if confirmed to the most powerful court in the land. Because Judge Roberts has written relatively few opinions in his brief tenure as a judge, his views on a wide variety of vital issues are still unknown. What little we know about his views and values lends even greater importance and urgency to his responsibility to provide the Senate and the American people with clear answers.

The key question is whether he will uphold core constitutional and statutory principles.

For instance, in a case involving the ability of Congress to protect the environment, he issued an opinion with sweeping implications not just for the environment, but for a host of other important protections. In it, Judge Roberts questioned the settled interpretation of the commerce clause—the constitutional provision that is the foundation for not only the environmental laws that protect our natural heritage and ensure that we have clean air and clean water in our communities, but also for Social Security, Medicare, the minimum wage, and many other important national protections. I can imagine few things worse for our seniors, for the disabled, for workers, and for families than to place someone on the highest court in the land who would put these protections at risk.

If applied in other cases, Judge Roberts' view could severely undercut the ability of Congress to respond to real challenges facing our nation. His decision raises questions about whether he would roll back a host of other laws protecting civil rights, workers' rights, civil rights, and even many of our federal criminal statutes.

I believe that most Americans would agree that we should not re-fight the civil rights battles of the past. The spirit of America is to move forward to greater opportunity—not return to the days of second class citizenship for many. Too many of our fellow citizens over many generations have sacrificed everything—including their lives—so that others can fully enjoy the fruits of our liberties and freedoms. They have given their all for the rights of people of color, of women, of the disabled, of immigrants, of workers, of senior citizens, and so many who make up the vibrant American fabric that makes our nation the envy of the world.

So it is important to know where Judge Roberts stands on this great question of opportunity and justice for all.

The significance of the constitutional principles at issue is clear from the comments of other judges who serve in the same court as Judge Roberts. They noted that the constitutional provision he questioned not only is the basis of many of our civil rights laws, but also underlies important product safety laws and environmental legislation.

Judge Roberts urged the full court to review the panel decision to reconsider the established interpretation of the commerce clause in the Rancho Viejo v. Norton case.

Let me be clear. I do not prejudge Judge Roberts's nomination based on his decision in this case or any other. Nor should anyone else. But we must not fail in our duty to the American people to responsibly examine Judge Roberts' legal views.

Other aspects of Judge Roberts's record also raise important questions about his commitment to individual rights. He has opposed programs to guarantee equal opportunity. He opposed the right to privacy and argued to overturn Roe v. Wade, saying the case is ''wrongly decided'' and ''finds no support in the text, structure or history of the Constitution.'' As a private attorney, he represented coal companies against workers' rights. He sought to limit every American's right to a lawyer by arguing to narrow the Supreme Court's core precedent in Miranda v. Arizona.

Judge Roberts represented clients in each of these cases, but we have a duty to ask where he stands on these issues. I don't prejudge them, but the American people deserve to know more.

I join my colleagues in the hope that the process will proceed with dignity. But the nominee will be expected to answer fully, so that the American people will know whether Judge Roberts will uphold their rights. Anything less would make the Senate a mere rubberstamp in Supreme Court nominations.

In recent days, some have suggested that the Senate should not ask full questions about the nominee's legal views and judicial philosophy. The President made clear that he would consider judicial philosophy in choosing a nominee, and the Senate should not turn a blind eye to that issue.

When Justice Thurgood Marshall was nominated to the Supreme Court in 1967, I said that Senators should not vote against him just because they don't agree with him on every issue. But that is different from saying we should not consider judicial philosophy at all. Particularly today, when philosophy is important to the White House in choosing nominees, Senators should consider it as well.

To be clear, here is what I said in 1967:

I believe it's recognized by most Senators that we are not charged with the responsibility of approving [justices] if [their] views always coincide with our own . . . We are really interested in knowing whether the nominee has the background, experience, qualifications, temperament, and integrity to handle this most sensitive, important, and responsible job.

But if someone would clearly fail to uphold basic rights, that should be considered and the Senate is entitled to know.

There are few debates more important than this one, and I look forward to considering this important nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3057, which the clerk will report.

The journal clerk read as follows:

A bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for fiscal year ending September 30, 2006, and for other purposes.

Pending:

Landrieu amendment No. 1245, to express the sense of Congress regarding the use of funds for orphans, and displaced and abandoned children.

Chambliss amendment No. 1271, to prevent funds from being made available to provide assistance to a country which has refused to extradite certain individuals to the United States.

Mr. MCCONNELL. Mr. President, let me point out to all Members of the Senate that in spite of our best efforts to finish the State-Foreign Operations bill last night, right at the end, the amendments began to multiply. That is the bad news. But the good news is I can report that on the Republican side, shortly, we will be down to two amendments, one of which may—I repeat, may—require a rollcall vote. And I hope my friend and colleague Senator LEAHY is trying to narrow down amendments likewise on the Democratic side.

In the meantime, Mr. President, I ask unanimous consent that Senator LUGAR be added as cosponsor to amendment 1299, which the Senate adopted last night.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1293

Mr. MCCONNELL. I call up amendment No. 1293 and ask for its immediate consideration. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. LUGAR, proposes an amendment numbered 1293.

The amendment is as follows:

(Purpose: To promote reform of the multilateral development banks)

On page 326, between lines 9 and 10, insert the following:

TITLE VII—MULTILATERAL DEVELOPMENT BANK REFORM

SEC. 7001. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

(2) MULTILATERAL DEVELOPMENT BANK.—The term ''multilateral development bank'' has the meaning given that term in section 1622 of the International Financial Institutions Act (22 U.S.C. 262p-5).

SEC. 7002. ANTICORRUPTION PROPOSALS AND REPORT.

(a) PROPOSALS.—Not later than September 1, 2006, the Secretary of the Treasury shall develop proposals, including establishing one or more trusts and a set-aside of loans or grants, to establish a mechanism to assist poor countries in investigations, prosecutions, prevention of fraud and corruption, and other actions regarding fraud and corruption related to a project or program funded by a multilateral development bank.

(b) REPORT.—Not later than September 1, 2006, the Secretary shall submit to the appropriate congressional committees a report on the proposals required by subsection (a).

SEC. 7003. PROMOTION OF POLICY GOALS AT MULTILATERAL DEVELOPMENT BANKS.

Title XV of the International Financial Institutions Act (22 U.S.C. 262o et seq.) is amended by adding at the end the following:

''SEC. 1505. PROMOTION OF POLICY GOALS.

''The Secretary of the Treasury shall instruct the United States Executive Director at each multilateral development bank to use the voice and vote of the United States to inform each such bank and the executive directors of each such bank of the goals of the United States and to ensure that each such bank accomplishes the goals set out in section 1504 of this Act and the following:

''(1) Requires the bank's employees, officers, and consultants to make an annual disclosure of financial interests and income of any such person and any other potential source of conflicts of interest.

''(2) Links project and program design and results to staff performance appraisals, salaries, and bonuses.

''(3) Implements whistleblower and witness protection matching that afforded by the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.), the Inspector General Act of 1978 (5 U.S.C. App.), and the best practices promoted or required by all international conventions against corruption for internal and lawful public disclosures by the bank's employees and others affected by such bank's operations of misconduct that undermines the bank's mission, and for retaliation in connection with such disclosures.

''(4) Implements disclosure programs for firms and individuals participating in projects financed by such bank that are consistent with such programs of the Department of Defense and the Environmental Protection Agency.

''(5) Ensures that all loan, credit, guarantee, and grant documents and other agreements with borrowers include provisions for the financial resources and conditionality necessary to ensure that a person or country that obtains financial support from a bank complies with applicable bank policies and national and international laws in carrying out the terms and conditions of such documents and agreements, including bank policies and national and international laws pertaining to the comprehensive assessment and transparency of the activities related to access to information, public health, safety, and environmental protection.

''(6) Implements clear procedures setting forth the circumstances under which a person will be barred from receiving a loan, contract, grant, or credit from such bank, shall make such procedures available to the public, and makes the identity of such person available to the public.

''(7) Coordinates policies across international institutions on issues including debarment, cross-debarment, procurement, and consultant guidelines, and fiduciary standards so that a person that is debarred by one such bank is subject to a rebuttable presumption of ineligibility to conduct business with any other such bank during the specified ineligibility period.

''(8) Requires each borrower, grantee, or contractor, and subsidiaries thereof, to sign a contract to comply with a code of conduct that embodies the relevant standards of section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) and the international conventions against bribery and corruption.

''(9) Maintains independent offices of Inspector and Auditor General which report directly to such bank's board of directors and an audit committee with its own additional experts who are independent of management, or access to such experts, to assist it in ensuring quality control.

''(10) Implements an internationally recognized internal controls framework supported by adequate staffing, supervision, and technical systems, and subject to external auditor attestations of internal controls, meeting operational objectives, and complying with bank policies.

''(11) Ensures independent forensic audits where fraud or other corruption in such bank or its operations, projects, or programs is suspected.

''(12) Evaluates publicly, in cooperation with other development bodies, the interim and final results of project and non-project lending and grants on the basis of Millennium Development Goals, the goals of the Organisation for Economic Co-operation and Development related to development, and other established international development goals.

''(13) Requires that each candidate for adjustment or budget support loans demonstrate transparent budgetary and procurement processes including legislative and public scrutiny prior to loan or contract agreement.

''(14) Requires that before approving any natural resource extraction proposal the affected countries disclose accurately and

audit independently all payments and revenues in connection with such extraction or derived from such extraction.

''(15) Requires each project where compensation is to be provided to persons adversely impacted by the project include impartial and responsive mechanism to receive and resolve complaints.''.

Mr. MCCONNELL. This amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there is no debate, without objection, the amendment is agreed to.

The amendment (No. 1293) was agreed to.

Mr. MCCONNELL. I move to reconsider and table that motion.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk called the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. FRIST. Mr. President, today, we will be voting on final passage on the Foreign Operations appropriations bill. I want to take this opportunity to thank my colleagues for their tremendous work and, in particular, Senator MCCONNELL for his stewardship of this bill.

Diplomacy and foreign policy are the essential pillars of our national security. They reflect the values, principles, views, and interests of the people we represent, the American people. They are central to advancing the U.S. role and our place, our stature, in the world.

America's national security depends on our ability to integrate and coordinate all of the elements of our national power. It includes diplomacy, intelligence, economic strength, and military might.

The Foreign Operations bill advances those efforts and demonstrates our generosity and our priorities. The legislation provides $9.7 billion to ensure that the Department of State and other related agencies and our personnel serving overseas have the tools, the equipment they need to advance America's security.

In the past year, freedom movements have swept the globe—in Ukraine, in Georgia, the elections in Afghanistan and Iraq, Lebanon, and the Palestinian territories—and have inspired literally millions around the world. Saudi Arabia, Kuwait, and Egypt have also taken demonstrable steps toward democracy. Having visited most of those countries, and having had the opportunity to speak directly to senior officials in each, I have seen real changes, impressive changes.

The spread of democracy unifies our values, unifies our national interests. As Americans, we believe every person has the right to live in a free society where they can choose their own leaders, have a hand in their own destiny, and secure a bright future for their children. And democracy, along with all the hope and progress it brings, creates peace and stability between the United States and our friends and allies.

The Foreign Operations bill provides $120 million for the Middle East Partnership Initiative to help spread democracy among the Arab people. By promoting economic, educational, and political reform in the Middle East, we marginalize our terrorist enemies. They lose their state-sponsored safe havens, they lose potential recruits, and they lose the ability to exploit political grievances for terrorist gain.

Democracy provides an engine for the people, not the terrorists, to win, to take responsible and peaceful action to better their lives, their countries, and hold their leaders accountable. The United States must continue to provide support to the activists and reformers in the Middle East. These heroes make great sacrifices for the cause of freedom, and they are critical allies in our fight against terrorism.

We must also continue to support our work providing aid and humanitarian relief. America leads the world in providing international aid. But too often international aid money never reaches the very people it is intended to help. It is stolen or wasted by corrupt or inefficient governments. That is why this bill strengthens accountability requirements. The Millennium Challenge Corporation requires recipient governments to take clear steps, verifiable steps, to govern justly in an open, transparent democratic way, to invest in people by improving education and health care, to promote economic freedom so their economies can grow and provide jobs. Against this backdrop, aid money can do the most good.

Today, many throughout the developing world—particularly in Africa, where I was 2 weeks ago—suffer from devastating diseases. We know them: HIV/AIDS, tuberculosis, malaria. These deadly diseases have the potential to decimate entire populations and to prevent those nations from ever becoming modern, prosperous countries.

The legislation before us allocates $2.9 billion for the President's initiative against HIV/AIDS, tuberculosis, and malaria. Two billion of that total is directed to the Global HIV/AIDS Initiative, $400 million covers our contribution to the Global Fund to fight AIDS, tuberculosis, and malaria. In total, the bill allocates $203 million above the budget request for this coming fiscal year. These funds are targeted to help where it is needed most. They zero in on the 15 countries in Africa, Asia, and the Caribbean.

I again thank my colleagues and the President of the United States and the American people for their generosity and for their leadership in this great humanitarian effort.

A number of other health-related programs are also incorporated into the foreign operations bill—$1.6 billion has been allocated for the Child Survival and Health Programs Fund. This includes $375 million for child survival and maternal health, which is an increase of $49 million above last year's level. In addition, this funding includes $30 million for vulnerable children and an additional $285 million for infectious diseases.

Today, around the world, there are more than 600,000 pregnancy-related deaths and more than 4 million deaths among newborn babies per year. Most of these tragedies are preventable. The Foreign Operations bill provides $375 million to prevent these deaths.

Many of these problems we see around the world stem from the lack of available clean drinking water and proper sanitation in many regions of the world. Water-related illnesses pose fatal threats to vulnerable populations, especially children.

Every 15 seconds a child dies from a disease contracted from unclean water. According to the World Health Organization, approximately 1.1 billion around the world lack access to clean, safe water sources; 2.6 billion people lack access to basic sanitation.

As a result, approximately 1.8 million people die very year from diarrheal disease. Ninety percent of those deaths occur in children under the age of 5.

And if we do nothing, with an increasing world population and further constraints on our world's water resources, the problem is only expected to get worse.

I commend the assistant majority leader, Senator MCCONNELL, the chairman of the Foreign Operations Appropriations Subcommittee, for providing $200 million to the U.S. Agency for International Development for safe water programs in his bill. Fifty million dollars of that amount is targeted to programs in Africa where the need is great.

Private, nonprofit sector programs are also working hard, including the Millennium Water Alliance, Water for People, Water Leaders Foundation, and Living Water International. These groups are dedicated to delivering comprehensive, safe water technologies throughout the globe.

Some are building major infrastructures. Some are digging wells and providing hand pumps to villages. Others are developing lightweight, low-cost, low-energy water purification systems that could be available to distribute to communities, schools, and orphanages for combating water-related diseases in Africa.

I commend all of these organizations for their dedication and compassion. Together we are working to make this an International Decade for Action known. In 10 years, we intend to cut in half the number of people around the globe who lack access to safe, clean water.

Another demonstration of America's compassion is our work with the effects of civil strife, especially war and

violence. This appropriations bill will provide $74 million for the Conflict Response Fund to assist in stabilizing and reconstructing countries impacted by conflict or civil strife.

In addition, $900 million is allocated for Migration and Refugee Assistance and $40 million for the Emergency Refugee and Migration Assistance Fund.

Unlike many donor countries, the United States strives to ensure that foreign assistance is effective, that it is distributed to those who need it the most, and that it gets measurable results.

In addition to foreign aid, the foreign operations bill also addresses the most dangerous threats we face today—the spread of weapons of mass destruction and the global war on terrorism. This bill provides $440 million for nonproliferation, anti-terrorism, and other related programs.

We are working closely with our friends and allies to secure stockpiles of WMD-related materials and technology, and make sure that they have the capability to protect these sensitive materials.

The bill also provides funding and assistance for our coalition partners in the global war terrorism. The legislation includes $4.6 billion for foreign military financing.

This funding, along with other national resources committed by our coalition partners, is essential for improving the capabilities of our coalition allies so that they can continue to make their vital contributions to this global effort.

The $86 million allotted for the international military education and training programs will ensure that our allies maintain the ability to work closely with American forces on the battlefield and take independent initiative to the fight against terrorism.

The United Nations also has an important role to play in the advance of democracy and the fight against terror. The world organization provides a medium for nations to discuss and resolve differences peacefully through dialogue and diplomacy.

It also monitors particular international agreements to ensure that nations are fulfilling their obligations and commitments. The U.N. is also critical to organizing and providing humanitarian and other assistance to the world's most desperate regions.

In order to carry out these functions effectively, however, the U.N. must undergo serious reform.

The United Nations needs to take action against its officials who are guilty of waste, fraud, and abuse. And it must also take steps to make the organization as a whole ore accountable, transparent, and efficient.

The United Nations has many positive contributions yet to make. But, in order to fulfill its mission, it must do more to clean house.

America's foreign policy reflects the values, beliefs and culture of the American people and the history of our great Nation. By advancing our values abroad, the United States not only makes the world a better place, it makes it a safer place, too.

As a free people, we are duty bound to share the blessings of liberty with citizens around the globe.

Our generation, no less than the one before, is compelled to confront the challenges of our times—and to fulfill America's destiny, in the words of the Great Emancipator, as mankind's last, best hope.

SUDAN

Last night, the Senate passed a resolution to support the fragile peace process between the government in Khartoum and the southern Sudanese. I applaud my colleagues for their compassion and concern for this troubled region of the world.

The resolution calls upon the U.S. Government to closely monitor the peace process now underway. It also focuses our attention to the continuing crisis in Darfur, and calls for continued pressure on Khartoum to end its genocidal campaign and bring justice to the criminals who have ravaged the people and the land of Darfur.

Eleven days ago, the leaders of Sudan took an historic step.

John Garang, leader of the Sudanese Liberation Army, returned to the capitol of Khartoum for the first time in 21 years to be sworn in as Sudan's vice president. Dr. Garang told the cheering crowd over a million strong, ''My presence here today in Khartoum is a true signal that the war is over.''

Together, he and President Bashir signed a new interim constitution officially forming the National Unity Government of Sudan. Under this agreement, Sudan will enter a 6-year interim period. At the 4-year mark, nationwide elections will be held at the provincial level, as well as for the national legislature. The interim period will culminate with a vote by the people of southern Sudan deciding their political future.

After two decades of brutal civil war that has killed 2 million people and displaced over 4 million more, north and south are finally on the verge of genuine peace.

It is a fragile moment, but one for celebration.

Last month, I had the opportunity to meet with Dr. Garang in my office here in Washington. During our meeting, he emphasized to me that for the peace to hold, both parties must fulfill their obligations under the peace agreement signed last January.

He also stressed that pressure from the United States is critical. The civil war and its aftermath have created a staggering humanitarian crisis. And he is not confident the government in Khartoum will fulfill all of its obligations under the Comprehensive Peace Agreement. Dr. Garang firmly believes that U.S. and international sanctions are necessary to keep the process moving forward.

During our meeting, he also told me that we can help him sell the peace to the Sudanese people. Our assistance in education, health care, and roads, for example, can help show a traumatized Nation the benefits of peace over continued violence.

The road forward will not be easy. Millions have lost their lives in 20 years of struggle. But the days, weeks and months ahead hold great promise not only for the north and south, but for the entire country.

Nowhere is that hope more needed than in the western region of Darfur

For 2 years, the Sudanese Government has waged a brutal genocide against the Darfur people. Despite United Nations Security Council resolutions, and pressure from the international community and neighboring countries, the Government of Khartoum continues to kill and maim.

Up to 180,000 innocent victims have died as a result of the government-sponsored violence. Two million more have been displaced. Entire villages have been burned to the ground.

Last November, the Khartoum Government agreed to halt the attacks. But within hours of the agreement, Sudanese police raided a camp in southern Darfur, destroying homes and driving out civilians.

I have visited the region and have heard the stories first hand.

Last August, I visited a refugee camp called Touloum in Chad. Thousands of refugees are housed in dust-covered tents. Many more live in make-shift shelters of gathered wood and plastic sheeting.

I met with refugees and community leaders. Their testimonials were searing.

I heard the story of a mentally disabled 15-year-old boy being thrown into a burning house, and of an old, paralyzed man burned alive in his hut.

I heard stories of women raped in front of their own children, and male villagers being summarily executed.

I asked one refugee in Touloum what it would take for him to go home. He said, ''I'll go if you come with me and stay with me.''

Last week, the Government of Sudan and the rebels in Darfur signed a Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur. This agreement provides a framework for negotiations.

In order for it to work, however, all parties must stop the violence now. The conflict will only be resolved through peaceful negotiations and dialogue.

The United Nations has taken limited steps to punish those responsible for the atrocities. In March, the U.N. Security Council voted to freeze the assets of individuals deemed guilty of committing war crimes or breaking cease-fire agreements. It also voted to ban these individuals from traveling.

In addition, the Security Council voted to forbid the Sudanese Government from carrying out offensive military flights over Darfur, and from sending military equipment into the

region without first notifying the Council.

The introduction of troops into Darfur from the African Union is a positive development. There are currently 2,400 African Union troops in Darfur. By August, that number should go up to 7,700 and by next spring 12,300. NATO has also agreed to provide logistical support to the African Union peacekeepers in Darfur.

These are hopeful and helpful measures. But more must be done. The violence will continue to escalate and the death toll will rise unless, and until, the international community takes stronger action against Khartoum.

The world's leaders need to impose more comprehensive sanctions on the Sudanese Government, including on its oil industry. Tough and intense pressure must be brought to bear.

The progress between the south of Sudan and Khartoum is promising and should guide the way forward in Darfur.

But time is running out. We cannot ''wait and see.'' The Darfur people need our help. They are crying out for support. We must act, now, before it is too late and their voices fade to silence.

CUBA

Today, we have an opportunity to assist the Cuban people in their struggle for liberty. The Foreign Operations bill under consideration provides funding for an airplane to transmit Radio Martí, around the clock, providing constant support to those on the island fighting for freedom.

I urge my colleagues to support this effort. Radio Martí has been critical in promoting the cause of Cuban liberty.

Since its inception 20 years ago, Radio Martí has brought news to and from the isolated country in defiance of Castro's censors.

On May 20, 1985, at 5:30 in the morning, Radio Martí launched its first broadcast to the Cuban people. Fourteen and a half hours of uncensored news reached Cuba from a studio here in Washington, DC, via transmitters in Marathon Key.

Named after the Cuban intellectual and patriot, José Martí, the station broke through Castro's propaganda machine and offered the Cuban people news, entertainment and discussion with Cuban journalists, thinkers, writers and entertainers.

In just a few short years, Radio Martí became the most listened to station in Cuba.

Many Cuban reporters now send their stories to the U.S.-based station to bypass the government and beam directly into Cuban homes. Over the years, dissidents and human rights advocates have come to rely on these transmissions for strength and hope.

As President Reagan told an audience back in 1983 while Congress was debating the Radio Broadcasting to Cuba Act, ''there is no more important foreign policy initiative in this administration, and none that frightens our adversaries more, than our attempts through our international radios to build constituencies for peace in nations dominated by totalitarian, militaristic regimes.''

In 1990, TV Martí was launched, bringing in a new wave of free media. Within 23 minutes of its first broadcast, Castro jammed the airwaves, but his success was only temporary.

Like its radio companion, TV Martí offers political news and debate. It also airs soap operas and sports.

Whether as news or entertainment, these broadcasts help to spark the imaginations and aspirations of the Cuban people. They pierce the regime's imposed isolation and bring the Cuban people into the world community, and the world community to the Cuban people.

To this day, the Communist party controls all formal means of mass communication on the island. It has constructed a complicated apparatus of censors and technology to air its propaganda and smother divergent views. All print and electronic media are considered state property under the control of the party. Foreign magazines and newspapers are outlawed as subversive material.

That is why Radio and TV Martí are so critical. And that is why I urge my colleagues to amplify our efforts now.

José Martí once said that, ''Others looked at radio and saw a gadget; his genius lay in his capacity to look at the same thing, but to see far more.''

I urge my colleagues to share the vision held by our former president Ronald Reagan when he first proposed Radio Martí. The Wall had not yet fallen, and millions of people still lived under the boot of the brutal Communist empire.

But he knew that Radio Free Europe was reaching and inspiring millions of men and women trapped behind the Iron Curtain, in bleak Communist towns and in dark Communist prisons. And like Radio Free Europe, he knew that Radio Martí would reach and lift up those living in the Communist island just 90 miles from our southern shores.

So, today, I urge my colleagues to continue our support for the aspirations of the Cuban people.

With just one plane and one radio station, we can broadcast the call of freedom to millions.

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.

Ms. LANDRIEU. 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. 1245

Ms. LANDRIEU. Mr. President, I call up amendment No. 1245. I understand there will be a request to set the vote at 2 o'clock on the amendment.

The PRESIDING OFFICER. The amendment is pending.

Ms. LANDRIEU. Mr. President, amendment 1245 is offered on behalf of myself, Senator CRAIG, and others to focus some time and discussion on the issue of family, of stability, of permanency for children around the world. I couldn't agree more with the Senator from Tennessee when he says this underlying bill, the bill that funds all of our foreign operations, assistance to many countries throughout the world, countries that are developing, countries that are well established, that share our values, that one of the most critical components of this underlying bill is to advance American values around the world.

We know not every action we take is perfect. We know not every thought we have is exactly right. But Americans believe we work hard at establishing good values. We know we are not perfect, but we try to get better and better each decade and each century. I could not agree more with the Senator from Tennessee when he says this bill in particular is a bill that helps us to advance our values around the world.

One of the values all Americans believe in is the value of family, the importance of family, the importance of the principle that children should in fact be raised in families. Children don't raise themselves. Governments don't raise children; parents raise children. And sometimes one responsible parent raises a child. That is the way it has been. That is the way we like to see it. It is the way we want to promote it here at home and abroad.

Senator CRAIG and I offer this amendment with others to express the sense of Congress regarding the use of the funds in this bill, which are substantial in section 3, for orphans and displaced and abandoned children. This amendment simply says our money in this bill should be laid down by USAID. We are not earmarking any money. We are not adding any money. We are not spending any additional money, just the money that is in this bill, that Members have said we want to send out to countries, should recognize the principles of The Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, should recognize the principle that children should stay with the families to which they are born. Our aid, whether it is for economic development or for education or health, should recognize the dignity and respect of each individual family unit. Try to keep children who are born to a family connected to that family.

Sometimes we know that doesn't happen or, unfortunately, it can't happen. War, disease, famine, violence separate children from their natural parents. When that happens, it is the principles of the United States, the values of the United States that we proudly share with the world to say that child who is orphaned should not be left alone to raise themselves. That child should be placed with a loving, caring, responsible relative as quickly as possible, someone in the extended family.

It could be the grandmother, grandfather, responsible aunt or uncle, perhaps an older sibling, not 12 years old, not 13 years old, but a 20-year-old or a 30-year-old, to raise that child and then that family unit continues.

When there is no a responsible adult in that family, then our principles say we should then look for some other family, perhaps a neighbor, another family in the community, a friend of the family to take that child or those children in and raise them and try to instill good values and security and happiness for that child's harmonious development.

If there is no family to be found within the neighborhood, the village, the community, then we should, as a human family, find some family in the world to take in that child. It is the miracle of adoption that is occurring all over this country and all over the world.

My husband and I have adopted children. We are very proud of our wonderful children. Many Members of Congress have added to their families or created their families through adoption. It is becoming something that Americans understand and believe to be important. There should not be any orphaned children, any waiting children. They are just unfound families, and we need to do a better job of connecting children who need homes with loving parents who will give them that support.

I come to this issue not just from a personal perspective but even before we went through this miracle of adoption ourselves, I understood this to be the truth. Children can't raise themselves. I was raised in a home, the eldest of nine children, with two loving parents. Many of us had wonderful experiences as we were growing up. We understand the value of keeping children protected and nurtured in the family setting. We come to this floor all the time trying to stop child trafficking, stop child abuse, mental illness, promote special education. The best way to stop some of that is to connect children with responsible adults who will raise them. It saves the taxpayers a lot of money, saves a lot of pain, saves a lot of anguish. That is what Americans, whether they are Republican, Independent, or Democrat, believe in. That is one thing I am confident of and need no poll to tell me.

I am a little surprised that when we laid down this amendment, we thought it would be accepted without any discussion, but there evidently is some hesitation. There is some sense that USAID doesn't agree with that. I am interested. If some Senator would like to explain USAID's position that they don't think families are important, I think the Congress would love to hear that. It would be quite a surprise to those of us who are appropriators who fund USAID and actually believe in so much of what they are doing, that they have a problem with an amendment that simply says children belong in families. That is all this amendment says.

Last year Americans adopted 120,000 children. Twenty thousand children came from many countries around the world to find a happy home here in America. One hundred thousand children were adopted, half of them out of our own foster care system which we recognize has some strengths but some weaknesses. We are working on that. We admit our long-term foster care has kept children in limbo for far too long. It has been a barrier, sometimes, to appropriate reunification. It most certainly has been a barrier to adoption.

Senators such as Senators ROCKEFELLER, DEWINE, CLINTON, and others have spent many years working to reform that system. We are making a lot of headway. We are proud of it. But we had over 50,000 children adopted out of foster care.

Two children visited my office yesterday. They were 12 and 10, precious little boys from Louisiana. They said: Senator, we want you to meet our new mom. We were just adopted.

I asked the mom: Could I please speak to the children privately for a few moments?

She said: Fine.

So I had the little children in my office. I said: You don't have to tell me any of the details. I know it has been difficult. I just want to know, are you OK, are you happy?

They said: Senator, we are very happy with our new mom. She was our foster mom for a number of years. She is doing her best. Our parents just haven't been around.

I didn't want to go into too much detail with the children. But their little eyes were so hopeful. I walked out and I said: Congratulations. These two children now have a loving adult mother who is going to raise them and give them a future that they didn't have in the first years of their life.

I thank the Senators for all of their work and what they have done in that regard. We are making a lot of progress in our Nation. So this amendment basically recognizes that and says that we believe we should do everything we can to keep children in the family to which they are born. But when that separation happens, through all the things that I said about what can cause it, we need then to establish a permanent plan for children that tries to place them in another family as quickly as possible. Domestic adoption first. But if there are no families willing to adopt in that community or country, then intercountry adoption into the human family becomes very important before orphanages, institutions, et cetera.

So that is what this amendment does. It lifts our values that the Senator from Tennessee spoke about, lifts language from laws we have already passed in overwhelming numbers on this Senate floor, and it says in this amendment that all of the money in section 3 should recognize these principles.

There are over 54 countries in the world that have basically signed and ratified and are in the process of implementing these principles that are in the Landrieu-Craig amendment. This amendment says that sometimes temporary refugee camps are necessary, where children are temporarily separated because of war. But when the permanency plans begin to be made, let's make sure we put domestic adoption and intercountry adoption before long-term institutional care or, for that matter, letting children out on the streets to raise themselves. It is very clear.

So I say, again, that I hope we can get a strong, bipartisan vote on this amendment. I am sorry that there has been any difficulty. It was not meant to be that way. But I felt this issue had to be clarified in the bill because I was hearing too much at hearings, seeing too many things in letters that were passed on some of these issues that it gave me pause to think, I wonder if the USAID position is truly reflecting the position of the Congress, of the current Bush administration, of the State Department, which is the stated policy in support of the idea that children belong in families.

So I am hoping that with the cosponsors we have on this amendment we will get a strong vote affirming that intercountry adoption may offer advantages of a permanent family to a child or children for whom a family cannot be found in the child's home country. Let me state again:

> Affirms that intercountry adoption may offer advantages of a permanent family to a child for whom a family cannot be found in the child's state of origin.

That seems to be controversial language. I cannot see it.

No. 4:

> Affirms that long-term foster care or institutionalization are not permanent options and should, therefore, only be used when no other permanent option is available.

That is clear. We want to try to find a child a home, a real family. And there are 40 million orphans in the world, so this is not an easy task. But it is doable if we all work at it. If we cannot find children a home, if we have worked hard to look for a home for somebody that would take them in their own country, and we look internationally and try to find a family that would take them in, and we cannot find that, then, of course, we can have long-term institutions and foster care as the last and final option.

Please, let's give children a chance. In New Orleans right now—I had pictures sent to me—14 little orphans from Russia, between the ages of 5 and 12, through a program that many of us support, came over to the United States and spent 6 weeks in New Orleans. You know what the great news is? Yesterday, 12 of those 14 children are going to find permanent homes here. These children are older, but they are not damaged goods. Just because they are not little 3-month-old infants or 6-

month-old infants, they have a bright future. God gave them a lot of talent. They are stuck in an orphanage, where they have very little hope and opportunity. At the age of 15, they will be turned out on the street to fend for themselves.

If you want to talk about child prostitution or trafficking or what happens to children when they leave an orphanage at age 15, with no parents, no means of support, and no education—this amendment cuts down on child trafficking. This amendment cuts down on child exploitation. This amendment cuts down on child prostitution. If you can connect a child to an adult that will protect a child, that is the parents' primary job, protecting our children, and most parents do that very well.

For me to stand on the Senate floor and have to argue this to the agency that is sending out money around the world because they think this is not what other cultures are about—I am not an expert. I am a sociology major, but I never read where a family is not the primary building block of the community. If anybody knows of any other culture that doesn't recognize the family, let me know because in all of my reading, I have never read that anywhere. In every culture, family is important. We might describe it a little differently, and we may have different views about what a family looks like, which is not the subject of this amendment, but I don't know any culture anywhere in the world that doesn't think family is important.

So when USAID stands there and tells me something such as, it is not really in other cultures that this is important, I say, hogwash. Families are important. We define them differently. We respect the different views of how families come together. But in every culture adults raise children, and that is all this amendment says. It says, as a last resort, when you cannot find a family for a child—when you have tried and cannot find a family—then go ahead and build your orphanages, your institutions, and I hope that they will build them in a way and staff them in a way that these children know that, despite the fact they don't have a mother, father or someone to love them, they can be raised with a skill so that they can find their way. It is difficult when you are on your own. Children have done it before, and they will do it again. But for heaven's sake, can we try to find them a family?

Senator CRAIG and I offered this amendment. We cochair the commission on adoption. We have 180 Members of Congress who feel very strongly about this issue. I don't think we should be debating it, but for some reason we are. Our Members are Republicans and Democrats. None of our Members can understand why we are having this discussion, but here we are.

So this amendment simply, again, reaffirms its commitment to the founding principles of the Hague convention on the protection of children, recognizing that each country should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin. But when that is not possible, they should strive to place the child in a permanent and loving home through adoption. It affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's country. It affirms that long-term foster care or institutionalization are not permanent options and should, therefore, only be used when no other permanent option is available. It recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

I congratulate President Bush and his administration for agreeing to a breakthrough amendment with the country of Vietnam recently to open up again international adoption. There were some corruption issues. There was some lack of transparency in the process. There was some concern that this was not operating as smoothly as it should. So it was temporarily suspended. But because of the good work of the President and the President's administration, that was basically recreated. I have a copy of the agreement.

When an agency such as USAID tells me; ''We like what you are saying, but it is not our policy,'' I am confused because the President of the United States signed an agreement with Vietnam that has the same language of The Hague, in the first paragraph of this document: Agreement between the United States and the Socialist Republic of Vietnam. Clause 1, clause 2, and clause 3 are exactly this amendment. Forty-one Members of the Senate and the Congress signed a letter to the President of Romania outlining this exact principle. So the 41 Members who signed this letter, and myself, are very confused as to why this amendment is a problem. Again, I offered it to clarify.

This will be a great clarification to USAID that, unequivocally, the Members of this body and the House of Representatives, when this is passed, say that we value families; we think children should be in families; we want to do everything we can to connect children to families; we think they should stay in the families to which they are were born but, if not, find one close to home and, if not, someplace in the human family for them. End of story.

If that all fails, go ahead and build your orphanages and institutions. I don't know of anybody who grew up in an orphanage that liked it—not one person. I don't know anybody alive that ever told me that they had a happy time growing up in an orphanage. That is not a value that Americans believe in. I have had lots of people tell me they were so happy to grow up in a loving family. I have had people cry to me and say: I spent time in an orphanage my whole life. Nobody ever came for me, Senator. I have had people tell me that. I have never had anybody say to me how happy they were to grow up in a refugee camp or an orphanage.

I am not spending a penny in this bill to promote the idea that children could be happy being raised in an orphanage when one caregiver comes in for 300 children. I have been in a lot of these orphanages. Some of our other members have been also. I have traveled all over the world to some of these orphanage. I cannot describe the horrors of what I have seen. I cannot sit here on the floor of the Senate and let this go through being a little unclear. This is very clear to me, and it should be very clear to the Members of this body.

I know we are going to vote at 2 o'clock. I appreciate my colleagues giving me this time to express myself. I obviously feel strongly about it. Many Senators and House Members feel strongly about this. We are doing this here in the United States. This is our policy. So we need to promote, as Senator FRIST said, our values—not force them, but promote them. Nothing is being forced here. We are promoting and saying, these are our values. We believe family is important. We are giving plenty of room in this amendment. We understand that there might be some contingency plans that have to be made, but let's try to connect children to families. I think it is the least we can do. I wanted to clarify that this is a value of the people of the United States of America.

I yield the floor and reserve the remainder of my time.

I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I would like to take this opportunity to add just a few more items for the record on the subject about which I was just speaking, which is the Landrieu-Craig amendment on international adoption, domestic adoption, and family preservation.

One of the items that got my attention which prompted the offering of this amendment was a National Public Radio commentary, which I want to submit for the RECORD, after the tsunami disaster. I had the opportunity to visit the region affected with the Senator from Tennessee. I spent 3 days on the ground reviewing the damage in Sri Lanka and all over the devastated area.

This is what prompted this amendment, when we were focused on the issue of these children having been displaced. Of course, we remember the devastation that occurred. Children were tragically separated from their families. There was great interest in the children who might have been orphaned in that disaster and whether they could find a home elsewhere.

There was a great coalition of people in the United States and around the world who felt strongly about that. We began working on it and encouraging that children who had been orphaned, whose parents had been swept out to sea, the children who survived, of trying to place them with relatives, along the lines of what I have been speaking.

Then there was this NPR commentary, and I would like to read a paragraph of it into the RECORD:

Jaco spends his days—

This is a UNICEF worker funded in part by USAID—

walking through refugee camps, trying to find orphans. He's not from Aceh; he's a social worker from nearby Medan who came here as part of—

The Government's efforts at a child welfare program that is working with UNICEF to care for children who have lost their parents.

This worker is walking through this refugee camp, and he finds an orphan, according to NPR, and he finds the orphan's aunt. He says to the aunt: We would like to take this child to one of the Islamic boarding schools.

The aunt says: No, I would like to help raise this child.

The worker then is in a discussion trying to convince the aunt to let the orphan be raised in a boarding school.

This is what started this whole amendment. I know one cannot believe everything one reads in the newspapers, and one cannot believe everything one hears on the radio, but when we investigated this and looked into it, we found that this, in fact, was a pattern that was occurring; that our money was being used to fund workers who, instead of being so happy that they found an aunt for this child and saying, ''We have a program that can help; we know it is difficult; you are probably raising three or four other children; we are appreciative that you are taking in this orphan,'' our money was being used to promote something completely contrary to our views and policies, which is: Oh, don't worry, let the government take this child and raise it in a boarding school.

Whether it was a Christian boarding school, Islamic boarding school, Muslim boarding school, the Christian, Muslim, or Islamic boarding schools are not the same as being raised in a Christian, Muslim, Islamic family. That is the point.

What happens is, if we don't make this clear, it will end up that money is going to support orphanages and discouraging the reunification of orphans with their families.

I ask unanimous consent to print in the RECORD this commentary by National Public Radio which has prompted this whole initiative, if anyone has questions about it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS: INDONESIAN GOVERNMENT BANS ADOPTIONS OF TSUNAMI ORPHANS

Steve Inskeep, host: Indonesian authorities are trying to provide security to some of the most vulnerable victims of last month's tsunami. In the province of Aceh, an estimated 35,000 children were orphaned or separated from their parents. The government has temporarily outlawed adoption in that province. Its plan is to send the orphans to Islamic boarding schools instead, but the schools are not ready and it's hard just to identify the kids who need help. NPR's Adam Davidson reports from Banda Aceh.

Adam Davidson, reporting: Jaco(ph) spends his days walking through refugee camps, trying to find orphans. He's not from Aceh; he's a social worker from nearby Medan who came here as part of Pusaka Indonesia, a child welfare group that is working with UNICEF to care for children who have lost their parents.

Jaco (Social Worker): (Foreign language spoken)

Davidson: Today he's in Berwang Hitan(ph), an Indonesian army base that has been transformed into a refugee camp. It's right under the flight path of US Navy helicopters. He lifts the flap of a thick canvas tent, walks in and asks the dozen or so people sitting on mats if there are any orphans here. At the first tent, they say no. There was one, but some cousins came by the other day and took her away.

Davidson: At the second tent, he finds Suryani(ph), a five-year-old girl, standing in a pretty green dress. She's been watched over by a cousin, Harati(ph), who is also caring for her own infant son.

Harati (Tsunami Survivor): (Through Translator) I found her when we were running from the tsunami.

Davidson: Harati says she watched Suryani's parents drown when the tsunami struck their village, Lampung. She grabbed the little girl and now considers her her own daughter. Jaco writes down Suryani's information—name, age, parents' name, home village—and then tells Harati that it will be very difficult for her to care for Suryani, since they no longer have a house or any possessions.

Jaco: (Foreign language spoken)

Davidson: He says she should send Suryani to one of the new Islamic boarding schools that will open soon. The girl will be well cared for, and the family can visit on weekends. Harati thanks Jaco and smiles. When Jaco leaves, she says that she's not sending Suryani anywhere. She'll take care of the girl on her own. Jaco is sympathetic, but thinks Harati is wrong.

Jaco: (Through Translator) If we think psychologically it's normal if their family would like to take the orphans then, but if we think logically, right now they don't need only being with the family but they need food, they need education, they need therapy from the psychologists to make their life normal again.

Davidson: Jaco and his small team have identified 56 orphans so far, 20 in this camp alone. There are dozens of children here, most of them with their parents. Pusaka Indonesia, the child advocacy group, has set up a special children's area in the corner of the camp. There's a host of teachers and social workers who watch over the kids. Vivi Sofianti is a child psychologist. She leads them in games and songs.

Davidson: She says they stop being depressed when they sing.

Ms. Vivi Sofianti (Child Psychologist): (Through Translator) What I've learned from them right now, they really need entertainment to forget their—what will happen to them.

Lucman(ph) (Tsunami Survivor): (Foreign language spoken)

Davidson: Lucman, 45, walks up to a table under a canopy next to the children's area. He's looking for his 15-year-old son, Maludin(ph), and his nine-year-old daughter, Safrida(ph). He hasn't seen them since the tsunami destroyed their neighborhood, Pulanga Han(ph), in downtown Banda Aceh. Lucman spent the last two weeks searching for them in dozens of refugee camps. A Pusaka Indonesia worker takes down the children's information. All the data is entered into a database in two computers next to the desk. There's a list of hundreds of parents and dozens of children. The goal is to link the children Jaco and his team find with the parents who are searching for their own. Deni Purba runs the operation.

Mr. Deni Purba (Aid Worker): I believe half of them will find their relatives. That's why we are here.

Davidson: There are similar programs all over Aceh province. But in the end, Purba believes, thousands of children will be left with no relatives at all. He says it will be up to the Indonesian government to decide what to do with those who are alone. But, Purba says, the best solution is the one the government is planning, to send all the orphans to boarding schools.

Davidson: Adoption wouldn't work.

Mr. Purba: No, we don't support adoption, because is not Acehenese culture.

Davidson: There are rumors of child sex traffickers prowling for orphans. There are stories of foreigners buying Acehenese children. Purba says the children have suffered enough trauma and should be kept here, where people speak their language and know their culture, and where the orphans can help each other adjust to a new kind of life.

AMENDMENT NO. 1242

Ms. LANDRIEU. Mr. President, yesterday, there were several amendments voted on and, unfortunately, I was not here yesterday. I was attending a funeral of one of our State officials who unexpectedly passed away. Had I been here, I would have voted with my colleagues in rejecting the Coburn-Boxer amendment to the fiscal year 2006 State and Foreign Operations appropriations bill, which is the bill about which I am speaking.

Mr. President, while the vote on this amendment was taking place, as I said, I was returning from the funeral of my dear friend and Louisiana Secretary of State, the Honorable Fox McKeithen. Had I been here, I would have voted with my colleagues in rejecting the Coburn-Boxer amendment to the fiscal year 2006 State and Foreign Operations appropriations bill.

In preparation for this vote, I cosigned a letter, along with my colleagues Senators FEINSTEIN, SANTORUM, and SPECTER requesting that Senators vote against the amendment. I have concluded this amendment would derail something that would benefit both China and the United States at a critical time in our two nations' history.

In this, the most important bilateral relationship of the 21st century, it is crucial that both countries continue to work in cooperation with one another.

The Shaw Group-Westinghouse consortium is the only American team bidding on a contract to construct four advanced-designed nuclear powerplants in China.

This deal has the full support of the U.S. Department of Energy which has authorized that the Shaw Group and Westinghouse Consortium work in the

People's Republic of China, PRC. The National Nuclear Security Administration, NNSA, has thoroughly reviewed the proposal and determined that concerns over national security are negligible.

Nuclear safety and technology transfer are key national security issues that nobody takes lightly. After much deliberation and consideration of these sensitive issues, it is clear that this deal is good for both the United States and China.

The AP1000 advanced design nuclear reactor is one of the safest nuclear reactors in the world and is on the cutting edge of nuclear technological innovation. This innovation will yield significant economic and environmental benefits.

This proposal would support a significant number of high value U.S. export oriented jobs in the manufacturing and engineering services areas.

At a time when Americans are concerned about their jobs, we should demonstrate through initiatives such as this that we have their economic best interests at heart.

The Shaw-Westinghouse Consortium benefits small businesses by virtue of the many U.S. subcontractors that will be used during the implementation phase of this contract.

The Consortium's bid would create or sustain more than 5,000 high-tech U.S. jobs, and provide ongoing jobs for many years to come, not just for the China project, but for sales in the United States and other global markets

This proposal seeks to address not only jobs, but the tremendous trade imbalance between the United States and China.

The U.S. Export-Import Bank exists to provide financing of last resort to assist exporters in order to create jobs and export growth for the U.S. economy.

This deal would be consistent with the 1985 Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy.

To limit the purchasing of U.S. civilian nuclear energy technology to the Chinese would be disastrous to our bilateral relations at a time when we must engage the Chinese and to cloak this proposal in anti-Chinese rhetoric is doing a disservice to the American people.

These exports to China will most assuredly yield significant benefits to companies and workers in the United States and assist in the promotion of the safe, reliable, and efficient growth of nuclear power in China, something which will be essential to both countries.

The chief competitor is AREVA, a French company. AREVA will have the full support of the French equivalent of the Export-Import Bank, COFACE.

If this amendment is passed it will not punish China, but reward the French and other European economies and exporters who will clearly prevail should the Shaw/Westinghouse consortium be denied competitive financing.

This is precisely the sort of investment our country should make to ensure that we continue to create and sustain high-tech industrial jobs in the United States and the continued growth of the nuclear power industry, which will assist as we seek more self-reliance in the energy sector of the economy.

In no way will the taxpayers be fleeced by this project. The loans associated with the Chinese nuclear power project are made to Chinese customers and are guaranteed by the Government of China.

The taxpayers are not subsidizing these loans and are not at risk according to major credit agencies who evaluate sovereign risk. In addition, the Export-Import Bank of the United States charges an exposure fee commensurate to the credit risk being taken. For over a half century the Ex–Im Bank has supported equipment and services for nuclear power projects in China.

If we do not proceed with caution, the threats of anti-Chinese sentiment will tarnish a productive bilateral dialog for every issue that emerges with China.

The Shaw Group-Westinghouse Consortium has a sterling reputation and a distinct advantage with its cutting edge technology. If this deal would have been thwarted in the Senate, it is the United States that would have been punished, not the Chinese.

I 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, while Senator LANDRIEU is still on the Senate floor, Senator LEAHY and I were just discussing the following unanimous-consent request which will get her vote at 2:30 p.m. Let me say before propounding this unanimous-consent request, Senator LEAHY and I are working on trying to get all the remaining amendments and final passage dealt with at the same time around 2:30 p.m. We are not there yet. But I will start by asking unanimous consent that the Senate proceed to a vote in relation to the Landrieu amendment No. 1245 regarding orphans at 2:30 p.m. today, with no second-degree amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Madam President, I am just wondering if perhaps the Senator from Kentucky, who has dual responsibilities as chairman of this subcommittee and as the Republican whip—maybe we should talk in our respective cloakrooms—we have a number of people we know who want to offer amendments—that we get perhaps a unanimous consent agreement, and the time we can work out, sequencing each of those amendments. I don't know about time at the moment. I am trying to think of some way—we have been on this bill since Friday. A lot of us have other matters to attend to, including meetings with the President's nominee to the Supreme Court. Senator MCCONNELL and I have sat here through hours of quorum calls. I think it is time to fish or cut bait. I say this to our cloakrooms, this may soon turn into a unanimous consent agreement and will require each of these amendments to come up and either be voted on or withdrawn.

I don't know how else we get it done. We have been several hours in quorum calls so far, and some of us have other things to do. I have no problem with somebody getting a vote. Vote for it or against it, but let's get it done.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I am checking right now on the possibility of adding to the 2:30 p.m. vote the one amendment left on this side that might require a vote. I will know shortly. We should be able to add that to the queue at 2:30 p.m. That will give us two votes at 2:30. Senator LEAHY indicated he is working on trying to get additional votes so we can wrap this bill up later this afternoon.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1245, AS MODIFIED

Ms. LANDRIEU. Madam President, I have a modification to my amendment. It is at the desk. It is a technical modification.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1245), as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 6113. (a) The Senate—

(1) reaffirms its commitment to the founding principle of the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption, that a child, for the full and harmonious development of the child's personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding;

(2) recognizes that each State should take, as a matter of priority, every appropriate measure to enable a child to remain in the care of the child's family of origin, but when not possible should strive to place the child in a permanent and loving home through adoption;

(3) affirms that intercountry adoption may offer the advantage of a permanent family to a child for whom a family cannot be found in the child's State of origin;

(4) affirms that long-term foster care or institutionalization are not permanent options and should therefore only be used when no other permanent options are available; and

(5) recognizes that programs that protect and support families can reduce the abandonment and exploitation of children.

(b) The funds appropriated under title III of this Act shall be made available in a manner consistent with the principles described in subsection (a).

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. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Mr. MCCAIN. Madam President, as we all know, last night the President of the United States announced the nomination of Judge John Roberts to the U.S. Supreme Court. The President noted in his remarks that one of the most consequential decisions a President makes is his nomination of a Justice to our Nation's highest Court. By nominating Judge Roberts, I believe the President has met the challenge. I commend him for choosing a thoroughly accomplished jurist and attorney to rise to this country's highest Court.

I point out that the selection process the White House and the President went through was thorough and, indeed, viewed as satisfactory—in fact, praised significantly by Members on both sides of the aisle. The President and his staff consulted with more than 70 Members of the Senate. The President reviewed the credentials of many well-qualified candidates, and the President also met with a number of potential nominees.

I believe the consultation part of the advise and consent process we go through was more than met by the President and his staff. The process has resulted in a nominee who truly stands on his achievement.

Presidents can and sometimes have nominated Justices for political reasons alone. However, this President has done something truly praiseworthy in nominating Judge Roberts. He focused on the merits and picked a distinguished attorney with a keen legal mind and an impressive record of accomplishment.

I think all of us are aware of Judge Roberts' academic background. We are aware of his clerking for Justice William Rehnquist, his service in the Department of Justice and, very importantly, being a member of the small group of lawyers who have practiced before the Supreme Court. In fact, Judge Roberts has appeared before and argued cases before the U.S. Supreme Court some 39 times. The process has been followed and has resulted in an outstanding nominee.

There are questions about whether Judge Roberts will answer questions concerning specific issues. I think that issue was put to rest in the Breyer and Ginsburg nominations where, appropriately, they did not answer questions that would relate to cases that would be argued before the U.S. Supreme Court.

There may be some question about whether Judge Roberts is conservative. I think the President of the United States made it very clear in the last campaign, and I personally heard him state on numerous occasions, that he would appoint as a Supreme Court Justice, in the event of a vacancy, a person who strictly interpreted the Constitution of the United States. So just as in the previous administration President Clinton appointed judges such as Justices Breyer and Ginsburg who would be viewed by some as liberal, so I think it is entirely appropriate that Justice Roberts be viewed as ''conservative,'' if conservative means someone who strictly interprets the Constitution of the United States in making these incredibly important decisions that are made by the U.S. Supreme Court.

As is well known, I am a card-carrying member of the Gang of 14. One of the criteria of the Gang of 14 is that we would not filibuster a nominee to a court or the Supreme Court unless it was under ''extraordinary circumstances.'' I do not speak for the other Members. Each of those Members speaks for himself or herself. I do believe—at least in my opinion, I am convinced—that even though various Members of the Senate on the other side of the aisle may oppose and vote against Justice Roberts' nomination, and perhaps for well-founded reasons, that by no means, by any stretch of the imagination, would Justice Roberts, because of his credentials, because of his service, because of his extraordinary qualifications, meet the extraordinary circumstances criteria.

Again, I only speak for myself, but having been in on those negotiations about extraordinary circumstances for hundreds of hours, I believe Judge Roberts deserves an up-or-down vote, and I hope the other members of that group would also agree with me.

So I think this is a good day for America. We start a process which we should complete by the first week in October so that Justice Roberts can sit in the fall session of the U.S. Supreme Court. I think many of us watching him on television last night as he stated his profound appreciation for the role of the U.S. Supreme Court in our constitutional democracy, as well as his deep regard for the Court as an institution—this is without a doubt a man who is not only fit to face the magnitude of the task before him but who has the temperament and the judgment to understand the seriousness of his possible service as a member of our Nation's highest Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to a vote in relation to the Chambliss amendment No. 1271 following the vote in relation to the Landrieu amendment with no second-degree amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. What that means is that at the moment, there are two stacked votes at 2:30, the Landrieu amendment and the Chambliss amendment.

I see that the Senator from Texas is in the Chamber and would like to address the Senate, I believe as in morning business, on another issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I add my voice of support to the President's decision to nominate Judge John G. Roberts to the U.S. Supreme Court. The process of selecting the next Associate Justice should reflect the best of the American judiciary and not the worst of American politics. From the President, the American people deserve a Supreme Court nominee who reveres the law. From the Senate, the American people deserve a confirmation process that is civil, dignified, respectful, and one that does its dead level best to keep politics out of the process.

Yesterday, President Bush did his part by announcing the nomination of Judge Roberts, and now it is up to us in the Senate to do our part to ensure that the process for confirming this nomination does honor to the Supreme Court, to the Senate, and to the Nation.

The Supreme Court of the United States is one of our Nation's most cherished institutions. It is also our Nation's most powerful symbol of our commitment to constitutional democracy and the rule of law. We need men and women who serve on that Court who meet the highest standards of integrity, intellect, and character. Most important, we need men and women who are committed to the principle that the duty of unelected judges in a democracy is to apply the law as written by the people's representatives and not to make the law up as they go along.

By every indication, Judge Roberts fits this description of what I would consider to be an ideal nominee. Judge Roberts was educated at Harvard College and Harvard Law School. Before he became a judge on the District of Columbia Court of Appeals in 2003, he was widely regarded as one of the most outstanding advocates practicing before the U.S. Supreme Court. He has argued dozens of cases before the Court, both as a lawyer in private practice in Washington and as a public servant.

Over the years, he has held a wide variety of positions with the Department of Justice, including Principal Deputy Solicitor General, the Federal Government's second highest ranking lawyer before the U.S. Supreme Court. With these credentials, it is not surprising that we confirmed this nominee to the Court of Appeals by unanimous consent just 2 years ago.

Although Judge Roberts has been on the bench only since 2003, his distinguished legal career leaves no doubt that he is extraordinarily well qualified for the Supreme Court. It bears remembering that Chief Justice Rehnquist had never served as a judge before he was nominated to the Court. Similarly, Justice Sandra Day O'Connor, who Justice Roberts will be succeeding if confirmed, had served only briefly as a State court judge before she was elevated to the Supreme Court. As Senator LEAHY, the ranking member of the Senate Judiciary Committee, said at her confirmation hearing, although:

> . . . her tenure on the appellate bench has not been long in years . . . we should realize that only 60 of the 101 Justices sitting now or in the past have had any prior judicial experience. Only 41 of these have had more than 5 years of service when confirmed, and among those who had no prior experience when confirmed to the United States Supreme Court were included John Marshall and Joseph Story.

As you know, Justices Marshall and Story were two of the most distinguished Justices who ever served on the Supreme Court and, indeed, in our Nation's history. Although the number cited by Senator LEAHY has changed some over the years since Justice O'Connor was confirmed, his point still stands. One does not need to be a career jurist to serve this Nation with distinction as a Justice of the U.S. Supreme Court.

I believe the President has made a commendable decision, nominating Judge Roberts. As I stated earlier, the American people deserve from the President a Supreme Court nominee who reveres the law. From all reports, that is exactly what the American people received yesterday. From the Senate, the American people deserve a confirmation process that is civil, dignified, and respectful, and one that keeps politics out of the judiciary as much as is humanly possible.

One of the challenges we face when considering a nominee, and particularly one such as Judge Roberts who has had such a long and distinguished career serving clients, is to understand that his work on behalf of his clients does not necessarily reflect his personal views that may appear on a variety of legal documents likely to come before the Senate. As all of us who have practiced law know, the duty of the lawyer is to make sure to make the very best possible argument on behalf of his or her client, regardless of whether the lawyer would agree with those arguments in the first instance. Litigants in our adversarial system of justice are supposed to be judged by a jury of their peers, not by their lawyers.

I think it very important that we keep this in mind. Just as we would not judge Judge Roberts nor should we judge Judge Roberts by the positions he has taken on behalf of clients he has represented, we would not judge a prospective nominee should he or she have practiced, let's say, in the area of criminal law, and have defended people who have been accused of crimes. We would not impute those crimes or that position to the lawyer who is representing them, providing them the legal defense to which they are entitled under our constitutional system. My argument is we should simply apply that same standard to Judge Roberts and any other nominee as well.

I think it is also important that we remain aware there are those outside of this Chamber who will try to taint this process. Already we have seen those who seem to have had a ''fill in the blank'' press releases, waiting only for the name of the prospective nominee before they send them out into cyberspace and across America and indeed around the world. We know there are those outside these Chambers who will try to vilify any nominee in order to exploit this process for political gain, including raising money. I can only hope we will not, in this body, the 100 Senators who work here and represent our constituents, be tempted by the outside interest groups to engage in the same sort of irresponsible rhetoric that is used by too many of them.

Let us behave as Senators. Let us do our human best to uphold the dignity of this great body. And let us try to uphold the dignity of the U.S. Supreme Court and conduct ourselves in a manner worthy of the American people. History affords some benchmarks to the Senate for determining whether the Senate has undertaken a confirmation process worthy of the Court and of the American people. There is a right way and, unfortunately, a wrong way to debate the merits of a Supreme Court nominee.

In 1993, as I have observed previously on this floor, President Clinton nominated Ruth Bader Ginsburg, a distinguished jurist but one with an extensive record of activism in a variety of liberal causes outside of the judiciary. The Senate looked past all of that and voted to confirm Justice Ginsburg by an overwhelming bipartisan vote. The Senate did so because we understood our proper role in the confirmation process should embody three principles: First, that we should focus our attention on judicial qualifications, not personal political preferences; second, we should engage in respectful and honest inquiry, not partisan personal attacks; and third, we should apply the same fair process, confirmation or rejection by majority vote, that has existed for more than 214 years of our Nation's history.

Yes, this is an important moment for our country. The nomination of any person to the U.S. Supreme Court is a celebration of our Constitution and our Nation's commitment to the rule of law. The President has nominated an impressive individual to serve on our Nation's highest Court and I look forward, as just one Member of this body, to a dignified, civil, and respectful confirmation process in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I am glad I am following the comments of my colleague Senator CORNYN because we are both privileged to serve on the Senate Judiciary Committee, which will be the first line of inquiry in relation to Judge John Roberts, who has been nominated by President Bush to serve on the U.S. Supreme Court.

I have been in public life for over 20 years and cast over 10,000 votes on so many different topics. If you had asked me what is the most important vote you have ever cast, it is easy; the most important vote you are ever called on to cast is whether America goes to war, because you know as a result of that vote, if the answer is affirmative, that Americans will lose their lives. You will ask families to give up their sons and daughters, husbands and wives, brothers and sisters, in the name of defending America. So there is nothing more important than that vote. It is one of the few times—and I faced it three or four times in my congressional career—when you really do lose sleep. You toss in bed at night thinking, What is the right thing to do?

I would say that after a vote on war, the second most challenging vote is the one we will face in a few weeks right here in the Senate, the selection of an individual to serve on the Supreme Court. Why is it so important? I think it is important because we know, America knows, the Supreme Court is a very special institution in our democratic form of Government. It may be—in fact I would argue that it is—the single most important institution when it comes to protecting our rights and liberties. Across that street—we can see it through the glass door here—is the Supreme Court, with nine individuals who will make decisions on a regular basis that will change the face of America, change the lives of American people. Think about the power you give to that person who serves in the Supreme Court: a lifetime appointment to stand in judgment not only of individuals and their causes, but to stand in judgment of laws that have been written by past generations and to stand in judgment of new laws that come before them with constitutional questions and policy questions. It is a momentous responsibility.

Rarely does the Senate have an opportunity to consider a vacancy on the Supreme Court. I have served now for 9

years in the Senate and never cast a vote on a Supreme Court nominee. This is the longest period of time since 1823 when we have not had a vacancy on the Supreme Court. Now we do. With the retirement of Justice Sandra Day O'Connor we have an opportunity to fill this vacancy with a person of quality, someone who will serve our Nation.

President Bush has nominated Judge John Roberts of the District Court of Appeals. I am familiar with him to a limited extent because he came before our Senate Judiciary Committee several years ago. I think I would concede, and most would concede, the obvious: He is a very well qualified person. This man was summa cum laude at Harvard, editor of the Harvard Law Review, and has had some of the most important responsibilities as Principal Deputy Solicitor General speaking on behalf of the Government of the United States of America. He has worked at one of the most prestigious law firms in our country. There is no question about this man's legal skill—none at all.

Nor has there been any serious question of any kind raised about his integrity, his honesty. I have not heard a single word suggesting he does not have the temperament to be a Federal judge. After all, it is a lifetime appointment and those of us who practiced law before Federal judges know that sometimes lifetime appointments can go to their heads and they become somewhat imperial. That has never been suggested when it comes to Judge Roberts.

So you say: Senator, if his legal skills are accepted, if he is an honest man, if his temperament is good, why not approve him and get on with it? Because this is the Supreme Court. And because the American people expect us to go through the regular process of asking important questions. What are those questions? I think they come down to these: We need to know whether a nominee such as Judge Roberts is in the mainstream of American values; whether he is coming to this position on the Supreme Court with a balanced view, an open mind, the kind of judicial outlook on the challenges he faces which will do the Court proud and do the Nation proud.

What kinds of issues will we talk about? When we come to the Judiciary Committee I am sure there will be questions of civil rights. In my lifetime, America has changed dramatically in the field of civil rights. I can recall as a youngster seeing evidence of segregation, even growing up in East St. Louis, IL—segregated schools, segregated swimming pools—in my lifetime. But that changed in the 1960s and we decided as a Nation that it diminished us to discriminate against people because of their race.

We have decided since that the same rules should apply in many ways to questions of gender equity, whether women should have the same opportunity as men. So this whole body of law, this whole movement in the United States on civil rights is a movement we have come to accept as part of America. There are some who still resist it, but most Americans believe we are a stronger and better nation when we celebrate our diversity. The Supreme Court is the place where key decisions on civil rights will be decided. The rights of minorities, the rights of women, the rights of those with minority religious beliefs, the rights of the disabled—that Court will make those decisions.

Isn't it important to know whether Judge Roberts stands in the mainstream of values when it comes to our civil rights? I think it is essential. It is one of the most important questions.

What about the rights of women? They have been debated quite a bit on the floor of the Senate and the House, certainly before the Supreme Court. People point to the case of Roe v. Wade. That is the litmus test case for so many people. But I think it goes much deeper. It isn't just the question of abortion—which is controversial, and many people in good faith feel strongly for and against a woman's right to make that decision. But at the heart of that debate is something even more fundamental, the right of privacy. What is it that I should expect as an American citizen, that I should guard as my individual right of privacy? What right of privacy does my family have? Where can I draw the line and say the Government cannot cross this line?

There have been cases before the Supreme Court that decided that, made those decisions and decided where that line would be drawn. Let me tell you of one, because when I tell youngsters—I just had a group of college students I spoke to here on the Hill. When I tell them the story, I can see they are absolutely amazed, but this is something that happened in recent memory for some. Just a few weeks ago was the 40th anniversary of a Supreme Court decision called Griswold v. Connecticut. It was a landmark decision. The nine Justices found in our Constitution—which I keep in my desk and Senator BYRD carries with him at every waking moment—a concept that is not written in the Constitution. Search this Constitution with ROBERT C. BYRD at your side and you will never find the word privacy, but the Supreme Court found the concept of privacy in this Constitution when they considered the case of Griswold v. Connecticut.

What was that case all about? A little history is worth repeating. At the turn of the last century, the 19th century, there was a man named Anthony Comstock. Mr. Comstock came from the State of New York. He had passionate convictions when it came to morality. He believed it was wrong to have any form of pornography, any form of abortion, and any form of birth control. After passing a State law in New York, he was elected to Congress, which enacted the Comstock law that said basically we prohibit the dissemination of information even about birth control, and then Congress did something more. They gave Anthony Comstock of New York extraordinary powers that no American has today. They made him an agent of the U.S. Post Office and gave him the power to investigate and arrest people who violated the law that was passed in his name.

He spent his adult life traveling across the United States trying to find those who were giving people counseling on birth control or abortions, and so forth, and prosecuting them under the law in his name. Before he died, he said he had filled up 61 different passenger train cars with all the people he had arrested in the name of his law, and it was in that Anthony Comstock tradition that States such as Connecticut enacted laws which said no married person can legally go to a pharmacy and have a prescription filled for birth control pills. In 1965, no doctor in Connecticut could legally prescribe birth control pills, and no pharmacist could legally fill the prescription for a married person. This was the law in Connecticut in 1965. When I tell that to young people today, they say: you have to be kidding. No. That was the law in Connecticut and other States.

When the law was challenged, the Supreme Court across the street said: that is wrong. That is such an intimate, personal, private decision, the Government should stay away from it. And in this Constitution, without the express words, they found the concept of privacy, and that concept of privacy 8 years later was part of the rationale for Roe v. Wade, that that decision on terminating a pregnancy was a personal, private family decision and that except under extraordinary circumstances the Government should not get involved.

So when Judge Roberts comes before us, some have argued that it is out of line for us to ask him: what is your position when it comes to the Government and the right of privacy? I think it is fundamental. I want to know what is in his heart and what is in his mind.

Does he believe in this concept we have seen enshrined in Supreme Court decisions, or does he believe the Government should infringe on privacy rights?

You say, well, Senator, you are pointing to cases that are 40 years old, 30 years old. How is that relevant today? Consider the matter of Terri Schiavo, the tragedy involving this poor young woman who for 15 years was in this—I do not know if vegetative state is the proper word, or comatose state, kept alive by a feeding tube, case after case in court as to whether her husband, who said he expressed her will that she didn't want to live under these circumstances, had the right to end this feeding tube, case after case, court after court, squabbles and arguments within the family—good faith, genuine arguments. And then finally

the day came when all these legal appeals had been exhausted. There was a movement in Congress to step in, to have the Federal courts and the Federal Government step into that hospital room, the room where that tragic story of Terri Schiavo was taking place. The argument was made in this Chamber and on the floor of the House that the privacy of that family, this intimate personal decision, should take a back seat to the right of the Federal court to insert itself into that room.

Think about it. Hundreds and thousands of American families every single day make that hard decision. They do it hoping they have done the right thing for the poor person who is suffering and for the family that survives. And some argued at that moment, when that doctor and that family has to sit down and make that heart-breaking decision, it is time for the Federal court to step in. The right of privacy, a right still unresolved and that will be resolved many times over by the person we put on the Supreme Court.

Workers' rights, the right to work in a safe workplace, the right to be paid a fair wage, the right to make certain that if you have paid a lifetime into a retirement system and someone tries to take it away, you have a moment in court to stand up for what you have worked for. Those decisions course through the Federal courts all the way to the Supreme Court, and this nominee and others who are the deciding votes make those decisions.

I could go on with all of the agenda the new Supreme Court Justice might face, but I hope in these few moments that I have spoken, you understand the gravity of this decision.

Judge Roberts is 50 years old. If he is a healthy person with a good lifespan, he may sit on that Court for a quarter of a century. He may be there 25 or 30 years. We have one chance, only one, to ask questions of him, to ask what is in his heart, what are his values, does he reflect the mainstream of America.

Sandra Day O'Connor, when she came to the Court, was befriended and sponsored by one of the greats who served in the Senate, Barry Goldwater of Arizona. I can remember as a college student, Barry Goldwater's race for President of the United States in 1964. He was running as a genuine conservative and he lost. LBJ beat him handily. But he came back to the Senate, retired, and always maintained his dignity and interest in public service. When you look back at his career, he was more a libertarian than conservative, but he surely inspired a lot of people. He wanted Sandra Day O'Connor to serve on the Supreme Court. He liked the fact she was so talented. She graduated No. 3 in her class at Stanford Law School, had a tough time finding a job because she was a woman, and was elected to the State senate. Senator Barry Goldwater thought running for public office was a good thing. I do, too. I think running for public office humbles the exalted and it is a good thing when people have that experience. And she became the first woman to serve on the Supreme Court. Most people said she would follow in the Barry Goldwater conservative tradition, and she did, but it was mainstream conservatism. It was the kind of conservatism that many in the Republican Party and even some in the Democratic Party are very comfortable with.

Later in her career of 24 years of service you saw the libertarian streak coming out in her opinions. She started standing up for a woman's right to choose. She did not want to eliminate Roe v. Wade. She stood up when it came to affirmative action at the University of Michigan. She stood up when it came to the rights of prisoners and detainees even in this war on terrorism—sort of unpredictable, but clearly demonstrating that she had an open mind even as a mainstream conservative.

Now, I am resigned to the fact that when President Bush nominates someone to the Supreme Court, it won't be my choice. I am resigned to the fact that person will be a conservative. But what I am looking for and many Democrats are looking for is someone who is a mainstream conservative. I want them to hold the basic conservative values but not come to the Court with some movement on their mind, some political agenda on their mind. I want them to look at things honestly, with an open mind.

I sincerely hope Judge Roberts ends up being one of those people as we consider his nomination. We need to find out basic things about him, questions that were not answered when he stood for confirmation to the U.S. Court of Appeals for the District of Columbia Circuit. He has the intelligence for the job. We will ask him whether he has the independence for the job. He has the credentials for the job. But we need to ask questions about his commitment to the basic freedoms and liberties in America. The Senate must determine through this confirmation process whether Judge Roberts is entitled to a lifetime position on the highest Court of the land. I know he avoided some answers in an earlier hearing. I hope he will be open and candid and honest at his next hearing. I do not insist that he agree with me on every issue, but I insist that he be open and honest in his answers so we can understand where he is coming from. The Senate and the American people have a right to know where he stands.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. WARNER. Madam President, will the distinguished Senator yield? I ask unanimous consent that I can follow the Senator from Texas and seek recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer.

Mrs. HUTCHISON. Madam President, I think President Bush has hit a home run. Because I was with the Baylor Lady Bears this morning congratulating them on winning the national NCAA women's basketball championship, I would say he hit a three-pointer from midcourt. I think John Roberts is exactly what our country expects in quality and demeanor for a person to be elevated to the highest court in our land. The Supreme Court is such an important part of our Constitution, unique, really, in the world, that we have a judicial branch with such stature as the coequal branch of government along with the President and the Congress. For someone to be able to sit on the Supreme Court, you look for a John Roberts, someone who has integrity, temperament for the Court, and you have to have judicial temperament because you are an arbiter who is going to affect people's lives.

Academic achievement. We want our Supreme Court Justices to have the finest legal mind possible, and John Roberts fits that description—Harvard, summa cum laude graduate; Harvard Law School, graduated with honors, and respect of his peers. When you have someone such as Walter Dellinger, who served as Solicitor General under President Bill Clinton, who told the Judiciary Committee at one point, ''In my view, there is no better appellate advocate than John Roberts,'' I think that shows the range of support and respect from his peers John Roberts has. He has experience in a variety of legal fields including, of course, serving on the Circuit Court of Appeals, second only to the Supreme Court. But he is also young enough that he will be able to make a lasting impression on the Supreme Court. At the age of 50, we know he has many years to serve.

Some people have asked me, well, didn't you want a woman? Well, yes, of course, I did. Of course, I think diversity is important on the Supreme Court. I would like to see another woman. I would like to see a Hispanic American on the Supreme Court. But I believe first and foremost what we want is the very best person, and for this time the President has chosen John Roberts. I think we should give him our full support.

Yes, the Senate is going to do its due diligence. Yes, we are going to meet our responsibilities. We are going to ask questions. We are going to examine his background. Of course, we are going to look at his record as an attorney, as a judge. But we also are going to do it with integrity and with a respect for the process. I think Justice Ginsburg's confirmation process is an example. In fact, President Clinton's two nominees for the Court took an average of 58 days from nomination to confirmation. I think 2 months is an acceptable amount of time to be able to delve into someone's background and career, to be able to ask the questions you would expect from the Senate, and I thought

that in President Clinton's nominations we gave him deference. As Senator DURBIN said, just before me, President Bush is not going to appoint someone DICK DURBIN would appoint. Well, certainly President Clinton isn't going to appoint someone that I would also nominate. But that wasn't the question. The people of America elected President Clinton, just as they elected President Bush. So we now need to look at their nominee, knowing that perhaps the philosophy may not be the same on the other side of the aisle as it is going to be for President Bush's nominee. But I want the same deference given to John Roberts I gave to Ruth Bader Ginsburg. I looked at her record of integrity, I listened to the people who were for her and against her, and I determined that for President Clinton this was a nominee who should be supported. She would not meet my litmus test of issues, but she is an academically qualified person of integrity with judicial temperament.

I hope Judge Roberts receives the same level of support and respect that has been given to Justice Ginsburg by this Senate.

President Bush and the White House staff have demonstrated an unprecedented level of consultation with Senators. I don't think any President and his staff have consulted with as many Senators as President Bush has on this, his first nominee. I was very pleased to be called and to be able to give names.

I admit that John Roberts was one of the names I mentioned in my consultation call as the example of the very great legal mind and opportunity he would bring to the Court. He is the kind of person we expect to be appointed to the U.S. Supreme Court.

Everything I have heard so far, both from Democrats and Republicans—Republicans being supportive, Democrats being wait and see, let's look at the record, but not negative—is a good thing. John Roberts is going to meet every test. He showed when he was at his Senate confirmation hearing for his circuit court of appeals appointment that he is really good. He had tough questions. You could see the intelligence coming through.

I know he is a family man. He was with his wife and two precious children at the hearing he had a couple of years ago and then again last night. He is a family man who will be a role model for children, for our country, and a patriot, a person who wants to be a public servant, someone who believes in our country and the role of the Supreme Court in our country.

This is a man who is going to be confirmed very easily. I hope that is the case. I hope the Senate will show how the Senate ought to operate with due diligence and, yes, asking questions in a respectful way for this very esteemed judge who is being proposed for the Supreme Court by our President.

I am proud of our President. He has done a terrific job of looking at all of the options and saying he wants one of his legacies to be the selection of a great Supreme Court Justice who will serve for a long time. He has made the right choice.

I support this nomination. I support the right of the Senate to do our responsibility under the Constitution for advice and consent. That is going to happen from the early indications I have seen, in the talk shows, in the questioning by the media, and also in the Senate. I look forward to the next 2 months and seeing this institution do what we ought to be doing in the right way.

I am very proud today to support the nomination of John Roberts to the Supreme Court of the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1304

Mr. SCHUMER. Mr. President, I send to the desk an amendment that has not yet been filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1304.

Mr. SCHUMER. 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 a report to Congress on mergers of certain United States and foreign companies)

On page 326, between lines 10 and 11, insert the following:

REPORT ON RECIPROCITY

SEC. 6113. (a) Notwithstanding any other provision of law, no agency or department of the United States may approve a merger between a United States company and a foreign-owned company or an acquisition of a United State company by a foreign-owned company prior to 30 days after the date on which the Secretary of State submits to Congress the report required by subsection (c).

(b) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''foreign-owned company'' means an entity that is owned or controlled by the government of a foreign country.

(3) The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(4) The term ''owned or controlled'' means—

(A) in the case of a corporation, the holding of at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, the holding of interests representing at least 50 percent of the capital structure of the entity.

(5) The term ''United States company'' means an entity that has its primary place of business in the United States and that is publicly traded on a United States based stock exchange.

(c) The report referred to in subsection (a) is a report submitted to the appropriate congressional committees by the Secretary of State, in consultation with the Secretary of Commerce, on a proposed merger between a United States company and a foreign-owned company or an acquisition of a United State company by a foreign-owned company. Such report shall include an assessment of whether the law and regulations of the government that owns or controls the foreign-owned company would generally permit a United States company in the same industry as the foreign-owned company to purchase, acquire, merge, or otherwise establish a joint relationship with an entity whose primary place of business is located in such foreign country.

Mr. SCHUMER. Mr. President, we have had some discussion floating around this Foreign Operations appropriations bill about the proposed CNOOC-Unocal merger. As I understand it, amendments that directly affect that merger have been withdrawn. That is not a problem, as far as I am concerned, if the sponsors of those amendments on both sides of the aisle wish to delay offering the amendments, to do it on a different appropriations bill.

My amendment is different. Let me explain.

My basic problem with the CNOOC-Unocal merger is not the same as that of many of my colleagues.

I am not sure it meets the strategic test, and I am willing to leave that to the body that judges that strategic test. I have a different problem. It is a problem that the Senator from South Carolina and I have talked about in terms of currency and other issues; that is, China doesn't play fair. What China thinks is good for China, they don't think is good for American companies. That is true here in terms of mergers. CNOOC wishes to buy Unocal, an important company in the United States dealing with a very important commodity—oil—whether it meets the strategic test or not. But if you look at the ability of American companies to buy Chinese companies in industries that China considers strategic, you will find barriers along the way. At least that is what I have found.

What is good for the goose is good for the gander. We ought to have some degree of reciprocity. If the Chinese—in this case, the Chinese Government, since they own 70 percent of CNOOC—wish to buy an American company, why should they be allowed to block

American companies that wish to buy similarly situated Chinese companies, the American automobile industry, the American construction industry, the American financial services industry? I will be issuing a report shortly which shows that in these strategic industries, American firms have barriers placed in their way. All of them meet approval. Yet in instance after instance, the American company cannot buy a majority share. The barriers are different for different industries, but they exist. In fact, foreign investment in China is divided into four categories—encouraged, permitted, restricted, and prohibited. Even in the nonprohibited categories, all foreign investment must be approved by the Ministry of Foreign Trade and Economic Cooperation called MFTEC.

The United States has a policy of being open to foreign direct investment in nearly every case, and strict levels of Government approval are only reserved for the most sensitive transactions involving national security. Of the 1,525 cases that have been filed with the Committee on Foreign Investment in the United States since 1988, only 25 have warranted investigation; 12 have been reported to the President, and only one has been denied. In the converse situation, where American firms seek to buy Chinese companies, the devil is often in the details. The Chinese Government creates de facto barriers that almost always require Western companies to give up some degree of control over its enterprise that would be highly irregular in any truly free market.

What is more, it is nearly impossible to gain an accurate picture of which investments, mergers, and joint ventures are rejected by the Chinese Government because companies' investors don't publicly want to admit it. The Chinese will say to General Motors or General Electric or scores of smaller companies: We will let you do it, but only under these circumstances. And the company, not wanting to offend the Chinese, doesn't fight the circumstances. All too often these large companies have an interest to their shareholders—they are supposed to—but not to the United States. If it serves their interest to send the technology to China, even though it will create many jobs in China and hurt jobs here in the United States, so be it. It is good for General Motors. So it is hard to figure this out. As I said, we have begun to do it, and we will be issuing a report shortly about it.

There are additional complications when a U.S. company wants to merge or acquire a Chinese state-owned enterprise such as a CNOOC, which is a state-owned enterprise, because any merger with an SOE requires additional approval of many state agencies, and so in instance after instance, which we will highlight in our report, the Chinese do not play the same way with our companies that they want us to play with their companies.

What our amendment does is very simple. It does not prohibit a merger from taking place. It simply requires a report be submitted to the Secretary of State, in consultation with the Secretary of Commerce, to assess whether that country will allow a similar transaction to occur in the opposite direction. The aim is not building barriers but simple reciprocity—fair, part of free trade, and better for everybody.

I hope my colleagues will accept this amendment. It doesn't go to the heart of this merger—that is a different issue which we will delay and do on a different bill—but, rather, goes to the point that the Chinese should treat our companies the way they want us to treat theirs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOHN ROBERTS

Mr. WARNER. Mr. President, I rise to speak on behalf of the prospective member of the Supreme Court. The nomination of Judge John Roberts has been transmitted to the Senate by President Bush. I express my very strong support, based on the facts as we now know them, for this outstanding individual.

I wish to commend the President of the United States on his selection, and particularly commend him with regard to the procedures he followed pursuant to the constitutional clause of advice and consent. He consulted a number of the Members of the Senate in the context of this nomination of Judge Roberts and, indeed, the process that will soon be undertaken by the Senate.

Also, I wish to speak to the Gang of 14, a bipartisan group of 14 individuals, 7 Republicans and 7 Democrats, of which I have been privileged to have been a member of from the very beginning, and I wish to speak to the work the group performed on behalf of the leadership and the Members of this body.

In the course of drawing up the memorandum of understanding between members of the Gang of 14, I was privileged to work with my good friend of so many years and, indeed, a former leader of the Senate, ROBERT BYRD of West Virginia. We devised the portion of our memorandum of understanding as it relates to advice and consent. Speaking for myself, I believe the President lived up to, in every respect, what our expectations and desires were in putting in that clause. I thank my friend from West Virginia, as I have often done on the floor of the Senate, for his advice, and sometimes consent, to my own views.

Mr. President, that group of 14 did provide the foundation for our leaders—Republican and Democrat—to bring forth the nominations of six Federal circuit judges, each of whom received the advice and consent of the Senate, and now serve as federal judges. I think that is an important point that should be brought up in the context of this nomination.

Also, the question is sometimes asked about another clause of our memorandum of understanding, extraordinary circumstances. I feel as follows:

By way of background, I was privileged to introduce the then-lawyer John Roberts to the Senate Judiciary Committee on two occasions. The Judiciary Committee had two hearings and asked him to appear in both instances.

I ask unanimous consent to have printed in the RECORD the remarks I made at those hearings, which detail extensively his biography and the like.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT AND SUBMITTED REMARKS OF SENATOR JOHN WARNER BEFORE THE SENATE JUDICIARY COMMITTEE ON JAN. 29, 2003

Mr. WARNER. Chairman HATCH, Senator LEAHY, and members of the committee, I will ask to submit my statement for the record——

The CHAIRMAN. Without objection, all statements will be put in the record.

Senator WARNER [continuing]. For 3 reasons: First, as a courtesy to the committee and to our guests who have been very patient; secondly, this nominee, John Roberts, is indeed one of the most outstanding that I have ever had the privilege of presenting on behalf of a President in my 25 years in the U.S. Senate. His record needs no enhancement by this humble Senator, I assure you.

So I ask that the committee receive this nomination. He is accompanied by his wife Jane, his children Josephine and John, who have been unusually quiet, and we thank you very much and patient, his parents and his sisters.

If I may indulge a personal observation, Mr. Roberts is designated to serve on the Circuit Court of Appeals for the District of Columbia.

Exactly one-half century ago, 50 years, I was a clerk on that court, and so I take a particular interest in presenting this nominee.

Also, the nominee is a member of the firm of Hogan & Hartson, one of the leading firms in the Nation's capital. Fifty years ago, I was a member of that firm. And I just reminisced with the nominee. I was the 34th lawyer in that firm, which was one of the largest in the Nation's capital. Today, there are 1,000 members of that law firm, to show you the change in the practice of law in the half-century that I have been a witness to this.

Mr. Chairman, you covered in your opening remarks every single fact that I had hopefully desired to inform the committee. So, again, for that reason you have, most courteously, Mr. Chairman, stated all of the pertinent facts about this extraordinary man, having graduated from Harvard, summa cum laude, in 1976. Three years later, he graduated from Harvard Law School, magna cum laude, where he served as managing editor of the Harvard Law Review. Those of us who have pursued the practice of law know that few of us could have ever attained that status. Even if I went back and started all over again, I could not do it. He served as law clerk to Judge Friendly on the U.S. Court of

Appeals for the Second Circuit and worked as a law clerk to the current Chief Justice of the Supreme Court, Judge Rehnquist—Justice Rehnquist.

So I commend the President, I commend this nominee. I am hopeful that the committee will judiciously and fairly consider this nomination and that the Senate will give its advice and consent for this distinguished American to serve as a part of our Judicial Branch.

STATEMENT TO THE JUDICIARY COMMITTEE ON THE NOMINATION OF JOHN ROBERTS TO SERVE AS A JUDGE FOR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, JANUARY 29, 2003

Chairman HATCH, Senator LEAHY, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased to be here today to introduce Mr. John Roberts, an imminently qualified nominee for a federal judgeship.

While Mr. Roberts now lives in Maryland, he is a former resident of the Commonwealth of Virginia and a member of Hogan & Hartson, a firm that I had the pleasure of being affiliated with some years ago.

Joining Mr. Roberts today are many members of his family: his wife Jane, his children Josephine and John, his parents, and his sisters.

Mr. Roberts has been nominated for a judgeship on the United States Court of Appeals for the District of Columbia Circuit. This is a court that I am most familiar with.

Following my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk to Judge E. Barrett Prettyman, on the United States Court of Appeals for the D.C. Circuit. Judge Prettyman later became Chief Judge of this important court.

As a result of the profound respect so many people, including myself, had for Judge Prettyman, I had the honor several years ago of sponsoring, and with the help of others, passing legislation to name the federal courthouse in DC after Judge Prettyman.

Now, almost 48 years after having served as a law clerk for Judge Prettyman on this federal appeals court, I am pleased to be here today to support the nomination of John Roberts to the same court on which Judge Prettyman once served.

John Roberts has had a distinguished legal career. And, in my view, his record indicates that he will serve as an excellent jurist.

Mr. Roberts' resume is an impressive one. He graduated from Harvard College, Summa Cum Laude, in 1976. Three years later, he graduated from Harvard Law School, Magna Cum Laude, where he served as managing editor of the Harvard Law Review.

He has served as a law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as a law clerk to the current chief justice of the Supreme Court of the United States—Judge Rehnquist.

Mr. Roberts has also practiced law for over twenty years in the public and private sectors. He has served as Associate Counsel to President Reagan, worked as the Principal Deputy Solicitor General of the United States, and worked as a civil litigator at Hogan & Hartson, where he currently serves as head of the firm's Appellate Practice Group.

Mr. Roberts has presented oral argument before the U.S. Supreme Court in 39 cases covering an expansive list of legal issues.

Without a doubt, Mr. Roberts' legal credentials make him well qualified for the position to which he has been nominated. I am thankful for his willingness to resume his public service, and I am confident that he would serve as an excellent jurist.

I urge my colleagues on the Committee to support his nomination.

STATEMENT AND SUBMITTED REMARKS OF SENATOR JOHN WARNER BEFORE THE SENATE JUDICIARY COMMITEE ON APRIL 30, 2003, DURING THE PRESENTATION OF WILLIAM EMIL MOSCHELLA, NOMINEE TO BE ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF JUSTICE, AND JOHN G. ROBERTS, JR., NOMINEE TO BE CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

Senator WARNER. Thank you, Mr. Chairman.

Now, Mr. Chairman, I should like to say a few words on behalf of Mr. Roberts. This is my second appearance on behalf of this distinguished individual, and I must say in my 25 years in the Senate, I do not believe I have ever done this before. But at the invitation of the Chair, I will appear over and over again, be it necessary, on behalf of this individual because I personally and, if I may say, professionally feel very strongly about this nominee.

He has been nominated for a position on the United States Circuit Court of Appeals for the District of Columbia. If I may say, following my graduation from the University of Virginia Law School in 1953, I return this weekend for my 50th reunion, where I am privileged to address my class. But following that, I was privileged to be a law clerk to Judge E. Barrett Prettyman on the United States Circuit Court of Appeals, the very circuit to which this nominee has been appointed by the President of the United States.

I have a strong knowledge of this circuit, having started my career there 48 years ago, and I feel that this candidate will measure up in every respect to the distinguished members of the circuit that have served in the past and who are serving today. And I urge in the strongest of terms that he be given fair consideration by this Committee and that he will be voted out favorably.

Mr. Chairman and Senator Leahy, we start with he graduated from Harvard College summa cum laude in 1976. Three years later, he graduated from Harvard Law School magna cum laude, where he served as managing editor of the Harvard Law Review. He served as law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as law clerk to the current Chief Justice of the Supreme Court of the United States, the Honorable Judge Rehnquist.

Also, he has practiced law for over 20 years. He served as associate counsel to President Ronald Reagan, worked as the Principal Deputy Solicitor General of the United States, and has worked as a civil litigator in the firm of Hogan and Hartson, which, I must say, I also served in following my clerkship with Judge Prettyman.

So I do urge upon this Committee, Mr. Chairman, and all members, that the fair consideration that is the duty of the United States Senate under the Constitution under the advise and consent provisions be exercised on behalf of this distinguished nominee.

I thank you for the attention of the Committee, and I wish you well.

STATEMENT TO THE JUDICIARY COMMITTEE ON THE NOMINATION OF JOHN ROBERTS TO SERVE AS A JUDGE FOR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, APRIL 30, 2003

Chairman Hatch, Senator Leahy, and my other distinguished colleagues on the Senate's Judiciary Committee, I am pleased to be here for a second time to introduce Mr. John Roberts, an imminently qualified nominee for a federal judgeship. It is my hope that after a second hearing on this important nominee, this committee will recognize that this nominee is eminently qualified for this judgeship.

While Mr. Roberts now lives in Maryland, he is a former resident of the Commonwealth of Virginia and a member of Hogan & Hartson, a firm that I had the pleasure of being affiliated with some years ago.

Mr. Roberts has been nominated for a judgeship on the United States Court of Appeals for the District of Columbia Circuit. This is a court that I am most familiar with.

Following my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk to Judge E. Barrett Prettyman, on the United States Court of Appeals for the D.C. Circuit. Judge Prettyman later became Chief Judge of this important court.

As a result of the profound respect so many people, including myself, had for Judge Prettyman, I had the honor several years ago of sponsoring, and with the help of others, passing legislation to name the federal courthouse in DC after Judge Prettyman.

Now, almost 48 years after having served as a law clerk for Judge Prettyman on this federal appeals court, I am pleased to be here today to support the nomination of John Roberts to the same court on which Judge Prettyman once served.

John Roberts has had a distinguished legal career. And, in my view, his record indicates that he will serve as an excellent jurist.

Mr. Roberts' résumé is an impressive one. He graduated from Harvard College, Summa Cum Laude, in 1976. Three years later, he graduated from Harvard Law School, Magna Cum Laude, where he served as managing editor of the Harvard Law Review.

He has served as a law clerk to Judge Friendly on the United States Court of Appeals for the Second Circuit and worked as a law clerk to the current chief justice of the Supreme Court of the United States—Judge Rehnquist.

Mr. Roberts has also practiced law for over twenty years in the public and private sectors. He has served as Associate Counsel to President Reagan, worked as the Principal Deputy Solicitor General of the United States, and worked as a civil litigator at Hogan & Hartson, where he currently serves as head of the firm's Appellate Practice Group.

Mr. Roberts has presented oral argument before the U.S. Supreme Court in 39 cases covering an expansive list of legal issues.

Without a doubt, Mr. Roberts' legal credentials make him well qualified for the position to which he has been nominated. I am thankful for his willingness to resume his public service, and I am confident that he would serve as an excellent jurist.

I urge my colleagues on the Committee to support his nomination.

Mr. WARNER. So I was privileged to have that opportunity. In the context of performing that task before the Judiciary Committee, I made an independent assessment for myself of his credentials to be a Federal judge. Indeed, I talked to a number of friends who knew him very well.

I point out that I was privileged to serve as a law clerk on the Federal Circuit Court of Appeals for the District of Columbia, where he is currently serving. In addition, I had the great opportunity to be associated with the law firm of Hogan & Hartson, eventually becoming a partner. Justice Roberts, of

course, in his distinguished career, likewise was a member of the firm of Hogan & Hartson before going into various responsible positions in the executive branch, which are enumerated in my detailed biographical sketch of him.

I bring that up because I have a very strong feeling about the firm of Hogan & Hartson. I had the opportunity while there to be closely affiliated with senior partner Nelson T. Hartson. I was a junior lawyer and he was then general counsel to Riggs National Bank and other financial institutions here in the Nation's Capital. I had the privilege of carrying his briefcase, as a young lawyer often did, and preparing his memorandum and briefs and the like during my own work for those clients. He was a magnificent man of the old school and of the law firms of this Nation.

Hogan & Hartson stands out second to none as a law firm in this Nation. I remember so well that Nelson T. Hartson had ethical standards second to none. His leadership permeated down through that firm, certainly in those early days when I was privileged to be there. The firm is much larger now, but it still has a profound reverence for its founder, its leader and former senior partner Hartson, and the principles for which he stood, primarily in the area of ethics.

As to my independent examination, I certainly believe John Roberts brings to this Senate a clear record of extraordinary public service and achievements. But the question is sometimes asked about the issue of extraordinary circumstances in reference to the memorandum of understanding among the Gang of 14. I can only express my own opinion, but I do so very carefully.

I am respectful of the process by which the chairman and ranking member of the Senate's Judiciary committee will examine this nominee. They both are dear and valued friends whom I have known over the course of the 27 years I have served in the Senate. They have an important function to perform in the Judiciary Committee. In no way do I want to get out ahead of their examination of the record. Therefore, based on what I know today regarding John Roberts and my own independent investigation at the time I was privileged to introduce him, I can only opine as this process evolves that there will not be, in my judgment, a body of fact that would give rise in any way to invoking the extraordinary circumstances provision of the Gang of 14's memorandum of understanding.

Again, I carefully couch that, reserving my respect, as we all do, for the work to be done by the Judiciary Committee. But in the end, I repeat, I do not think there will be any body of fact that will give rise to invoking the extraordinary circumstances clause.

I had the pleasure this morning to call quite a few friends all across the Commonwealth of Virginia, on both sides of the spectrum, to listen to their views about this nominee. I regard those conversations as private, certainly in terms of the names of the individuals. But I was given the liberty to say two individuals, whom I have known for my entire 27 years plus—I will add 1 year, 28 years, 1 year campaigning for the Senate when I knew them both—two of the most extraordinary and nationally and internationally known religious leaders shared with me their strong approval and appreciation to the President for the nomination of this distinguished gentleman.

Likewise, I talked with a number of friends on the other side of the spectrum, two of whom are acknowledged liberals whom I have known for decades and whose opinions I value from time to time. These individuals with whom I spoke this morning have known Judge Roberts, and they likewise recognize the extraordinary credentials of this fine individual, and I think in their own ways expressed strong support.

I mention that because I think it is important for all of us to reach out and seek the views of those who feel, as I do, that this nomination is one of the most important contemporary chapters of American history.

Also, this morning, in response to several press inquiries about the Senate, I have stated that I unequivocally believe that this institution will proceed with its responsibilities under the Constitution, under the advice and consent clause, in a manner that reflects credit on the Senate itself and in a manner that reflects fairness and dignity towards the nominee. I believe that the Senate will proceed in the finest traditions of its over 200 years of experience in terms of its duties of advice and consent, and I think our Nation, and indeed, much of the world, will concur when the process is finally complete.

I conclude by moving into that terrain that is always a bit dangerous—listening to good friends who have known John Roberts for many years talk about him. I met with him briefly this morning. We joked together about this. He said: Now, I am a little apprehensive, John, about some of the persons with whom you talked. But in any event, just the warmest accolades were extended by old friends who mentioned the fact that John Roberts had been very active in what we call pro bono cases.

When I was an assistant U.S. attorney in the District for years, I saw the abuses of the system where those apprehended under the law for alleged criminal violations did not receive the quality of legal representation to which they were entitled. I participated with a number of my friends in establishing at Georgetown University the Prettyman Institute, which trains young lawyers in how to deal with pro bono cases. I remember Judge Oliver Gasch, now the late Judge Gasch, who was very active in working with me, as we worked with the Georgetown University Law School and established that institute. It has been very successful.

I mention that because John Roberts has had quite a record, as has Hogan & Hartson, in pro bono representation of those whose economic circumstances are so much less fortunate than ours, but nevertheless are entitled to first-class representation, and this fine lawyer and jurist has given that in years past.

In addition, in the firm of Hogan & Hartson, John Roberts was also often sought out by the young lawyers to counsel with them on how best to do his expertise, that is appellate court work. That is always magnificent in a firm when there is an individual to whom the young lawyers can go, perhaps those outside of the firm too, and get advice.

Also, there is a small lunchroom in the firm now and there is a table there. It is interesting, the table is dedicated to William Fulbright, a distinguished Member of the Senate who later worked with Hogan & Hartson. Around that table some great conversations occurred. Often, when John Roberts was at the table with his other partners and fellow lawyers in the firm, they recognized that he could be engaged in almost any subject and have a serious contribution. For example, he loves sports. Like so many of us, given the opportunity, when he gets up in the morning, he kind of looks at the sports page before he goes to all of the news on the other pages. Certainly I do, and I think a lot of Americans do that. He can give you statistics about the Redskins and the baseball teams and others. It is extraordinary.

When I look at the entirety of this individual and look at the American public—I am not talking just about the interest groups who will take a role in this one way or another, as they should and are entitled to, but I am talking about those citizens who watch our government perform its duties—I believe the American public will judge this individual as the facts come out. For those who will follow it, it will be quite an education with regard to not only the institution of the Senate and its constitutional responsibilities of advice and consent, but the law of the land and the very large number of issues that face this Nation today, issues that may well come before the Supreme Court someday.

So there is an educational process for all of us to be had. But I think in the final analysis, the American public will say to itself: This man has the right stuff and will do the right thing for America and for us as individuals.

Mr. President, I have already placed in the RECORD my introduction of then-lawyer Roberts, now Judge Roberts, at two previous hearings. I have an extraordinary letter written by, I think, about 150 lawyers, many of whom I know because so many of them I have had associations with through the

years. It is addressed to the leadership of the Judiciary Committee. It says:

The undersigned are all members of the Bar of the District of Columbia and we are writing in support of the nomination of John G. Roberts, Jr., to serve as a federal court of appeals judge. . . .

It is extraordinary. It is Democrats on one side, Republicans on the right, and a mixture in the center. I cannot recall in my years here ever seeing a document of such import as this in the context of a judicial nomination.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 18, 2002.

Re Judicial nomination of John G. Roberts, Jr., to the United States Court of Appeals for the District of Columbia Circuit

Hon. TOM DASCHLE,
Hon. ORRIN HATCH,
Hon. PATRICK LEAHY,
Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATORS DASCHLE, HATCH, LEAHY, AND LOTT: The undersigned are all members of the Bar of the District of Columbia and are writing in support of the nomination of John G. Roberts, Jr., to serve as a federal court of appeals judge on the United States Court of Appeals for the District of Columbia Circuit. Although, as individuals, we reflect a wide spectrum of political party affiliation and ideology, we are united in our belief that John Roberts will be an outstanding federal court of appeals judge and should be confirmed by the United States Senate. He is one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate. He is also a wonderful professional colleague both because of his enormous skills and because of his unquestioned integrity and fair-mindedness. In short, John Roberts represents the best of the bar and, we have no doubt, would be a superb federal court of appeals judge.

Thank you.

Sincerely,

Donald B. Ayer, Jones, Day, Reavis & Pogue, Louis R. Cohen, Wilmer, Cutler & Pickering, Lloyd N. Cutler, Wilmer, Cutler & Pickering, C. Boyden Gray, Wilmer, Cutler & Pickering, Maureen Mahoney, Latham & Watkins, Carter Phillips, Sidley, Austin. Brown & Wood, E. Barrett Prettyman, Jr., Hogan & Hartson, George J, Terwilliger III, White and Case, E. Edward Bruce, Covington & Burling, William Coleman, O'Melveny & Myers, Kenneth Geller, Mayer, Brown, Rowe & Maw, Mark Levy, Howrey, Simon, Arnold & White, John E. Nolan, Steptoe & Johnson, John H. Pickering, Wilmer, Cutler & Pickering, Allen R. Snyder, Hogan & Hartson, Seth Waxman, Wilmer, Cutler & Pickering,

Jeanne S. Archibald, Hogan & Hartson; Jeannette L. Austin, Mayer, Brown, Rowe & Mawt; James C. Bailey, Steptoe & Johnson; Stewart Baker, Steptoe & Johnson; James T. Banks, Hogan & Hartson; Amy Coney Barrett, Notre Dame Law School; Michael J. Barta, Baker, Botts; Kenneth C. Bass III, Sterne, Kessler, Goldstein & Fox; Richard K. A. Becker, Hogan & Hartson; Joseph C. Bell, Hogan & Hartson; Brigida Benitez, Wilmer, Cutler & Pickering; Douglas L. Beresford, Hogan & Hartson; Edward Berlin, Swidler, Bertin, Shereff, Friedman; Elizabeth Beske (Member, Bar of the State of California); Patricia A. Brannan, Hogan & Hartson; Don O. Burley, Finnegan, Henderson, Farabow, Garrett & Dunner; Raymond S. Calamaro, Hogan & Hartson; George U. Carneal, Hogan & Hartson; Michael Carvin, Jones, Day, Reavis & Pogue; Richard W. Cass, Wilmer, Cutler & Pickering.

Gregory A. Castanias, Jones, Day, Reavis & Pogue; Ty Cobb, Hogan & Hartson; Charles G. Cole, Steptoe & Johnson; Robert Corn-Revere, Hogan & Hartson; Charles Davidow, Wilmer, Cutler & Pickering; Grant Dixon, Kirkland & Ellis; Edward C. DuMont, Wilmer, Cutler & Pickering; Donald R. Dunner, Finnegan, Henderson, Farabow, Garrett & Dunner; Thomas J. Eastment, Baker Botts; Claude S. Eley, Hogan & Hartson; E. Tazewell Ellett, Hogan & Hartson; Roy T. Englert, Jr., Robbins, Rullell, Englert, Orseck & Untereiner; Mark L. Evans, Kellogg, Huber, Hansen, Todd & Evans; Frank Fahrenkopf, Hogan & Hartson; Michele C. Farquhar, Hogan & Hartson; H. Bartow Farr, Farr & Taranto; Jonathan J. Frankel, Wilmer, Cutler & Pickering; Jonathan S. Franklin, Hogan & Hartson; David Frederick, Kellogg, Huber, Hansen, Todd & Evans; Richard W. Garnett, Notre Dame Law School.

H.P. Goldfield. Vice Chairman, Stonebridge International; Tom Goldstein, Goldstein & Howe; Griffith L. Green, Sidley, Austin, Brown & Wood; Jonathan Hacker, O'Melveny & Myers; Martin J. Hahn, Hogan & Hartson; Joseph M. Hassett, Hogan & Hartson; Kenneth Hautman, Hogan & Hartson; David J. Hensler, Hogan & Hartson; Patrick F. Hofer. Hogan & Hartson; William Michael House, Hogan & Hartson; Janet Holt, Hogan & Hartson; Robert Hoyt, Wilmer, Cutler & Pickering; A. Stephen Hut, Jr., Wilmer, Cutler & Pickering; Lester S. Hyman, Swidler & Berlin; Sten A. Jensen, Hogan & Hartson; Erika Z. Jones, Mayer, Brown, Rowe & Maw; Jay T. Jorgensen, Sidley, Austin, Brown & Wood; John C. Keeney, Jr., Hogan & Hartson; Michael K. Kellogg, Kellogg, Huber, Hansen, Todd & Evans; Nevin J. Kelly, Hogan & Hartson; J. Hovey Kemp, Hogan & Hartson; David A. Kikel, Hogan & Hartson; R. Scott Kilgore, Wilmer, Cutler & Pickering; Michael L. Kidney. Hogan & Hartson; Duncan S. Klinedinst, Hogan & Hartson; Robert Klonoff, Jones, Day Reavis & Pogue; Jody Manier Kris, Wilmer, Cutler & Pickering; Chris Landau, Kirkland & Ellis; Philip C. Larson, Hogan & Hartson; Richard J. Lazarus, Georgetown University Law Center; Thomas B. Leary, Commissioner, Federal Trade Commission; Darryl S. Lew, White & Case; Lewis E. Leibowitz, Hogan & Hartson; Kevin J. Lipson, Hogan & Hartson; Robert A. Long, Covington & Burling; C. Kevin Marshall, Sidley, Austin, Brown & Wood; Stephanie A. Martz, Mayer, Brown, Rowe & Maw; Warren Maruyama, Hogan & Hartson; George W. Mayo, Jr., Hogan & Hartson; Mark E. Maze, Hogan & Hartson; Mark S. McConnell, Hogan & Hartson; Janet L. McDavid, Hogan & Hartson.

Thomas L. McGovern III, Hogan & Hartson; A. Douglas Melamed, Wilmer, Cutler & Pickering; Martin Michaelson, Hogan & Hartson; Evan Miller, Hogan & Hartson; George W. Miller, Hogan & Hartson; William L Monts III. Hogan & Hartson; Stanley J. Brown, Hogan & Hartson; Jeff Munk, Hogan & Hartson; Glen D. Nager, Jones Day Reavis & Pogue; William L. Neff, Hogan & Hartson; J. Patrick Nevins, Hogan & Hartson; David Newmann, Hogan & Hartson; Karol Lyn Newman, Hogan & Hartson; Keith A. Noreika, Covington & Burling; William D. Nussbaum, Hogan & Hartson; Bob Glen Odle, Hogan & Hartson; Jeffrey Pariser, Hogan & Hartson; Bruce Parmly, Hogan & Hartson; George T. Patton. Jr., Bose, McKinney & Evans; Robert B. Pender, Hogan & Hartson.

John Edward Porter, Hogan & Hartson (former Member of Congress); Philip D. Porter, Hogan & Hartson; Patrick M. Raher, Hogan & Hartson; Laurence Robbins, Robbins, Russell, Englert, Orseck & Untereiner; Peter A. Rohrbach, Hogan & Hartson; James J. Rosenhauer, Hogan & Hartson; Richard T. Rossier, McLeod, Watkinson & Miller; Charles Rothfeld, Mayer, Brown, Rowe & Maw; David J. Saylor, Hogan & Hartson; Patrick J. Schiltz, Associate Dean and St. Thomas More Chair in Law University of St. Thomas School of Law; Jay Alan Sekulow, Chief Counsel, American Center for Law & Justice; Kannon K. Shanmugam, Kirkland & Ellis; Jeffrey K. Shapiro. Hogan & Hartson; Richard S. Silverman, Hogan & Hartson; Samuel M. Sipe, Jr., Steptoe & Johnson; Luke Sobota, Wilmer, Cutler & Pickering; Peler Spivak, Hogan & Hartson; Jolanta Sterbenz, Hogan & Hartson; Kara F. Stoll, Finnegan, Henderson, Farabow, Garren & Dunner; Silvija A. Strikis, Kellogg, Huber, Hansen, Todd & Evans; Clifford D. Stromberg, Hogan & Hartson.

Mary Anne Sullivan, Hogan & Hartson; Richard G. Taranto, Farr & Taranto; John Thorne, Deputy General Council, Verizon Communications Inc., & Lecturer, Columbia Law School; Helen Trilling, Hogan & Hartson; Rebecca K. Troth, Washington College of Law, American University; Eric Von Salzen, Hogan & Hartson; Christine Varney, Hogan & Hartson; Ann Morgan Vickery, Hogan & Hartson; Donald B. Verrilli. Jr., Jenner & Block; J. Warren Gorrell, Jr., Chairman, Hogan & Hartson; John B. Watkins, Wilmer, Cutler & Pickering; Robert N. Weiner, Arnold & Porter; Robert A. Welp, Hogan & Hartson; Douglas P. Wheeler, Duke University School of Law; Christopher J. Wright; Harris, Wiltshire & Grannis; Clayton Yeutter, Hogan & Hartson (former Secretary of Agriculture); and Paul J. Zidlicky, Sidley Austin Brown & Wood.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1305

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of myself, Senator NELSON of Florida, and Senator REED of Rhode Island.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. NELSON of Florida, and Mr. REED, proposes an amendment numbered 1305.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To Require the Secretary of State to Report to Congress on a Plan for Holding Elections in Haiti in 2005 and 2006)

On page 259, at the end of the page add the following new paragraph:

''(c) Funds made available for assistance for Haiti shall be made available to support elections in Haiti after the Secretary of State submits a written report to the Committees on Appropriations, the House International Relations Committee and the Senate Foreign Relations Committee setting forth a detailed plan, in consultation with the Haitian Transitional Government and the United Nations Stabilization Mission (MINUSTAH), which includes an integrated public security strategy to strengthen the rule of law, ensure that acceptable security conditions exist to permit an electoral process with broad based participation by all the political parties, and provide a timetable for the demobilization, disarmament and reintegration of armed groups: Provided, That following the receipt of such report, up to $3,000,000 of the funds made available under subsection (a)(3) should be made available for the demobilization, disarmament, and reintegration of armed groups in Haiti.

Mr. DODD. Mr. President, let me inform my colleagues that this amendment is acceptable to the managers of the underlying bill, Senator MCCONNELL and Senator LEAHY. I thank them for their work on behalf of this particular effort.

At the conclusion of my remarks, I will not ask that the amendment be adopted at this juncture. Senator MCCONNELL and Senator LEAHY prefer that occur at a later time. I wish to take the opportunity to address the amendment and the rationale for it.

I again thank my colleagues, the chairman and ranking member, for accepting the amendment to the Foreign Operations bill.

The amendment I am offering on behalf of myself, Senator NELSON of Florida, and Senator REED, relates to the situation in the Republic of Haiti. The island nation shares the island of Hispaniola with the Dominican Republic in the Caribbean. The situation there cries out, as any other place in the world, to this body. I have spoken about my concerns with respect to the ongoing crisis in Haiti many times on this floor, as have some of my colleagues.

I commend particularly Senator DEWINE of Ohio who has not only spoken about this issue on numerous occasions but, as a result of the efforts he and his family have made, has a very direct involvement in trying to improve the lives of the people in Haiti and has visited the country many times. Those concerns, unfortunately, no matter how often expressed by myself, Senator DEWINE, and others, have fallen on deaf ears, unfortunately, in the Bush administration. Apparently, no one in the current administration has made Haiti a priority, and it shows.

I support providing assistance to Haiti, but I do not believe in throwing good money after bad in that situation. Frankly, moneys in this appropriations bill in support of the current election schedule in Haiti are moneys that, in my view, will be totally wasted unless and until the Bush administration gets serious about addressing the foundations of that insecurity—the absence of the rule of law and the presence of armed groups who today terrorize Haiti's cities and towns.

That is why I offer this amendment today to insist that prior to one penny of this money being spent on the election process in Haiti that we in Congress be informed about the administration's game plan for Haiti, if it has one; and if one does not exist, that they develop such a plan so that the U.S. taxpayers' dollars are not wasted on elections that would be deemed illegitimate at best.

I don't think that elections are the be-all and end-all for solving Haiti's problems. Frankly, I am increasingly of the view that more international involvement is needed in Haiti over an extended period of time before any Haitian government has a chance of successfully governing a country which at this juncture is virtually ungovernable. Increased international involvement is unthinkable without U.S. leadership.

The political, economic, and social chaos that exists in Haiti today has created one of the most serious humanitarian crises confronting the international community. More than a year after the ouster of former President Aristide, most Haitians today have abysmal living conditions and they are getting worse by the day.

According to U.S. officials in Haiti, most Haitians, most of the 8 million people on the one-third of that island of Hispaniola, live on a dollar or less a day. More than 40 percent of the children are malnourished, and childbirth is the second leading cause of death among women.

Haiti's AIDS infection rate is the highest outside of sub-Saharan Africa, and an estimated 4,000 to 6,000 Haitian children are born with the virus each year. The average Haitian has a life expectancy of 51 years. That is 20 years short of the Latin American/Caribbean average of 71 years.

Haiti's economy is also in a total shambles. Gross domestic product has been negative in that country for two decades running. Profits from traditional exports of coffee, rice, rum, and other agricultural products of the formal economy are less than half of what they were 20 years ago. Now, remittances from Haitians living abroad are one of the main sources of income. In fact, these remittances account for almost one-third of Haiti's gross domestic product.

What has been the Bush administration's response to the Haitian crisis? Frankly, the administration has been AWOL on Haiti. While they were quick to seize the opportunity to facilitate the removal of the democratically elected President from office, since then there has been a decided disinterest on the part of the administration with respect to the fate of the Haitian people.

Last July, the United States pledged approximately $230 million in aid for fiscal year 2004–2005. This past April, the Senate passed the DeWine-Bingaman amendment, of which I was a cosponsor, providing $20 million for election assistance, employment, and public works. But all of the assistance in the world is not going to solve Haiti's problems until we begin to address the levels of insecurity that exist in that country.

Haiti borders on being a completely failed state if it is not one already. Yet, this administration continues to suggest that elections should go forward later this year so the Haitian people can replace the interim government. Last month, Assistant Secretary of State Roger Noriega and special envoys from France, Canada, and Brazil visited Port-au-Prince and said that Haiti's political transition was on target. They said the date for the Presidential and legislative elections, November 13, should remain fixed. I wonder how anyone could visit Haiti and come to that conclusion.

Last December, Senator DEWINE and I were told we could not visit Port-au-Prince because the security situation was far too dangerous. In late May of this year, the State Department issued the following travel warning on Haiti:

Due to the volatile security situation, the Department has ordered the departure of nonemergency personnel and all family members of U.S. Embassy personnel. The Department of State warns U.S. citizens to defer travel to Haiti and urges American citizens to depart the country if they can do so safely.

I ask unanimous consent that the entire travel warning issued by the Department of State be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRAVEL WARNING

(Department of State, Bureau of Consular Affairs, Washington, DC)

MAY 26, 2005.—This Travel Warning is being issued to warn American citizens of the continued dangers of travel to Haiti. Due to the volatile security situation, the Department has ordered the departure of non-emergency personnel and all family members of U.S. Embassy personnel. The Department of State warns U.S. citizens to defer travel to Haiti and urges American citizens to depart the country if they can do so safely. This Travel Warning supersedes the Travel Warning issued March 11, 2005.

Americans are reminded of the potential for spontaneous demonstrations and violent confrontations between armed groups. Visitors and residents must remain vigilant due to the absence of an effective force in much of Haiti; the potential for looting; the presence of intermittent roadblocks set by

armed gangs or by the police; and the possibility of random violent crime, including kidnapping, carjacking, and assault. Due to concerns for the safety of its personnel, the Department has ordered the departure from Haiti of all U.S. Embassy non-emergency employees and all family members of American embassy personnel. American citizens who remain in Haiti despite this warning are urged to consider departing.

Travel can be hazardous within Port-au-Prince. Some areas are off-limits to embassy staff, including downtown Port-au-Prince after dark. The embassy has imposed a curfew from 9:00 p.m. to 5:00 a.m., which could change periodically. Staff members must remain in their homes or in U.S. government facilities during the hours covered by the curfew. The embassy has limited travel by its staff outside of Port-au-Prince and the ability to provide emergency services to U.S. citizens outside of Port-au-Prince remains extremely limited. U.S. businesses continue to operate in Haiti, but take special precautions to protect their facilities and personnel. The U.N. stabilization force (MINUSTAH) is fully deployed and is assisting the government of Haiti in providing security. They have challenged violent gangs and have moved into some gang enclaves.

U.S. citizens who travel to or remain in Haiti despite this Travel Warning must remain vigilant with regard to their personal security and are strongly advised to register either online at https://travelregistration.state.gov/ibrs/ or contact the Consular Section of the U.S. Embassy in Port-au-Prince and enroll in the warden system (emergency alert network) to obtain updated information on travel and security in Haiti. The Consular Section of the U.S. Embassy can be reached at (509) 223–7011, the fax number is (509) 223–9665 and the e-mail address is acspap@state.gov. Travelers should also consult the Department of State's latest Consular Information Sheet for Haiti and Worldwide Caution Public Announcement at http://travel.state.gov. American citizens may also obtain up-to-date information on security conditions by calling 1–888–407–4747 toll free in the United States or Canada or 1–202–501–4444 from overseas. In Haiti citizens can call 509/222–0200, ext. 2000.

Mr. DODD. Mr. President, that travel warning remains in effect today. Yet, the administration would have us believe that things are on track for holding elections as currently scheduled. Unless there is dramatic action, the likelihood of fair elections in Haiti with widespread voter participation in the near future is remote, at best, and I would argue virtually impossible.

Currently, fewer than 100,000 of the 4 million potential voters have been registered and fewer than a quarter of the necessary registration centers are even open at all. As important, the role of all parties in the elections needs to be protected.

All parties must have a fair and equal chance if these elections are to be legitimate. Ultimately, what should matter most to the United States is that institutionally these elections are legitimate and fair. Whoever wins must make reforms, purge corrupt officials, and work to improve security.

In my view, United States engagement on the security situation is just the first step in what will be a very long, uphill battle if we are going to get the situation right in Haiti. Holding elections for the sake of holding elections on some rigid schedule makes no sense at all. Elections, particularly elections with little or no credibility, are not going to solve Haiti's problems. It is simply going to compound them.

Haiti is in a humanitarian crisis. For that reason alone, the United States should be far more engaged than we are. Frankly, after sending troops to Haiti 4 times in the past 90 years, it is also in our economic interest to address the problem resolutely. We should start by reviving Senator DEWINE's HERO Act, as it is called, which would help reinvigorate the Haitian economy by granting preferential trade agreements to certain Haitian textile products.

A year ago, the Senate passed the HERO bill, offered by Senator DEWINE, unanimously in this body. There was not a single vote in opposition to Senator DEWINE's proposal. The other body, the House of Representatives, unfortunately would not even consider the legislation. If the HERO Act were passed, as it should be, it could help to strengthen Haiti's economy and jump-start real employment in that little island nation. Especially now that the Senate has passed and the House will soon act on the Dominican Republic-Central American Free Trade Agreement, this is doubly important. After all, it simply does not make any sense to help the Dominican Republic on two-thirds of the island and leave Haiti a completely failed state on the other one-third of that island.

As it stands now, the options for honest employment are slim to none in the Haitian city centers, particularly the slums of the capital, Port-au-Prince. The major employers in that country are warring gangs, many of them involved in trafficking cocaine.

Indeed, Haiti today is the major transit point for cocaine coming in from South American countries such as Colombia. From the year 2000 to 2004, approximately 8 percent of all the cocaine coming to the United States passed through Haiti. Entire neighborhoods of that country are under the control of these criminal gangs which are responsible for killings, robberies and, increasingly, kidnappings. Authorities in the interim government estimate that each day there are 6 to 12 kidnappings in Port-au-Prince alone.

In total, more than 700 people, including 7 peacekeepers for the United Nations, have been killed in Haiti in the last 8 months. The U.N. forces have tried to respond to the security threats, but frankly the U.N. force is not in a position to quell the violence in Haiti's major cities or to secure many of Haiti's major roads, both of which are now under the control of these criminal gangs.

For one, they are trying to protect a population roughly equal to that of New York City, roughly 8 million people. New York City has 40,000 well-trained and equipped police officers. Haiti has a tiny fraction of that number of U.N. peacekeepers. I would hope the recent U.N. Security Council authorization for an additional 1,000 troops and police will help the U.N. force wrest control from these criminals, but I doubt it.

Secondly, and perhaps even more important than sheer numbers, the United Nations mandate does not give the U.N. forces real authority over the Haitian national police, a force that is in severe disarray.

The national police are good people in many cases, but there are many bad ones indeed who need to be removed. If the U.N. force wants the trust of civilians, they need to make sure the Haitian national police do not ignore human rights or violations in the face of high insecurity, which only fuels the cycle of violence.

Simply put, the credibility of the U.N. force is directly tied to its ability to bring some calm and to prevent abuses. To that end, civilians should be able to contact U.N. forces directly about the abuses by the national police. That does not happen.

I am also troubled by the interim government, led by President Boniface Alexandre and Prime Minister Gerard Latortue. They have delayed justice for thousands of prisoners. Roughly 20 of the more than 7,000 prisoners at the federal penitentiary have been convicted of crimes. Many of them have spent years awaiting trial.

I am particularly concerned about the treatment of former Prime Minister Yvon Neptune who has been held without formal charges for over a year and is near death after a series of off-and-on hunger strikes which he began in February. Now in the sixth month of his protest, I am told his rib cage is sticking out of his skin and he is maybe near death.

On May 25, Prime Minister Neptune was carried to his first hearing on a stretcher where he testified for several hours. He denied the accusations that he masterminded the killings of 25 Haitians in the town of St. Marc and has refused to leave Haiti, despite that offer, until his name is cleared.

The basic point is when it comes to legal issues, it is imperative that the interim government set the tone that the rule of law matters. If they do not set the example at the top, lawlessness will not improve at the bottom. The amendment I am offering is meant to serve as a small wake-up call to the administration and to the Congress that we are watching what is happening. It is meant to send the message that Haiti is only going to have a future if we are prepared to extend a helping hand. What we need now is resolve and a serious commitment from the highest levels of our Government to bring peace, security, and stability to the people of this small island nation.

We have lost interest before. The result is clear. We cannot afford to do it again. The United States should help the Haitian people create an honest government committed to justice, committed to combating poverty, committed to democracy, and to a better

Haiti. I hope the Bush administration will make that commitment. I hope forcing them to take a serious look at conditions on the ground and responding accordingly will produce results.

Again, one does not need to have a Ph.D. in political science to know what the net effect will be if we do not get more serious about Haiti. Haitians will do what they have done, as other peoples have done in other nations who have been confronted by similar fact situations. Haiti is only a few miles off our coast, roughly about 110, 120 miles. Haitians will do what they have done historically. They will leave in droves and they will seek safe refuge wherever they can achieve it. Obviously we do not want that situation to occur again.

So the modest proposal to try and inject some sanity into our policy we hope will stem that tide. I think even more serious measures need to be taken by the international community such as a protectorate of some kind to create some stability there over the coming 10 or 15 years to give any hope to the Haitian people to regain control of their own society.

Words that I can't even conjure up cannot describe the situation in this country. It is getting worse by the hour. Every day we delay, every time we refuse to do what needs to be done, we contribute in our own way to neglect, to a deteriorating situation in that country.

I again want to thank my colleagues Senator MCCONNELL, Senator LEAHY, Senator NELSON of Florida, and Senator REED, for their support of this amendment. Again, it is not going to solve all the problems, but it may serve to get some attention.

I understand the focus on Iraq and the focus on Afghanistan. We cannot neglect the Caribbean. We cannot neglect Haiti. This amendment is designed to try and reawaken some attention to this problem.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Rhode Island.

Mr. REED. Mr. President, I commend Senator DODD for his leadership on this issue, not just today but for many days, along with Senator DEWINE and others, and to say how precisely, accurately, and eloquently he has characterized the terrible situation in Haiti. It is one that requires a plan, requires purpose, and requires commitment by the United States. I hope we can carry this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 1301

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 1301.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself and Mr. LUGAR, proposes an amendment numbered 1301.

The amendment is as follows:

(Purpose: To provide support to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission and to provide an offset)

On page 169, line 4, strike ''$3,036,375,000'' and insert ''$3,031,375,000''.

On page 190, line 5, strike ''$440,100,000'' and insert ''$445,100,000''.

On page 190, line 19, insert ''that should be not less than $19,350,000'' after ''Commission''.

Mr. BIDEN. Mr. President, I know we are about to vote at 2:30 on two amendments. I wanted this to be the pending business. I will lay this aside until after the successive votes we are about to have. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that Senator LEAHY of Vermont and Senator BIDEN be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 1245, AS MODIFIED

Ms. LANDRIEU. Mr. President, under the previous order, we are now about ready to have the vote on the Landrieu amendment. I ask unanimous consent for 2 minutes to close.

The PRESIDING OFFICER. Without objection, 2 minutes will be allocated to each side prior to the vote in relation to the Landrieu amendment.

Ms. LANDRIEU. Mr. President, I offered this amendment on behalf of myself, Senator CLINTON, Senator DEWINE, Senator INHOFE, and Senator CRAIG. It is an amendment we feel very strongly about and are proud to offer to the Senate this afternoon to clarify a very important principle as we give out billions of dollars in aid to other countries. That principal is very simple and straightforward: Families matter; families should be respected; children belong in families.

As we give out billions of dollars that would hopefully reflect our values, as the Senator from Tennessee, the majority leader said, that would reflect and advance our values, this amendment becomes very clear and very important, and I hope it will receive an overwhelming vote.

To clear up some misperceptions that are out there about this issue, again the Landrieu amendment is not a sense-of-the-Senate amendment. It is a directive. It is a directive to USAID to say that as you are giving out this money, keep in mind that children belong in families. Try to allocate money in a way that keeps them with the families to which they were born, their families of origin. But if they become orphaned, let's work as hard as possible to reconnect those children to other families, preferably to relatives through domestic adoption, long-term permanency, long-term care; not long-term foster care, but through the permanency of a real new family. If that family is not available in that country, then to look within the human family to place those children, keeping sibling groups together as much as possible.

That is our policy in the United States. It is what our law is. It is a value that Americans hold dear. That is what this amendment does, and I offer it in a bipartisan spirit of cooperation.

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.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—98

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inhofe	Schumer
Chafee	Inouye	Sessions
Chambliss	Isakson	Shelby
Clinton	Jeffords	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

NOT VOTING—2

Byrd	Rockefeller

The PRESIDING OFFICER. The majority whip.

AMENDMENT NO. 1271

Mr. MCCONNELL. I ask unanimous consent there be 2 minutes equally divided on the Chambliss amendment. Obviously, Senator CHAMBLISS will speak in support of his amendment.

Mr. CHAMBLISS. Mr. President, my amendment is very straightforward. It simply says that none of the funds made available under this act may be used to provide assistance to any country whose government has notified the Department of State of its refusal to extradict to the United States an individual who is charged with a crime in the United States of America, where the penalty is life in prison without parole or less.

A young man from Georgia was killed on the streets of Washington,

DC, in 2002. He was a young Marine Corps officer. He was a member of the White House guard. A Nicaraguan, after he was charged with the offense, went back to Nicaragua. The Nicaraguan Government now refuses to extradict this individual to the United States to be charged with this crime he committed while he was here.

What we are doing today is taking tax funds from the mother and the father of this young man who was killed and sending them to Nicaragua. That is wrong.

This amendment will not allow that to happen. It is a great amendment. I urge agreement of the amendment.

Mr. LEAHY. Mr. President, I certainly want to extradict or bring back to America people who have committed crimes here. But I understand and I agree with the Bush administration, which is strongly opposed to this amendment. The administration letter says, in part, for example, Israel, in some cases, has refused to extradict its nationals. Jordan, with whom we have a treaty, has a court ruling that the treaty is not in force. The amendment does not take into account that the Government does not have treaties in Africa, Asia, the Middle East, the former Soviet Union, and elsewhere.

Under this amendment, for example, a few years ago when a young man committed a heinous murder in Maryland—he had dual citizenship with Israel and fled to Israel—Israel would not send him back; in that case, we would have had to cut off all aid to Israel.

That may be what Senators want to do. I point that out. That is why the administration so strongly opposes the 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.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—86

Alexander	Bunning	Collins
Allard	Burns	Conrad
Allen	Burr	Cornyn
Baucus	Cantwell	Corzine
Bayh	Carper	Craig
Bennett	Chafee	Crapo
Biden	Chambliss	DeMint
Bingaman	Clinton	DeWine
Bond	Coburn	Dodd
Boxer	Cochran	Dole
Brownback	Coleman	Domenici
Dorgan	Kyl	Salazar
Durbin	Landrieu	Santorum
Ensign	Lautenberg	Schumer
Enzi	Levin	Sessions
Feinstein	Lieberman	Shelby
Frist	Lincoln	Smith
Graham	Lott	Snowe
Grassley	Martinez	Specter
Gregg	McCain	Stabenow
Harkin	McConnell	Stevens
Hatch	Murkowski	Sununu
Hutchison	Murray	Talent
Inhofe	Nelson (FL)	Thomas
Inouye	Nelson (NE)	Thune
Isakson	Obama	Vitter
Johnson	Pryor	Warner
Kerry	Reid	Wyden
Kohl	Roberts	

NAYS—12

Akaka	Jeffords	Mikulski
Dayton	Kennedy	Reed
Feingold	Leahy	Sarbanes
Hagel	Lugar	Voinovich

NOT VOTING—2

Byrd	Rockefeller

CHANGE OF VOTE

Mr. KOHL. Mr. President, I ask unanimous consent that on record vote No. 196 regarding the Chambliss amendment, that I be recorded as having voted ''aye'' instead of my previous vote against the amendment. I understand this change will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The amendment (No. 1271) was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—S. 1042

Mr. FRIST. Mr. President, I ask unanimous consent that upon disposition of H.R. 3057, the Foreign Operations appropriations bill, the Senate turn to the immediate consideration of S. 1042, the Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 1304

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that my amendment be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I know we have agreement to accept this amendment, so I will not speak for very long. I know people want to vote on final passage.

Two quick points: This amendment does not block or change in any way the CNOOC-Unocal merger. It simply says, after any merger where a corporation that is owned by a foreign government seeks to buy an American company, that our Government, particularly MFTEC in the Treasury Department, issue a report that shows whether that country is treating our companies reciprocally and fairly. In other words, would an American company that wished to buy a Chinese company in a similar position be allowed to do so? I would argue that the Chinese do not. If you believe in free trade, it has to be a two-way street.

This amendment at least gives us a report and some knowledge of that condition. That is all I am asking.

With that, I yield the floor to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

LIABILITY PROTECTIONS TO THE GUN INDUSTRY

Mr. REED. Mr. President, I note the majority leader indicated we will move to the Defense authorization bill. I think that is an appropriate legislative initiative to take up. We are in war. We have troops who are being threatened every day. We have the need to move to this bill. We concluded the committee deliberations weeks ago, and we are ready to move to the bill.

But I am concerned because there has been a suggestion that in the middle of that process, we might take up a bill to grant liability protections to the gun industry. Stopping the Defense authorization bill to take up a special interest bill would be inappropriate. Moving from the national interest to a very special interest is the wrong thing to do.

If we do proceed to a bill to give liability protection to the gun industry, it would require full and intensive debate within the confines of the rules of the Senate. I would hope that we could offer amendments, which we didn't last time, because there are important issues that touch upon the issue of guns in this society that should be debated also. I would hope, once we get on to the Defense authorization bill, we would be able to pursue that until we conclude it. We owe it to the troops in the field who are defending us today. We owe them much more than the special interest lobbies in this country.

AMENDMENT NO. 1304

The PRESIDING OFFICER. The majority whip.

Mr. MCCONNELL. Mr. President, the Schumer amendment has been cleared on both sides. I recommend we move forward with it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1304) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1255, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1255 and send a modification to the desk. This too has been agreed to on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. FEINGOLD, proposes an amendment numbered 1255, as modified.

The amendment, as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

OVERSIGHT OF IRAQ RECONSTRUCTION

SEC. ____. (a) Subsection (o) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note), as amended by section 1203(j) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2081), is amended by striking ''obligated'' and inserting ''expended''.

(b) Of the amount appropriated in chapter 2 of title II of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1224) under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE'' and under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'', $30,000,000 of unobligated funds should be made available during fiscal year 2006 only to carry out section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234), as amended by section 1203 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2081); *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Ms. COLLINS. Mr. President, I am happy to join with my colleague, Senator FEINGOLD, in offering an amendment extending the mandate of the Special Inspector General for Iraq Reconstruction, SIGIR. The Special Inspector General serves as a watchdog over the billions of U.S. taxpayer dollars allocated for Iraq reconstruction. It has been effective in its role, uncovering and exposing a wide range of problems with the use of taxpayer funds in Iraq. For example, in reports released on May 4, the SIGIR documented instances of files that could not be located by contract managers, contract funds that no one could account for, and failures by U.S. officials to live up to commitments made to Iraqi authorities regarding the management of funds slated to rebuild Iraq. The SIGIR also found indications of potential criminal activity in the case of the South-Central Iraq audit, where managers could not account for what happened to $96.6 million of $119.9 million that was disbursed in South-Central Iraq.

The SIGIR's tenure is currently 10 months after 80 percent of Iraqi relief and reconstruction funds are obligated, rather than expended. As a result, his term could expire well before all of the work that has been contracted has been performed and payments have been made. Current estimates are that Iraq reconstruction fund obligations could meet the 80 percent threshold very soon. The Feingold-Collins amendment would extend the SIGIR's tenure by changing the termination date to 10 months after 80 percent of the funds are expended.

As chairman of the Senate Homeland Security Committee and Governmental Affairs Committee, which oversees government contracting, I meet with and receive briefings regularly from the Inspector General on the office's ongoing work and findings. He conducts needed, on-the-ground oversight of contracts in Iraq. His audit and investigative work provides much needed transparency of these operations and demonstrates to the new Iraqi government the importance of openness and oversight to a democratic society.

Despite its effectiveness, the SIGIR office is set to begin closing down before the majority of reconstruction funds for Iraq have even been expended. We need to extend the mandate of this office to help make sure that American tax dollars are being used effectively and efficiently, and to help our reconstruction effort succeed.

Without the SIGIR's experienced oversight, I fear that we may encounter an increase in fraud, waste, and abuse in the management and administration of Iraq reconstruction contracts.

Mr. MCCONNELL. Mr. President, this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1255), as modified, was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1305

Mr. MCCONNELL. Mr. President, I call up amendment No. 1305. It has been agreed to on both sides.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1305) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1301

Mr. MCCONNELL. Mr. President, I call up amendment No. 1301. It has been cleared on both sides as well.

The PRESIDING OFFICER. The amendment is pending.

Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1301) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1252, AS MODIFIED

Mr. MCCONNELL. Mr. President, I call up amendment No. 1252 and send a modification to the desk. It has been agreed to on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BIDEN, proposes an amendment numbered 1252, as modified.

The amendment, as modified, is as follows:

On page 326, between lines 10 and 11, insert the following:

REPORT ON ASSISTANCE TO VICTIMS OF CRIMES IN FOREIGN COUNTRIES

SEC. 6113. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the services provided to United States citizens who are victims of violent crime while outside the United States. The report shall include—

(1) the total number of United States citizens who reported to a United States embassy or consulate that such citizen was a victim of violent crime during fiscal year 2005;

(2) a summary of the funding available during fiscal year 2006 through the Department of State to assist United States citizens who are victims of violent crime while outside the United States;

(3) the expenditures made during fiscal year 2005 by the United States to assist such United States citizens;

(4) a proposal for providing services to such United States citizens who have no other source of funds to obtain such services, including any necessary organizational changes needed to provide such services; and

(5) proposals for funding and administering emergency assistance to such United States citizens who have no other source of funds.

(b) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committees on Appropriations and the Committee on International Relations of the House of Representatives.

(2) The term ''violent crime'' means murder, non-negligent manslaughter, forcible rape, robbery, or aggravated assault.

Mr. BIDEN. Mr. President, an important part of U.S. nuclear nonproliferation policy is the continuing effort to deter other countries from testing a nuclear weapon. It is often said that a country could build a relatively simple nuclear weapon, like the bomb exploded at Hiroshima, and use it with confidence even though it has not tested the device. That does not hold true, however, for more complex designs; and military commanders are loath to rely upon any weapon that has not been tested.

One major way to deter countries from conducting nuclear weapons tests is to ensure that such a test would be detected. That's because most countries, as signers of the Comprehensive Nuclear Test-Ban Treaty, the CTBT, are bound to refrain from acts that would undermine the object and purpose of that treaty, even though it has yet to enter into force. In addition, nearly all nuclear weapons states, including some that are not parties to the CTBT, have proclaimed unilateral moratoria on nuclear weapons tests.

Thus, there are both legal and political barriers to openly testing nuclear weapons.

How can we make it more likely that a covert nuclear weapons test would be detected and identified? One way is through U.S. and allied data collection, including the fine seismic network put together by the Air Force Technical Applications Center, or AFTAC. I support and applaud the work of AFTAC, which is truly a center of excellence. But AFTAC cannot and does not do everything; not every country will cooperate with the United States in the nuclear detection mission; and when we use AFTAC, we pay the full bill.

AFTAC's work is supplemented importantly by the International Monitoring System, or IMS, that is being set up by the Preparatory Commission for the CTBT Organization, the CTBTO PrepCom. The worldwide seismic network of the IMS will include sites in Russia, China, Iran and elsewhere that cannot be duplicated through U.S. or bilateral arrangements. It will also combine long-distance, low-frequency, or teleseismic, coverage with high-frequency, regional seismic data that many experts believe will do a better job of detecting a ''decoupled'' explosion that uses an existing cavity to resist detection.

The IMS will marshal four different types of data—not only seismic, but also hydroacoustic, infrasound, and airborne radionuclide emissions—collected at 321 sites, mostly seismic arrays. The use of multiple methodologies will make it more difficult for a country to evade detection, as it gets very difficult to design a test that avoids detection by all four means. And the rest of the world is paying more than three quarters of the cost of this robust monitoring system.

Finally, while national technical means may include very sensitive intelligence information, the IMS will provide data that can be used openly for diplomatic or enforcement purposes. That will greatly ease the pressure on U.S. intelligence to expose sensitive sources or methods in order to further U.S. foreign policy objectives.

The administration rightly supports the IMS and has funded the U.S. share of IMS expenses for several years. Secretary of State Rice confirmed the administration's support for this program earlier this year, in response to a question for the record that I asked after she testified on the foreign affairs budget.

In addition, the Under Secretary of State for Arms Control and International Security, Mr. Joseph, has assured the Foreign Relations Committee that funding the IMS is fully consistent with the administration's position on the CTBT, which it has said that the United States will not join, even though it is a signatory to the treaty. While I wish that the administration were of a different mind on the CTBT itself, I think they are absolutely correct in their view that the IMS serves our national security interests even if this country never ratifies the CTBT.

Unfortunately, the Office of Management and Budget imposed a severe cut on this budget item, reducing the State Department's request from $22,000,000 to $14,350,000. The Secretary of State assured the Foreign Relations Committee that the State Department is committed to finding the extra funds, even if they have to be obtained in the fiscal year 2007 budget. That's no way to run a railroad, however, and it could be difficult to get over $30 million next year to make up for the shortfall. It would be far better to find some of that extra money now and not put the United States so far in arrears.

I propose, therefore, that an extra $5 million be made available for the U.S. contribution to the CTBTO PrepCom. I am joined in this amendment by the chairman of the Foreign Relations Committee, my good friend Senator LUGAR of Indiana, which I very much appreciate. The additional funds will make it much more likely that the United States will find the money to pay its full assessment for IMS and will help keep the world from becoming a much more dangerous place.

Staff to Senators MCCONNELL and LEAHY have kindly worked with us on this amendment and identified the budget for economic support funds as an area in which a $5 million cut could be absorbed with less harm to our national security than we would risk by failing to fund the IMS in a timely manner. I understand that the managers of this bill are prepared to accept our amendment and can cover the difference in first-year outlays that will result. I am most grateful for their cooperation.

I ask unanimous consent to print in the RECORD the following question and answer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FOR THE RECORD SUBMITTED TO SECRETARY OF STATE CONDOLEEZZA RICE BY SENATOR JOSEPH BIDEN (NO. 12), COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 16, 2005.

Question: Why is the Administration proposing a cut in the U.S. contribution to the International Monitoring System being established by the Comprehensive Test Ban Treaty Organization Preparatory Commission?

Answer: The $7.65 million cut in funding for the International Monitoring System (IMS) does not signal a change in U.S. policy toward the Comprehensive Nuclear Test Ban Treaty (CTBT). The U.S. continues to support and participate in those activities of the Preparatory Commission for the CTBT Organization (CTBTO PrepCom) in Vienna that pertain to the IMS, and the U.S. has no plans to press the PrepCom to lower its budget to a level commensurate with the $14.35 million that the Administration has allocated for it in FY06.

Unfortunately, budgets are very tight and cuts had to be made, even among programs supported by the Administration. A number of other cuts were made in the Department's program requests, including in the areas of non-proliferation and counter-terrorism. The level of funding for a program in any given year's budget does not necessarily have a bearing on the funding level for that program in the succeeding years.

It is important to note that the U.S. continues to observe a nuclear testing moratorium and encourages other states not to test. While the U.S. does not support the CTBT and will not become a party to it, the U.S. has gone to great expense to develop a Stockpile Stewardship Program to help ensure the safety and reliability of our nuclear weapons stockpile without testing.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1252), as modified, was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1306 THROUGH 1308, EN BLOC

Mr. MCCONNELL. Mr. President, I send to the desk a managers' package on behalf of Senator BYRD, regarding the United States-China Economic and Security Review Commission; on behalf of Senators LEAHY, CHAFEE, MIKULSKI, and CORZINE regarding women's health; and Senator FRIST regarding the use of funds for nonproliferation purposes.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 1306 through 1308 en bloc.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, without objection, the amendments are agreed to.

The amendments were agreed to, as follows:

AMENDMENT NO. 1306

(Purpose: To modify the responsibilities and authorities applicable to the United States–China Economic and Security Review Commission)

On page 326, between lines 10 and 11, insert the following:

RESPONSIBILITIES AND AUTHORITIES OF UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SEC. . (a) MODIFICATION OF RESPONSIBILITIES.—Notwithstanding any provision of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), or any other provision of law, the United States–China Economic and Security Review Commission established by subsection (b) of that section should investigate and report exclusively on each of the following areas:

(1) PROLIFERATION PRACTICES.—The role of the People's Republic of China in the proliferation of weapons of mass destruction and other weapons (including dual use technologies), including actions the United States might take to encourage the People's Republic of China to cease such practices.

(2) ECONOMIC TRANSFERS.—The qualitative and quantitative nature of the transfer of United States production activities to the People's Republic of China, including the relocation of high technology, manufacturing, and research and development facilities, the impact of such transfers on United States national security, the adequacy of United

States export control laws, and the effect of such transfers on United States economic security and employment.

(3) ENERGY.—The effect of the large and growing economy of the People's Republic of China on world energy supplies and the role the United States can play (including through joint research and development efforts and technological assistance) in influencing the energy policy of the People's Republic of China.

(4) ACCESS TO UNITED STATES CAPITAL MARKETS.—The extent of access to and use of United States capital markets by the People's Republic of China, including whether or not existing disclosure and transparency rules are adequate to identify People's Republic of China companies engaged in harmful activities.

(5) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The triangular economic and security relationship among the United States, Taipei, and the People's Republic of China (including the military modernization and force deployments of the People's Republic of China aimed at Taipei), the national budget of the People's Republic of China, and the fiscal strength of the People's Republic of China in relation to internal instability in the People's Republic of China and the likelihood of the externalization of problems arising from such internal instability.

(6) UNITED STATES-CHINA BILATERAL PROGRAMS.—Science and technology programs, the degree of non-compliance by the People's Republic of China with agreements between the United States and the People's Republic of China on prison labor imports and intellectual property rights, and United States enforcement policies with respect to such agreements.

(7) WORLD TRADE ORGANIZATION COMPLIANCE.—The compliance of the People's Republic of China with its accession agreement to the World Trade Organization (WTO).

(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsection (g) of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended to read as follows:

''(g) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Commission.''.

AMENDMENT NO. 1307

(Purpose: To require that funds made available for the United Nations Population Fund be used for certain purposes)

On page 274, between lines 7 and 8, insert the following new subsection:

(e) USE OF FUNDS.—None of the funds made available for the UNFPA in this section may be used for any purpose except—

(1) to provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) to prevent and treat cases of obstetric fistula;

(3) to make available supplies of contraceptives for the prevention of pregnancy and sexually transmitted infections, including HIV/AIDS;

(4) to reestablish maternal health services in areas where medical infrastructure and such services have been destroyed by natural disasters;

(5) to eliminate the practice of female genital mutilation; or

(6) to promote the access of unaccompanied women and other vulnerable people to vital services, including access to water, sanitation facilities, food, and health care.

AMENDMENT NO. 1308

(Purpose: To provide that funds appropriated for nonproliferation, anti-terrorism, demining and related programs and made available for the Comprehensive Test Ban Treaty International Monitoring System may be made available for the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts)

On page 326, between lines 10 and 11, insert the following:

NONPROLIFERATION AND COUNTERPROLIFERATION EFFORTS

SEC. 6113. Funds appropriated under title III under the heading ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS'' may be made available to the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts such as increased voluntary dues to the International Atomic Energy Agency, activities under the Proliferation Security Initiative, and the Cooperative Threat Reduction program, and in support of the National Counter Proliferation Center and its activities.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROMANIA

Mr. GREGG. Mr. President, my colleague from New Hampshire, Congressman JEB BRADLEY, successfully offered an amendment in the House of Representatives to this year's Foreign Operations appropriations bill as part of an effort to encourage the Romanian Government to act on an extremely important issue. I had originally intended to offer the same amendment here in the Senate, however, the Senator from Kentucky, the chairman of the subcommittee, has graciously offered to work with me on the issue.

While the amendment would have specifically limited assistance to Romania provided under the Assistance for Eastern Europe and the Baltic States, SEED, account, the real problem we are trying to address is the plight of over 100 American families and almost 200 Romanian orphans these families have agreed to adopt. Despite the fact that the adoptions have been approved by Romania, these young orphans and their new American families have been waiting in limbo—for years in some instances.

After approving these adoptions, Romania changed its adoption laws in order to comply with the European Union's legal standards as a condition of admittance into the European Union. However, since changing their law, Romanian officials have yet to clarify the status of these adoptions or act in any manner to fulfill the commitments that were made to these caring and compassionate Americans—or to fulfill the hopes of their own orphans.

This past March, Romanian President Basescu indicated to Members of Congress, representatives from the State Department, and several of the affected families that as soon as the European Union voted to admit Romania, his government would then move expeditiously to resolve the previously approved adoption cases. While the European Union voted to admit Romania in April, Mr. Basescu's pledge has yet to be honored by his government.

Romania became a good ally of the United States almost immediately after the breakup of the Soviet Union and indeed played a pivotal role leading to the breakup. It is out of respect for the generally good relations between our countries—and with the hope that Romania will reciprocate in equal good faith—that I have decided not to offer the amendment in the Senate as I originally planned to do. Instead, I will work during the conference on the bill to come up with a solution to this issue which is in the best interests not only of our two countries, but those of the families and orphans who have unnecessarily been kept apart too long as well.

I hope that the Romanian Government will seize this opportunity afforded to them and take appropriate and expeditious action—posthaste—to allow these children to join their new families here in America.

Mr. MCCONNELL. I appreciate the comments made by the senior Senator from New Hampshire and I strongly encourage the Romanian Government—and the State Department—to address this important issue expeditiously. The committee recommends $20 million for assistance for Romania under the SEED account, which is equivalent to the budget request. It is my hope and expectation that this matter be successfully resolved prior to the conferencing of this bill.

AFGHAN MEDICAL RELIEF FOUNDATION

Mr. LAUTENBERG. Mr. President, I would like to bring to your attention the important work of the Afghan Medical Relief Foundation, AMRF, which was formed in 2004 to promote the prevention, awareness, training, and treatment of life-threatening diseases. They are focused in particular on diabetes, delivering insulin and providing treatment for 15,000 to 20,000 diabetic children, young people, and adults in Afghanistan. This organization opened four new centers in Kabul in April and May 2005. Nearly 2,000 new diabetic patients a month are visiting the centers.

Mrs. DOLE. Mr. President, I thank my colleague Senator LAUTENBERG for bringing this project to the attention of the chairman and ranking member of the Foreign Operations Appropriations Subcommittee. Approximately 900,000 Afghans suffer from diabetes and the subsequent complications that forever change an individual's life. Through the good work of the AMRF, the Ministry of Public Health has improved the quality of life for thousands of Afghanis by making diabetes education, prevention, and treatment a national priority.

Mr. BURR. Mr. President, I also thank my colleagues for bringing the

important work of the Afghan Medical Relief Foundation to the attention of the chairman. The AMRF has successfully trained 16 health care professionals to diagnose and treat diabetes, developed a uniform patient management model, and increased knowledge of diabetes among the diabetic and general population.

Mr. NELSON of Nebraska. Mr. President, I thank my colleagues for bringing this project to the attention of the chairman and ranking member as well. AMRF has worked closely with the Afghan Minister of Health and has made sure that diabetes is included in the basic national health care package in Afghanistan. As the people of Afghanistan continue the hard work of building a strong democracy, it is important they have access to essential resources, such as medicines and care, which are vital in creating a peaceful and secure society.

Mr. LEAHY. Mr. President, I thank the Senator from the State of New Jersey, the Senators from the State of North Carolina, and the Senator from Nebraska. This program sounds important. Unfortunately, the subcommittee does not earmark funds for specific organizations.

Mr. LAUTENBERG. Mr. President, It is unfortunate that the subcommittee is not able to support the work of the Afghan Medical Relief Foundation, but it is understandable why the subcommittee cannot do so.

Mr. LEAHY. Mr. President, I thank my colleagues from New Jersey, North Carolina, and Nebraska, and I thank them for bringing this project to my attention. This sounds like a worthwhile project for USAID to consider.

RWANDA HIV/AIDS PROGRAM

Mr. STEVENS. Mr. President, as my colleague, Senator COLEMAN knows, halting the spread of HIV/AIDS in Africa is an issue of paramount importance. The international community is at a crucial crossroads in the effort to treat and more importantly, stop the spread of this disease.

Mr. COLEMAN. Mr. President, yes, the distinguished Senator from Alaska is correct in his statement that this is an issue at a crisis point in Africa, and one that the United States has rightly committed ourselves to fighting. I have a particular interest in an innovative proposal by the University of Minnesota to partner with the government of Rwanda to institute a comprehensive training and support program that would provide HIV care to every HIV-infected Rwandan eligible for treatment within 18 months of implementation.

Mr. STEVENS. Senator COLEMAN recently brought the University of Minnesota's program to my attention. It is of particular interest to me because it provides for training and development of nurses and HIV care practitioners, as part of a program that will be self sustaining within 5 years of implementation.

Mr. COLEMAN. Yes, as my colleague mentions, this program seeks to address the health care infrastructure by training nurse practitioners through the University of Minnesota's excellent distance learning program for nurse practitioners. This program will dramatically increase the capacity of Rwandan medical and nursing schools, creating new physicians and nurses with a high standard of training for a permanent, skilled, and sustainable force of health care professionals in Rwanda.

Mr. STEVENS. The success of this program could eventually be a template to spread out into the rest of Africa. I hope to work with my distinguished colleague and the State Department on implementation of this important program.

Mr. COLEMAN. Yes, I will work with my colleague to gain funding for this important program.

SAFE DRINKING WATER

Mr. FRIST. Mr. President, safe drinking water is one of the biggest health challenges facing the developing world. According to the World Health Organization, approximately 1.1 billion people around the world lack access to clean water sources and 2.6 billion lack access to basic sanitation. As a result, approximately 1.8 million people die every year from diarrheal disease, and sadly, 90 percent of those deaths occur in children under the age of 5.

With an increasing world population and further constraints on our world's water resources, the problem is expected to worsen significantly before it begins to improve.

I commend the assistant majority leader, Senator MCCONNELL, the chairman of the foreign operations appropriations subcommittee, for providing $200 million to the U.S. Agency for International Development for safe water programs in his bill. Further, the chairman has allocated not less than $50 million of that amount for programs in Africa, where the need is significant.

In addition to Government aid, there is a growing effort in the private, nonprofit sector to address this problem as well. Organizations such as Millennium Water Alliance, Water Missions International, Living Water International, Water for People, The Nature Conservancy, Winrock International, The Aspen Institute, and many others are working to address global water issues. Also, the WaterLeaders Foundation is an organization dedicated to delivering comprehensive, safe water technologies throughout the globe, one village at a time. They are developing lightweight, low-cost, low-energy water purification systems that will soon be available to distribute to communities, schools, and orphanages to help turn back the tide on water-related diseases in Africa.

I would like to ask Senator MCCONNELL, the chairman of this subcommittee, if anything in this bill precludes any portion of USAID funds from matching private donations to assist these types of organizations from helping to provide safe drinking water for these types of activities?

Mr. MCCONNELL. I appreciate the comments from my colleague, and commend him for his leadership on the issue of safe water. I am proud of the commitment we have made in this bill to safe water programs, particularly with regard to Africa, and I agree that nothing in this bill would preclude USAID funds from matching the good work of these dedicated private, nonprofit organizations. In fact, it is my understanding that USAID has provided $1.1 billion these last 2 years to leverage over $3.7 billion in private funds for a variety of projects including safe water.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, earlier today I had to miss a rollcall vote on the Landrieu-Craig amendment because of a family commitment. I would have voted for the sense-of-the-Senate amendment to urge USAID to follow the principles of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

Senators LANDRIEU and CRAIG have been extraordinary leaders on the issue of adoption, and their work on the Congressional Adoption Caucus has been very important in our country and throughout the world in promoting the fundamental concept that every child deserves a safe, permanent home. This is a basic goal that we should strive for at every opportunity.•

Mr. SUNUNU. Mr. President, I offered an amendment to H.R. 3057 yesterday, which was accepted as part of a managers' package to increase economic support fund monies for Lebanon from $35 million to $40 million, and to increase the support of the American educational institutions in Lebanon out of those monies from $4 million to $6 million. I very much appreciate the assistance of Senator MCCONNELL and Senator LEAHY in that regard.

The Cedar Revolution, in which the people of Lebanon have expressed their frustration with outside interference in their internal affairs and with a sectarian brand of politics that has produced corruption, undemocratic practices, and a faltering economy, has inspired hope for major political transformation not only in Lebanon, but in other countries of the Middle East as well. It is important to express our support for the people of Lebanon, both symbolically and in concrete terms that will assist them in reviving their economy and in carrying forward a process of reform that still requires much effort and determination.

Fortunately, the Agency for International development has for some years run a small but effective assistance program in the country, relying largely on American nongovernmental organizations and education institutions which operate in Lebanon. USAID therefore has the experience and the partners to efficiently put additional assistance to good use. The

priorities should continue to be fostering fundamental democratic principles and economic recovery.

My amendment recognizes, as has the Appropriations Committee in its bill, the special role of the American educational institutions in achieving these goals. The American schools in Lebanon, through scholarships that these funds make possible, prepare the next generation of leaders by graduating young men and women who have a solid understanding of the forces of globalization, are committed to democratic values, and have the skills to reform their societies and bridge the differences between those societies and the West. Young leaders such as these will assure the future not just of Lebanon, but of the region as a whole. Lebanon benefits when such men and women from throughout the Middle East are educated at the renowned American schools in the country, as does the United States. It is therefore my intention that scholarship funds made available for these schools can be provided for students from any country within the region.

Mr. STEVENS. Mr. President, 30 years ago, Egypt and the United States developed what has become a strong partnership, dedicated to a stable and peaceful Middle East.

Egypt is a strong ally to the United States and is actively supporting the peace process in Israel and Palestine, Iraq, and the Sudan.

It has also made many democratic reforms in recent years. Women now hold a number of important political positions such as cabinet ministers, members of parliament, ambassadors, and judges.

The amended Egyptian constitution allows for multi-candidate presidential elections, and provides for equal access to publically owned media.

And a number of privately owned and managed television networks have been established.

It is important that we continue to support the positive changes taking place in Egypt, and encourage further democratic and human rights reforms.

I am concerned that conditions and limitations placed on the government of Egypt's ability to receive and spend funds will send a negative message to the people of Egypt.

The administration has expressed concerns about these legislative restrictions, which it believes could harm the relationship between our respective governments.

Mr. McCONNELL. Mr. President, a significant amount of time and effort goes into preparing this bill every year. I want to take a moment to recognize some of the dedicated staff involved in putting it together.

First, I thank my good friend from Vermont, with whom I have enjoyed working on this issue over the last decade, who is ably served by Tim Rieser and Kate Eltrich. Over the past few months, they have worked alongside my staff helping to draft a bill and report. They have my special thanks for a job well done.

Recognition also goes to LaShawnda Smith, Tom Hawkins, Harry Christy, and Paul Grove of my staff. I thank LaShawnda for keeping the subcommittee running. She does a terrific job.

Since coming to State-Foreign Operations 9 months ago, Tom has proven an invaluable member of our team. His oversight of the security and counter-narcotics programs is outstanding. Thank you, Tom.

Instead of protecting the President, Harry, a detailee from the Secret Service, has assumed his temporary duties as an appropriator in a professional manner. His work on State Department accounts has been invaluable, particularly given the most recent expansion of the subcommittee's jurisdiction.

Finally, I certainly want to thank Paul Grove, staff director, for his many years of great service with me on this assignment and other assignments in the past. There are many other people without whose help we would literally have no bill to report at all. I thank Bob Putnam, Jack Conway and, of course, Keith Kennedy. They should know that our staff greatly appreciates their patience, guidance and, when required, good humor.

For words, the editorial and printing shop is top-notch. Richard Larson is a consummate professional, nothing less than a committee treasure. He has my thanks, as do Wayne Hosier, Doris Jackson, and Heather Crowell.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would concur completely with the Senator from Kentucky on the people he has praised. He has left out one, himself. I praise the work he has done. We worked very closely together on this. I know that Tim Rieser on my side worked so closely with Paul Grove, and I appreciate the bipartisan nature of that. I thank Kate Eltrich; the newest member on our side, Jennifer Park; of course, Paul Grove, Tom Hawkins, Harry Christy, and LaShawnda Smith on the chairman's side. It has been very good. I think we could probably go on to final passage.

Mr. McCONNELL. Let me reiterate what a pleasure it is to work with Senator LEAHY. I have enjoyed our relationship over the years.

There is a request for a vote on final passage. I believe we are ready for that. I assume the yeas and nays need to be required.

Mr. LEAHY. I 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.

The PRESIDING OFFICER. The question is on engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—98

Akaka	Dodd	Martinez
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Obama
Bond	Frist	Pryor
Boxer	Graham	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Salazar
Burr	Harkin	Santorum
Byrd	Hatch	Sarbanes
Cantwell	Hutchison	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Lugar	

NAYS—1

Inhofe

NOT VOTING—1

Rockefeller

The bill (H.R. 3057), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The title amendment was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Virginia is recognized.

AMENDMENT NO. 1263, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of the leadership, I ask unanimous consent that notwithstanding passage of H.R. 3057, Salazar amendment No. 1263, as modified, which is at the desk, be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1263), as modified, was agreed to, as follows:

On page 326, between lines 10 and 11, insert the following:

INTERNATIONAL POLICE TRAINING

SEC. __. (a) REQUIREMENTS FOR INSTRUCTORS.—Prior to carrying out any program of

training for police or security forces through the Bureau that begins after the date that is 180 days after the date of the enactment of this Act, the Secretary of State shall ensure that—

(1) such training is provided by instructors who have proven records of experience in training law enforcement or security personnel;

(2) the Bureau has established procedures to ensure that the individuals who receive such training—

(A) do not have a criminal background;

(B) are not connected to any criminal or terrorist organization;

(C) are not connected to drug traffickers; and

(D) meet the minimum age and experience standards set out in appropriate international agreements; and

(3) the Bureau has established procedures that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards after receiving such training.

(b) ADVISORY BOARD.—The Secretary of State shall seek the advice of 10 experts to advise the Bureau on issues related to cost efficiency and professional efficacy of police and security training programs, including experts who are experienced United States law enforcement personnel.

(c) BUREAU DEFINED.—In this section, the term ''Bureau'' means the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(d) REPORT.—Not later than September 30, 2006, the Secretary of State shall submit to Congress a report describing the implementation of this section during fiscal year 2006. Such report shall also include the attrition rates of the instructors of such training and an assessment of job performance of such instructors.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. BOND, Mr. DEWINE, Mr. BROWNBACK, Mr. COCHRAN, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1042 by title.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. WARNER. Mr. President, I rise regarding the pending bill, provided that no other Senators seek recognition on another matter. Seeing none, I wish to accommodate my colleagues whenever possible.

It is now my privilege to once again bring forward for consideration by the Senate the annual Defense authorization bill. I commend my colleagues on the Armed Services Committee. We have a magnificent committee. All members are very active. Our attendance is good and I am proud that this institution has such diligent and hard-working Senators to provide their input to our work on the Armed Services Committee.

I also recognize what I view, and this may be slightly biased on my part, as one of the finest professional staffs of any committee of the Senate. We have had a long history of extraordinary, competent, fair-minded, open-minded people who want to devote their careers to the men and women of the Armed Forces and the causes for which they offer their life and limb, and that of their families.

Their work over the past several months has resulted in this important legislation. We completed the markup of this bill in record time and in the spirit of true bipartisanship. In particular, I am privileged to have the senior Senator from Michigan, Mr. LEVIN, a longtime, dear, and valued friend, as my ranking member and full equal working partner on this committee. He preceded me as the chairman of the committee, but we will not go back into those days, nevertheless.

Mr. LEVIN. The glory days.

Mr. WARNER. Mr. President, I have the floor.

We have served together on this committee for 27 years and we have, once again, with the other wonderful collection of Senators on this committee and the staff, produced a bill which clearly supports our men and women in uniform and their families, and strengthens the national security of our Nation.

I also want to acknowledge the strong support that we have received from the Republican leader and the Democratic leader of the Senate. These two individuals have teamed up in years past to assist the managers in getting this bill through the Senate. I cannot ever recall stronger leadership by the Senate leaders. Maybe when our distinguished colleague from West Virginia was the leader of the Senate at the time, I know he supported getting this bill through. His membership on this committee for these many years has been of great help to all of us who have been privileged to serve as chairman and ranking member.

The bill before the Senate was unanimously reported out of the committee on May 12. It reflects the strong support for the members of our Armed Forces. The bill provides $441.6 billion in budget authority for defense programs for the fiscal year 2006, an increase of $21 billion, or 3.1 percent in real terms, above the amount authorized by the Congress for fiscal year 2005.

At this juncture, I recognize the important contribution given by Senators STEVENS and INOUYE, the chair and ranking member, respectively, of the Senate Appropriations Subcommittee on Defense. It has been their hope that the Senate will act on this bill. Until such time as the Senate does act, it is not likely that they will proceed with the continuation of their deliberations, markup, and the like to bring their important bill to the floor. I say that because I want all Senators to recognize it is the intention of the Senate leadership and the managers of this bill, together with our two colleagues on the Appropriations Subcommittee on Defense, that this bill be acted upon by the Senate prior to the scheduled recess for the month of August.

I mention that because one Senator had very politely said to me: I would like to offer an amendment, but I think I will wait until after the August recess. I politely informed him that it is the intention of all parties that this bill be enacted prior to the August recess. He appreciated my candor.

This amount is consistent with the President's budget request and within the budget resolution adopted by the Congress. The bill also includes authorization for $50 billion in emergency supplemental funding for fiscal year 2006 to cover the cost of military operations in Iraq, Afghanistan, and throughout the world, together with our coalition partners, on the global war against terrorism.

I also acknowledge that while we put proper emphasis on Iraq, Afghanistan, and the war on terrorism, there are innumerable other missions undertaken night and day by the men and women of the Armed Forces for all aspects of the diverse security needs and requirements of this Nation. Many of them are on the far-flung outposts of the world performing those missions beneath the sea, above the sea, or in the air. We acknowledge with fervent gratitude their contribution, together with all of us who proudly served in uniform, and their families.

The past 3½ years have been a time of great successes and enormous challenges for the U.S. Armed Forces. The mission of our men and women in uniform has never been executed with better skill and dedication. I myself am privileged to have had modest experience in uniform. I have had the privilege of having an association with the men and women in uniform for 60 years. That is a long period of time. Almost without exception, in all those years at some point in time I have had the opportunity to either serve alongside of, or be in support of, the men and women of our Armed Forces. I had a very brief career in World War II, inauspicious as it was, and I had the opportunity to serve in that historic period. I would say unequivocally that, while our generation of World War II was referred to as ''the greatest,'' this generation is every bit as great if not greater in the complexity of the threats posed against this Nation night and day and the sacrifices they are

being called upon to make in the performance of their duties and those of their families.

The rapid success, and it was a rapid success, of Operation Enduring Freedom in Afghanistan and the rather prolonged but nevertheless successful operation to date, Operation Iraqi Freedom, has evolved into the hard work of reconstruction and stability operations in both theaters, necessary to secure peace and stability in their respective regions. Such important work brings with it new challenges associated with an extraordinarily high operational tempo on people and equipment and the need to counter asymmetric threats, including improvised explosive devices and the ever increasing, tragic, tragic use of the suicide bomber. Further, the responsibility of the Nation is to properly care for those who volunteer to serve—active, National Guard, reserve, retired, and their families. They deserve nothing less than our total support. The bill, in my judgment, meets those challenges.

This bill is being considered at a time when the United States continues to work with a coalition to defeat terrorism globally and defend freedom and democracy. The recent tragic aftermath of terrorist bombings in London reminds us once again, in this global war on terrorism, of the ruthless nature of the enemy we face. When I say ''we,'' it is not only the United States, but freedom-loving people wherever they are in the world. It is a war we must and will win.

Hundreds of thousands of soldiers, sailors, airmen, marines, and Coast Guardsmen—active, reserve, and National Guard—and countless civilians who support military, diplomatic, and humanitarian operations are serving valiantly in Iraq, Afghanistan, and other locations to secure the hard-won military successes and to preserve peace and freedom. Successful elections in Iraq and Afghanistan in the past year are testament to the yearning of those people for a voice in their own destiny, the willingness of the United States to assist, and the professionalism of the brave Americans and their coalition partners who volunteer to serve. The U.S. Armed Forces serving around the world are truly the first line of defense in the security of our U.S. homeland.

We are all mindful of the risks members of the Armed Forces face every day, and of the sacrifices made by the families and their communities. I repeat, the communities are so involved with the men and women of the Armed Forces stationed overseas, the men and women in uniform who have been asked to do much in the past year and who responded in the finest traditions of the generations of Americans who preceded them. The American people are proud of their men and women in uniform, and what they have accomplished to protect our freedom here at home and abroad.

While recent successes have proven the value of past investment in the people and equipment of the U.S. Armed Forces, this is no time for any complacency. The recurring lessons of our military operations are that national security threats are ever changing and persistent. Victory and successes must be accomplished by vigilance and preparation. Such vigilance takes the form of enhanced readiness for today's Armed Forces, and preparation for future threats to the security of the United States, its interests, and its allies.

In preparing this legislation, together with the members of our committee, we identified seven priorities to guide our committee's work on the national defense bill now before the Senate. The first priority is to provide our men and women in uniform the resources they need to win the global war on terrorism; second, to enhance the ability of the Department of Defense to fulfill its homeland defense responsibilities; third, to provide the resources and authorities needed to rapidly acquire the full range of force protection capabilities for deployed forces, particularly with regard to improvised explosive devices; fourth, to continue the committee's commitment to improve the quality of life for those who serve—active, reserve, National Guard, and retired, and their families, with particular emphasis on recruiting and retention and on the health care for those who bear the wounds of our war; fifth, to sustain the readiness of our Armed Forces to conduct military operations against all current and anticipated threats; sixth, to support the Department's efforts to develop the innovative, forward-looking capabilities necessary to modernize and transform the Armed Forces; and, finally, to continue active committee oversight of Department programs and operations, particularly in the areas of acquisition reform to ensure proper stewardship of taxpayer dollars.

With passage of the bill before us, the Senate has the opportunity to send a strong message in support of the men and women of the Armed Forces serving at numerous posts at home and abroad that America values and honors their service and that of their families.

The bill contains much-deserved pay raises and benefits for military personnel and their families, enhanced survivor benefits for those whose loved ones have made the ultimate sacrifice, improved health care for both active and reserve components of personnel and their families, and prudent investments in the equipment and technology our military needs to address current and future threats.

I urge my colleagues to debate this bill in a constructive spirit and to support its adoption.

There is one issue I would like to highlight: My colleagues and I on the committee, and I think almost every member of the committee shares this view, and many of us in the Senate—we are all concerned about the declining state of the building of new ships for the U.S. Navy. We do not believe the current or projected level of funding for shipbuilding is adequate to build the numbers of ships our Navy needs to perform and continue to perform its global missions. Always remember, the Constitution of the United States directs this Congress to raise its armies, but ''maintain'' a Navy. The Founding Fathers were specific in that direction to the Congress and it is our duty to fulfill it. They had the foresight to realize that a navy can not be quickly constituted or reconstituted. It takes a decade or more from the concept of a new ship through the years to prepare the plans, to test the ship, to test the system, and to finally slip it down the ways of the shipyard, and then for a period of time to further test it before it gains its ability to join the fleet. That is a long time.

In many respects that was as true years ago as it is today, so we must learn the lesson that it takes time to maintain our Navy. As a maritime nation, that presence of our Navy is often displayed in the form, not only of our ships, not only through ensuring open sealanes of communication and training in international waters, but also the inherent diplomatic mission of visiting our ports and proudly showing Old Glory, our flag. The Navy currently has 288 ships in the active fleet. This is the smallest number of ships in the Navy since before—I would like to repeat this—the smallest fleet since before World War II. That is before December 7, 1941.

I believe the shipbuilding budget must be reviewed by the administration as a matter of utmost urgency in the coming year, and I respectfully urge the President to establish a special shipbuilding fund, to direct the OMB to provide a dedicated fund for the building of ships rather than each year make the allocation—so much to the Department of the Navy, so much to the Department of the Air Force, so much to the Department of the Army. Keep those allocations as they are devised each year, but superimpose on the allocation of funding for the Navy a sum of dollars to turn around this declining curve of shipbuilding.

America has much to be thankful for in terms of its patriotic young Americans who volunteer to serve and who have individually and collectively performed with such professionalism and distinction in defense of the United States. The efforts of the U.S. Armed Forces have been remarkable, but they are not without cost—the loss of priceless lives that must be honored and remembered; the responsibility to care for the survivors and their families; the cost of ongoing operations and related refurbishment or replacement of heavily used equipment; and the responsibility to assure that those who serve, and their families, receive the quality of life and the benefits they need and to which they are entitled.

I believe the National Defense Authorization Act for fiscal year 2006 prudently addresses the defense needs of

our Nation and recognizes the service and sacrifice of our men and women in uniform and their families, provides the resources necessary to win the global war on terrorism, and makes the necessary investment to provide for the security of our Nation in the years to come.

I urge my colleagues to join me in sending a strong message of bipartisan support for our troops at home, their families, and to the other nations in the world—America is committed to freedom.

I yield the floor.

The PRESIDING OFFICER. Who seeks time? The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I join with the chairman of the Armed Services Committee, Senator WARNER, in bringing S. 1042, the National Defense Authorization Act for fiscal year 2006, to the Senate floor. I do so proudly. I am always proud to stand next to Senator WARNER and with Senator WARNER and our staffs in bringing this bill forward. It has been many years that we have done this together, and we always look forward to it because it is a time we, together with our staffs, can spend time trying to strengthen the security of this country in a bipartisan way.

This bill, to my memory, has always been a bipartisan bill. Our staffs work together on a bipartisan basis. The way they have worked together should be a role model for how we in the Senate should be working. I congratulate Senator WARNER for his leadership of our committee. He sets the right pattern for all of us. Again, it is an honor to be standing here with him.

The bill we bring before the Senate is the product of 3 days of markup. I do not believe we needed a single recorded vote. There may have been some voice votes where there were some differences, but I don't even remember that. I think we worked out all of our differences. Where there were differences that remained, I think we actually were able to address them, if not resolve them, but without actually a recorded vote, if my memory is correct. That is quite a tribute to the leadership of Senator WARNER as well.

We have a common interest in providing the support the men and women in uniform need and deserve. We are unanimous on that, regardless of our positions—which differ. As Members of the Senate we don't all have the same position on events in Iraq—how we got there and how we proceed from here. There is no unanimity on that issue. And on a number of other issues there is not unanimity. But where there is unanimity is that once that decision is made democratically to send our men and women to war, in harm's way, we stand behind them. And on that there is no dissent regardless of the positions of different Senators on the underlying issues. The men and women in uniform deserve our support. They are entitled to the support. During the Vietnam era, we had times when men and women in uniform did not receive the support they deserved. That has not been true since Vietnam. And finally, I think our people recognize that the men and women we put in harm's way, who are in the uniform of the United States, when the Commander in Chief, the Congress make a decision that they go to war, they are entitled to the full support of the people and of the Congress of the United States.

We are proud of these troops. Senator WARNER and I have done many things together in the Senate, and one of them has been to travel to visit our troops. We have seen some of the most amazing men and women this country can produce who are in uniform, some of the most professional, dedicated, committed, patriotic people you will ever find representing the United States in uniform. We have been to far-flung places of the world. We have traveled long distances, but whenever we arrived where we were going, we have had that kind of feeling that whatever the thousands of miles were that we traveled to get there, it was worth it just to be inspired literally by the men and women who represent this country and take the risks for all of us.

The bill that is reported by the Armed Services Committee will improve the quality of life of the men and women in uniform, provide funding needed to continue ongoing military operations in Iraq and Afghanistan, make needed improvements to the management of the Department of Defense, and authorize critical investments that are needed to reduce the risks the United States will face in the 21st century.

First and foremost, the bill before us continues the increases in compensation, in the quality of life our service men and women and their families deserve as they face the hardships that are imposed by continuing military operations around the world. Those demands have increased significantly over the years, and we have tried to respond to those demands and to those increased hazards which the men and women face.

In particular, the bill would authorize a 3.1-percent across-the-board pay raise for military personnel, authorize a $70 million increase in childcare and family assistance, services for military families, and authorize additional funds for supplemental education aid to local school districts affected by the assignment or location of military families.

We have increased the death gratuity to $100,000 for survivors and military members who die in a combat zone, and we are going to have an amendment which will broaden that further. We have increased from $250,000 to $400,000 the maximum amount of coverage available under the Service Members Group Life Insurance Program.

Second, the bill would provide funding needed to continue ongoing military operations in Iraq and Afghanistan and help address the challenges our military faces around the world. For instance, the bill would authorize a $50 billion supplemental to cover part of the cost of ongoing military operations in Iraq and Afghanistan over the coming years. We know that supplemental is going to be needed. We on the Armed Services Committee asked the Budget Committee to add this money for our authorization bill because we have to plan on this expenditure. We know it is going to take place, and we should authorize it as part of a regular budget process and not just simply leave it to supplemental funding.

So we are authorizing a $50 billion supplemental for 2006 to cover ongoing military operations in Iraq and Afghanistan. It is far more realistic budgeting than we have too frequently not done in the past.

Our bill authorizes an increase in the Army's active-duty end strength by 20,000 people to a total of 52,400 soldiers for fiscal year 2006. It is going to be a challenge to meet that new end strength just in terms of recruitment, but we are determined that we are going to try to respond to the demand of our members of the military by increasing the size of the Army's active-duty end strength. We have added 20,000 to that and added $1.4 billion over the President's request for force protection gear for our soldiers in Iraq and Afghanistan. We authorize almost $350 million for up-armored vehicles to provide additional force protection for our troops in the field. That represents an increase of $120 million over the President's budget request.

We direct that $500 million be dedicated to the joint improvised explosive device, IED, task force to facilitate the rapid development of technology to counter the top threat to our men and women in Iraq and Afghanistan. The chairman of our committee described the threat in terms of those IEDs and what we are doing to respond to that threat, which is everything we possibly can do given its nature and the fact that threat is really, if not the top threat, one of the top threats to our service personnel.

Our bill authorizes up to $500 million for the continuation of the Commanders Emergency Response Program. This program enables our military commanders in the field to respond quickly and flexibly to urgent requirements in fiscal years 2006 and 2007. They have told us that this authorization and appropriation which follows is one of the most effective actions we can take to increase their capability in the field, and that Commanders Emergency Response Program continued at $500 million for these 2 years is provided.

Third, the bill contains a number of important provisions to improve the efficiency and the transparency of the Department's operations. For instance, the bill contains provisions that would prohibit the inappropriate use of contracting techniques that result in the heightened risk of fraud and abuse by

limiting the Government's insight into contractor cost and performance in the acquisition of major weapons systems.

It addresses continuing awareness of interagency contracts by requiring the inspector general to review major interagency contracts which have been used by the Department of Defense. There have been real abuses in these interagency contracts, and we have, indeed, had a number of hearings over the years into some of these abuses where one agency uses the contract of another agency in order to carry out some function, but there is no transparency. Nobody knows it is done. You can do it noncompetitively. There is too much opaqueness in that process, and we are trying to make sure the abuses in the interagency contract area are addressed, and so we require the inspector general to review the major interagency contracts the Department of Defense is using or has used.

Our bill strengthens the defense ethics oversight by requiring major defense contractors to identify former Department of Defense officials on their payrolls and by requiring a review of ethics rules that are raised by the increased use of contractors to perform Government acquisition functions, and we establish a contract fraud risk assessment team to assess the vulnerability of Department of Defense contract fraud, waste, and abuse and require the Secretary of Defense to develop an action plan to address these areas of vulnerability.

Finally, the bill contains a number of critical provisions that should help reduce some of the risks our country will face in the coming century. We are particularly pleased that the bill authorizes the budget request for the Department of Defense Cooperative Threat Reduction Program and related Department of Energy nonproliferation programs. The greatest probable threat we face as a nation would be if a terrorist or terrorist group could get their hands on a nuclear weapon or weapon of mass destruction.

There are too many loose nukes in this world. We have to do more to address the proliferation threat. I don't believe the funding in this bill is adequate. I hope we can find a way to increase the amount of funding that goes into this threat reduction program and the other nonproliferation programs that are funded in this bill. Other than giving all the support we possibly can to our troops, there is probably nothing in this bill that directly addresses the greatest threat we face, which is the threat of a nuclear weapon in the hands of a terrorist, than this threat reduction program and the nonproliferation programs which are aimed at securing nuclear weapons and other weapons of mass destruction.

Our bill provides the President permanent authority to waive on an annual basis the condition that must be met before the Cooperative Threat Reduction Program money can be provided to countries of the former Soviet Union. This is an authority which the administration has requested. Instead of having to come to us each year for this authority, we believe it should be made permanent. Our bill enhances the authority of the Secretary of Defense to use cooperative threat reduction funds to address risks of proliferation of weapons of mass destruction outside the countries of the former Soviet Union. We not only have nuclear weapons and weapons of mass destruction inside those countries, we have those risks outside, and we ought to use this program to address again what is surely the most, or one of the most, serious risks any nation can face.

We in our bill earmark $100 million of missile defense money specifically for enhanced ground and flight testing to require objective testing and evaluation of the operational suitability of each block of missile defense that is produced.

There hasn't been enough testing in this program. There has been too much buying before we fly, and we are trying to see if we can't take some of the risk out of this program, to see, if we are going to proceed, whether we can't proceed in a way which would guarantee a system which is effective and workable and useful rather than just plowing billions of dollars into a system procuring missiles that may never be usable. So we take some of this money, specifically $100 million of that program, and we address it specifically to ground and flight testing in addition to what was previously planned.

We add $20 million to the President's budget to accelerate chemical demilitarization activity and to enable the United States to meet obligations under the Chemical Weapons Convention.

While this bill takes many important steps to fund the national defense and support our men and women in uniform, there is more that we can and should do. I would like to just mention a few areas that I hope we can revisit as our bill is considered in the Chamber.

First, the bill contains a provision that would increase the military death gratuity from $12,000 to $100,000, but it is restricted to combat-related deaths. That means that the families of soldiers, sailors, airmen and marines who die in the line of duty outside of the combat area will still receive only $12,000. Our top military officers have uniformly testified that the amount of the death gratuity should not be dependent on the circumstances of somebody who is on active duty. The death of a family member in an accident, for instance, while on active duty can be every bit as hard on a family as a death in Iraq or Afghanistan. Somebody who is killed while being trained for duty in Iraq or Afghanistan should surely have his or her family provided with the same kind of benefit as somebody who is killed in combat. From the family perspective and I think morally, there is no significant difference. They are on active duty, they are taking risks, and they are killed while taking those risks on active duty.

The Chairman of the Joint Chiefs of Staff testified before our committee the following:

> When you join the military, you join the military. You go where they send you. It's happenstance that you are in a combat zone or at home. And I think we in the past held treating people universally foremost and consistently and that's how I come down on that.

So our top uniform folks support the uniform application of that benefit to $100,000 for people who are on active duty.

Earlier this year, the Senate adopted that position. We adopted an amendment to the Emergency Supplemental Appropriations Act which would have made the families of all soldiers, sailors, airmen, and marines who die in the line of duty eligible for the full death benefit. The appropriations amendment was dropped in conference, but we should try again. I hope the Senate will stand strong on this issue and adopt a similar amendment to our bill.

Second, while the bill takes many positive steps to improve compensation and benefits for our men and women in uniform and their families, we have to do more for Guard and Reserve forces who are bearing so much of the burden in our current military operations.

Never before have we relied so heavily on the Guard and Reserve to serve on active duty over such an extended period of time. All members, representing different States, understand that. The families of the men and women who are in our Guard and Reserve forces have reminded us about how overly stretched those forces are. We do not get many complaints from the men and women themselves. They are too professional to do the complaining. We hear from families. We hear from employers.

Again, we have never before relied as heavily on our Guard and Reserve forces to serve on active duty for extended periods of times as we do now. Studies have shown that 40 percent of our junior enlisted members in the Reserve components nonetheless have no health insurance except when they are on active duty. I hope we can develop an approach to this problem that uses the military's TRICARE health care program to ensure that members of the Reserve component have adequate health insurance and are medically ready when called upon to serve.

Third, the bill earmarks $100 million of missile defense money specifically for enhanced ground and flight testing and requires objective testing and evaluation of the operational capability of each block of missile defense which is produced. Those are positive steps, as I have said, which will move us in the direction of the ''fly before you buy'' approach that we insist on with other major acquisitions.

However, the bill also authorizes more than $60 million in long-lead

funding for more interceptors on top of the 30 we already are buying, even though those interceptors are not subject to operational testing and evaluation. If we want a missile defense that works, rather than one that sits on the ground and soaks up money, we should insist on testing the missiles that we already have before we go out and buy more.

Finally, the administration requested $8.5 million for research and development of the robust nuclear earth penetrator, even though Congress canceled this program last year. Although the bill does cut $4.5 million of the Air Force money from this program, it authorizes the Department of Energy to spend $4 million to resume the feasibility study. Instead of being a leader in the effort to prevent the proliferation of nuclear weapons, we, ourselves, pursue the development of a new nuclear weapon. It is exactly the wrong message to send to the rest of the world.

We are trying to persuade the rest of the world, don't go nuclear. We are telling some of those countries, if you do go nuclear, we may take very serious action to prevent you from crossing certain red lines. Yet we, ourselves, again are on the verge of putting in money to resume a feasibility study for a new nuclear weapon to be developed. I know it is only a study, but it is a message. It is a loud message. It is a dramatic message. It is a compelling message. It is a persuasive message, and it is used against us when we go to other countries and say: Don't go down that nuclear road.

They say: Wait a minute. You are considering the possibility of going further and you already have thousands of nuclears and you are trying to persuade us that we should not be using nuclear weapons to defend ourselves when you are studying an additional use or additional weapon yourself? It weakens our argument and it weakens the argument that we must make against the most serious threat we face, which is the proliferation of nuclear weapons.

Finally, as our chairman has said, as we begin consideration of this bill, the men and women of our Armed Forces, both Active and Reserve, are deployed in harm's way in many areas of the globe that are subjected to daily armed attack in Iraq and Afghanistan. We joined together in standing behind our troops in expressing pride the extraordinary accomplishments on the battlefield. This bill will do much to provide them with the equipment they need and the compensation and benefits they deserve. If we can do more, we ought to do more. They deserve it, and their families deserve it.

We have important issues to debate. Again, I conclude by thanking Chairman WARNER for his leadership, bringing this bill to the floor and having this bill in the fairly complete shape it is in coming to the Senate. I thank him for his leadership of our staffs. We have wonderful staff, as he mentioned, and we have a wonderful committee.

We are blessed to have members on our committee who all contribute in such important ways to the production of the bill. One of those members just walked off the floor. I, as Senator WARNER did, want to recognize Senator BYRD although he is not here. He is stalwart in his commitment to this Senate and to this Nation. There are times when his plate is so overly full and his heart is so heavy, but nonetheless he performs his duty, and he is an inspiration to all members. All members of our committee deserve praise for the contribution they made to the bill.

Mr. WARNER. Mr. President, I certainly concur in those observations about our highly esteemed colleague from West Virginia. I thank the Senator for his kind remarks.

I think this is No. 27 for us—a quarter of a century. It is a pretty good record.

I am quite anxious, as I know the Senator is, that Senators bring forth amendments.

I will propose an amendment for deliberation. Moments ago, I notified your staff about it. I am perfectly willing to procedurally take it up because I know two colleagues on that side of the aisle are interested in the same subject. We notified our offices this amendment would be brought up. They may have some views on it. I hope they will address their views.

AMENDMENT NO. 1314

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia, [Mr. WARNER], proposes an amendment numbered 1314.

Mr. WARNER. 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 increase amounts available for the procurement of wheeled vehicles for the Army and the Marine Corps and for armor for such vehicles)

On page 303, strike line 3 and all that follows through page 304, line 24, and insert the following:

(3) For other procurement $376,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (a)(3), $225,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and torpedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for the Marine Corps in the amount of $429,600,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $104,500,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

Mr. WARNER. Mr. President, there has been tremendous effort of our committee on both sides of the aisle with respect to the equipment being used, primarily in Iraq at this time, but could well be used elsewhere. We refer to them as the up-armored high mobility multipurpose wheeled vehicles; humvees are part of that. There is a range of these vehicles.

The purpose of this amendment is to add $105 million to the Army and $340 million to the Marine Corps for emerging up-armored HMMWV requirements that the United States Central Command, under General Abizaid, has established.

In the last few days, I was down at Quantico where they have a magnificent research and development and forward-looking contingent. I looked on the parade grounds at a series of vehicles being modified in certain ways to provide a greater degree of protection to the occupants—namely, our soldiers or Marines—who must use these vehicles in the face of this insidious, frightful threat of suicide bombers, implanted bombs which are activated by different devices, even a simple cell phone. This is tough going.

I commend a number of Senators—Senator KENNEDY, Senator BAYH, a number of Senators on my side—who have been working this issue for some years. The hour and the time has come to add significant sums of money.

At some point in this debate on the amendment I will go into further detail, but the Committee on the Budget allocated to the Committee on Armed Services a very significant amount of money to be authorized at our discretion for the purposes of the immediate requirements of the military in connection with their missions today, primarily in Iraq and Afghanistan.

The Army's current global war on terror requirement for up-armored HMMWVs is 10,000 vehicles. The Marine Corps current global war on terrorism requirement for up-armored HMMWVs is approximately 500 vehicles.

The markup of the fiscal year 2006 Defense bill, the one we are on, recommends that $120 million be provided to the Secretary of the Army to address the emerging up-armored HMMWV requirements toward its 10,000-unit requirement. The Secretary of the Army was provided the authority and flexibility to procure up-armored HMMWV's tactical wheel add-on armor, the M1151, the M1152 HMMWVs, once the Army received a validated requirement from a combatant commander. The amendment is funded for 11,693 up-armored HMMWVs, and the Marine Corps is funded for 498 up-armored HMMWVs through December 2005.

Since the markup of the fiscal year 2006 authorization bill, the committee has received new information that justifies, in our judgment, the increase of the Army and the Marine Corps requirement for dollars to meet the up-armored HMMWV goals. The Army has an emerging requirement for up-armored HMMWVs for Afghanistan which may increase the overall requirement by 300 up-armored HMMWVs.

The Marines Expeditionary Force Forward Commander recently requested that all HMMWVs in his area of operation be upgraded to the up-armored HMMWV variant. This could potentially increase the Marine Corps requirement to 2,814 up-armored HMMWVs, of which 988 are now funded.

In keeping with the commitment of the Committee on Armed Services to meet all force protection requirements, this amendment proposes to add $105 million to the Army budget authorized and $340 million to the Marines Corps to allow the Department to respond quickly to the commander's request. It is there.

This is quite a complicated amendment. A number of Senators have expressed an interest in this amendment. I would like to debate this tonight. I request the leadership consider having a record vote in due course. I urge Senators who have an interest in this matter to communicate with me or Senator LEVIN.

I would like to have Senators' views. I propose to put it to one side; thereby giving a full opportunity for all members to express their views. Again, I will seek the authority of the leadership to have a record vote on this. Each Senator will want to vote on this amendment. I cannot think of any equipment issue more important to the men and women from your States than this.

I want to accommodate my colleagues, and I will yield the floor so my distinguished colleague, Senator LEVIN, can make such comments as he wishes.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, first, this amendment addresses a very significant issue, which took up a lot of time of the committee. We have, in the bill itself, added some additional money to what the administration requested because their request was so inadequate to the threat. We have found over the period of time we have been in Iraq and Afghanistan a totally inadequate response to our armor needs.

We have had I don't know how many hearings in the Armed Services Committee—the chairman says about five; and that would be about my recollection, too—where we have pressed our military leaders, the Secretary of Defense, as to why there has been such a slow response to such an obvious need. So we have been pressing very hard to provide all of the adequate resources. We get different answers from the people who run the Defense Department than we get from the people who are providing the vehicles.

We were told, for instance, by the manufacturer that they never got a request for an increased amount. On the other hand, our military leaders said: Well, sure, we pressed for an increase in the amount.

We have a total conflict on the subject of whether there was ever a time when funding was short, because the committee was determined that we provide all of the resources—all of the resources—that are necessary to provide the armor. It is inexcusable we have men and women who are subject to these devices on the side of the road who do not have the best armor.

Hearing after hearing, we put pressure on our civilian and uniformed leaders to provide the equipment our men and women deserve, and the armor our men and women deserve.

There has been a number of Members of our committee, particularly Senator KENNEDY, Senator BAYH, and others, who have had not only a major interest in and made a major effort to press for additional funding and for additional armor but who I know are interested in this subject on this bill.

So I suggest to my friend from Virginia that we give them an opportunity to read what he has now offered because I think it would be very possible they may want to either go in a slightly more increased direction or in a different direction. And I am not sure, they may want to offer a second-degree amendment to this amendment or they may be perfectly happy to cosponsor it. But I would like to give them an opportunity, since this does come at this hour, to read to see exactly what is being proposed since they have such an interest in this issue and I know they were planning on offering language on this bill.

I would join in the suggestion that this language be available promptly to the members of the committee or any Member of the body because I think every Member of this body has had an interest in trying to press the Defense Department to provide greater armor at greater speed.

I have been very dissatisfied, publicly, as to an issue having to do with the fact that our military leaders tried to get the manufacturer, as we understand it, to have a second source. That would have required the manufacturer to share some technology with the second producer. According to one story, they refused to share the technology with a second producer. If that is true, as I said publicly before, it would be pretty shocking we would have a contractor who produces material for the Defense Department, who knows we desperately need more, who would not share the technology with a second source so we could produce the armor a lot faster.

There is a lot of significant background. I think we ought to give every member of our committee and every Member of the Senate an opportunity to take a look at the approach the chairman is proposing to see whether this meets the various needs and thoughts of Members of the Senate. I welcome the chairman's willingness to lay this amendment aside to give those Members an opportunity.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is a perfectly reasonable request. I fully wish to accommodate my colleague's wishes. We will lay this amendment aside. But I would like to draw attention to the fact that the subject is one which has been under constant review, the subject of five hearings in committee over a period of time. It is so important, I would like to have this bill start off with the amendment. I am hopeful, with the concurrence of the leadership, we can address this amendment this evening.

I am perfectly willing to lay it aside now and let colleagues come over and speak to it, as you say, and take such parliamentary steps as they so desire.

So at this time, Mr. President, I ask unanimous consent that the pending amendment of the Senator from Virginia be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1315

Mr. WARNER. Now, Mr. President, I have, I think, discussed with our colleague another amendment. It relates to a subject that one of our distinguished Members of the House of Representatives, Congressman SKELTON, sent. He actually brought this up as a freestanding issue in the House of Representatives. It was considered by the House and adopted. So it is now, presumably, before the Senate as a freestanding item. But it would be my desire, subject to the viewpoints of my colleague, Senator LEVIN, that it be incorporated in this bill, identical to what Congressman SKELTON wishes to do.

The essence of it is as follows: The National Defense University and the Joint Forces Staff College do an extraordinary job of preparing our military and, indeed, a number of civilian personnel for greater responsibility. The Joint Advanced Warfighting School, which is part of the Joint Forces Staff College, has created and is now presenting a course on Joint Campaign Planning and Strategy.

The first class graduated recently, and it was composed of an impressive group of global war on terrorism officers, in other words, officers who are devoting, at this time, their professional attention to this subject.

The amendment authorizes the award of a Master of Science degree, and it is one I think is deserving of the consideration of this body and, hopefully, adoption by this body. It is an amendment which I will now send to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes an amendment numbered 1315.

Mr. WARNER. 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 authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy)

At the end of subtitle H of title V, add the following:

SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

"§ 2163. National Defense University: master of science degrees

''(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

''(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

''(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

''(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

''(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

''(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2163. National Defense University: master of science degrees.''.

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

Mr. WARNER. In brief, the amendment would amend section 2163 of title 10, United States Code, to authorize the president of the National Defense University to confer the degree of Master of Science in Joint Campaign Planning and Strategy on those students attending the Joint Advanced Warfighting School at the Joint Forces Staff College who pursued the particular course.

The Joint Forces Staff College initiated a new advanced course of study in Joint Campaign Planning and Strategy in 2004. The program received its full accreditation from the Department of Education in the fall of 2004. As I said, the first class graduated in 2005. So the legislation would authorize conferral of the degree retroactively to that class of 2005 and prospectively to the future classes.

Mr. LEVIN. 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. WARNER. 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. WARNER. Mr. President, the pending amendment which I sent to the desk, I ask unanimous consent that it be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I rise to discuss the bill before us, S. 1042, the National Defense Authorization Act for fiscal year 2006. I am pleased to serve under Chairman WARNER and Ranking Member LEVIN on the Armed Services Committee. It is a particular thrill for me to have that honor.

I am privileged to serve as the chairman of the Subcommittee on Strategic Forces. In that capacity, I have worked hard, our staff has worked hard, in cooperation particularly with my ranking member on the Strategic Forces Subcommittee, Senator NELSON of Florida. Our efforts have been to contribute our part to the bill that is now before the Senate.

Under the leadership of Senator WARNER, we believe we have achieved our goal of bringing forward legislation that serves the national security needs of this country, protects the interests of our fighting men and women, and does so while making deliberate and judicious use of precious taxpayer dollars. We simply have to be frugal. There is no money to waste.

The Strategic Forces Subcommittee exercised oversight for the Department of Defense budget request for missile defense, strategic forces, space, intelligence, surveillance and reconnaissance, and intelligence support activities. The DOD budget request in these areas included $9.5 billion in procurement, $27.2 billion in research and development, and $3 billion in operations and maintenance. The administration budget request also included $14.8 billion for the Department of Energy nuclear weapons and environmental management programs and activities.

The bill reflects a net increase of $40 million in procurement, a net decrease of $16 million in research and development, and a net increase of $11 million in the amount requested in operations and maintenance, for a total net increase of $35 million—not a lot of increase. It also reflects the requested level of funding for the Department of Energy programs and activities.

The bill fully funds the request for missile defense, but it does so in a way that reduces some funding for longer term developmental efforts to support near-term capabilities and enhanced testing. Overall, $8.8 billion was requested for missile defense activities, of which $7.8 billion is for the Missile Defense Agency.

Significant funding actions in the markup include an increase of $100 million for the ground-based midcourse defense system to enhance ground and flight testing, and an increase of $75 million for the Aegis BMD system to improve system performance and to accelerate SM–3 missile delivery in 2007. Both of these systems, while continuing to undergo development and testing, are available today for use in an emergency to protect the United States and its allies against limited ballistic missile attacks. By focusing

on near-term capabilities, this bill sends a strong message to potential adversaries that the United States is no longer vulnerable to ballistic missile threats or coercion.

The bill makes significant adjustments to the President's budget request for military satellite programs. The bill recommends a $200 million reduction in the Transformational Satellite Program, TSAT, to put the program on a healthier developmental track; an increase of $100 million for the Advanced Extremely High Frequency Satellite Program, AEHF, to begin procuring a fourth AEHF communications satellite; and a reduction, however, of $75 million for the Space Radar Program due to insufficient programmatic and cost definition. We expect this Space Radar Program to be successful as time goes by.

Related to the Department of Energy, the bill includes $14.8 billion for nuclear weapons and environmental management programs for the fiscal year 2006, the amount requested by the administration. Of this amount, $6.6 billion is for the National Nuclear Security Administration nuclear weapons activities.

The bill includes a few modest increases to help reduce deferred maintenance and to support the infrastructure of the nuclear weapons complex. The bill also increases funding for security at Department of Energy sites. This is a reflection of the need to enhance security at these sites in response to the potential threats that exist after 9/11.

The bill also includes authorization at the budget request to continue the feasibility study of the robust nuclear earth penetrator, RNEP. This bill does not, however, provide any funding for Air Force activities to integrate RNEP into a delivery platform. The committee has honored the balance struck 2 years ago when Congress enacted a provision prohibiting the administration from proceeding beyond a feasibility study of RNEP without explicit authorization from Congress. No such authorization was sought by the administration this year, and none is provided. The $4.0 million provided for RNEP is for continuation of the feasibility study and nothing beyond that.

The bill also funds the Department of Energy Environmental Management Program at $6.6 billion. The Environmental Management Program is addressing the environmental cleanup needs at Department of Energy nuclear sites. This environmental contamination is an unfortunate and highly expensive legacy of our victory in the Cold War. Our bill provides appropriate funding to continue this cleanup program.

Again, I thank the ranking member on the Strategic Forces Subcommittee, Senator NELSON, for working with me on this legislation and throughout our hearings and in the markup leading up to this point. The Armed Services Committee takes a lot of time and deliberation to produce this bill. It is the product of a lot of hard work, a lot of hard choices, and a fair amount of compromise. I hope my colleagues will support the bill that our committee has produced. I again express my appreciation to Chairman WARNER for his leadership, for the fact that we have been able to move this bill promptly this year. I think our Nation is going to benefit from many of the important provisions that are contained in it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank my longtime friend and committee member, the Senator from Alabama. We have worked together. We have traveled together. We have been to Iraq together. We went down last Friday to Guantanamo to inspect the detention facilities down there. He has always responded to the request of the chairman, pack a bag, will travel, take on any mission. I thank him.

I also thank him for working as subcommittee chairman and getting the work done in his subcommittee.

Mr. SESSIONS. Mr. President, I thank the chairman. There is no committee on which I serve that is more of a pleasure to work and has a better bipartisan spirit. Chairman WARNER and Senator LEVIN deserve much credit for that. We get to make a number of trips. Nobody makes more trips than Chairman WARNER, but it is a thrill to visit our fine men and women in uniform in the highly dangerous areas that we many times get to visit.

It is an honor to be on the committee whose responsibility it is to support them.

I thank the chairman.

Mr. WARNER. I thank my colleague.

Mr. President, we are working with the other side. I think we have a package of cleared amendments, but maybe the Senator wishes to address something else.

AMENDMENT NO. 1315

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the amendment which was just offered has now been cleared on this side relative to the degree at the university. We support it. Senator NELSON is our ranking member. We wanted to doublecheck with him.

The PRESIDING OFFICER. Is there further debate on amendment No. 1315?

If not, the question is on agreeing to the amendment.

The amendment (No. 1315) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. 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. WARNER. 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. WARNER. Mr. President, I ask unanimous consent to add Senator JON KYL as a cosponsor of amendment No. 1314.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1318, 1319, 1320, 1321, 1322, AND 1323, EN BLOC

Mr. WARNER. Mr. President, with the attention of my distinguished ranking member, we ask that a series of amendments, which I will now send to the desk, which have been cleared, be considered, and I ask that any statements relating to the individual amendments be printed the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 1318, 1319, 1320, 1321, 1322 and 1323 en bloc.

Mr. WARNER. 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. 1318

(Purpose: To authorize a pilot program on expanded public-private partnerships for research and development)

At the end of subtitle E of title VIII, add the following:

SEC. 846. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE PARTNERSHIPS FOR RESEARCH AND DEVELOPMENT.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to authorize the organizations referred to in subsection (b) to enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to assess the benefits of such agreements for such organizations and for the Department of Defense as a whole.

(b) COVERED ORGANIZATIONS.—The organizations referred to in this subsection are as follows:

(1) The National Defense University.

(2) The Defense Acquisition University.

(3) The Joint Forces Command.

(4) The United States Transportation Command.

(c) LIMITATION.—No agreement may be entered into, or continue in force, under the pilot program under subsection (a) after September 30, 2009.

(d) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in subsection (b) and for the Department of Defense as a whole.

AMENDMENT NO. 1319

(Purpose: To modify the requirements for reports on program to award prizes for advanced technology achievements)

At the end of subtitle E of title II, add the following:

SEC. 244. MODIFICATION OF REQUIREMENTS FOR REPORTS ON PROGRAM TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (e) of section 2374a of title 10, United States Code, is amended to read as follows:

''(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken by the Defense Advanced Research Projects Agency in the preceding year under the authority of this section.

''(2) The report for a year under this subsection shall include the following:

''(A) The results of consultations between the Director and officials of the military departments regarding the areas of research, technology development, or prototype development for which prizes would be awarded under the program under this section.

''(B) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department.

''(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Defense Advanced Research Projects Agency for recording as obligations and expenditures.

''(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

''(E) A description of the resources, including personnel and funding, used in the execution of the program, together with a detailed description of the activities for which such resources were used.

''(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into acquisition programs of the Department.

''(G) For each competition under the program, a statement of the reasons why the competition was a preferable means of promoting basic, advanced, or applied research, technology development, or prototype development projects to other means of promoting such projects, including contracts, grants, cooperative agreements, or other transactions.''.

AMENDMENT NO. 1320

(Purpose: To make a technical correction relating to the Science, Mathematics, and Research for Transformation (SMART) Defense Education Program)

On page 289, line 25, strike ''during such periods'' and insert ''in the case of the period after completion of the degree''.

AMENDMENT NO. 1321

(Purpose: To establish certain qualifications for individuals who serve as Regional Directors of the TRICARE program)

At the end of subtitle B of title VII, add the following:

SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.

(a) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(b) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072(7) of title 10, United States Code.

AMENDMENT NO. 1322

(Purpose: To make technical corrections to authorizations of appropriations)

On page 27, line 21, strike ''$18,843,296,000'' and insert ''$19,011,754,000''.

On page 305, between lines 19 and 20, insert the following:

(6) For the Naval Reserve, $2,400,000.

AMENDMENT NO. 1323

(Purpose: To clarify the amendment relating to the grade of the Judge Advocate General of the Army)

On page 77, strike lines 22 through 25 and insert the following:

Section 3037(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences: ''The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.''.

Mr. LEVIN. We have no objection on this side.

Mr. WARNER. Mr. President, I urge adoption of these amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1318, 1319, 1320, 1321, 1322, and 1323) were agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1324

Mr. WARNER. Mr. President, I send an amendment on behalf of Senators MCCONNELL, BUNNING, ALLARD, and SALAZAR, which would provide the Secretary of Defense authority to use research and development funds available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternative Program to carry out construction projects for facilities necessary to support chemical demilitarization at Pueblo Army Depot in Colorado and Bluegrass Army Depot in Kentucky. I believe it has been cleared.

Mr. LEVIN. It has been.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCONNELL, proposes an amendment numbered 1324.

The amendment is as follows:

(Purpose: To authorize the construction of chemical demilitarization facilities)

At the end of subtitle B of title II, add the following:

SEC. 213. CHEMICAL DEMILITARIZATION FACILITIES.

(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

(1) Pueblo Army Depot, Colorado.

(2) Blue Grass Army Depot, Kentucky.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds that may be utilized under the authority in subsection (a) may not exceed $51,000,000.

(d) DURATION OF AUTHORITY.—A construction project, or portion of a construction project, may not be commenced under the authority in subsection (a) after September 30, 2006.

(e) NOTICE AND WAIT.—The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project.

Mr. SALAZAR. Mr. President, I rise today to speak with respect to amendment No. 1326. to the Defense authorization bill, which was adopted by the Senate today, that directly affects the citizens of Pueblo, CO, and the cleanup of those chemical weapons stockpiled at the Pueblo Chemical Depot. I thank my colleagues, Senator WARNER and Senator LEVIN, and their staffs, for their help on this measure. I thank, too, Senators MCCONNELL and BUNNING and my colleague from the great State of Colorado, Senator ALLARD. We have maintained an important alliance on this issue, and I appreciate their efforts.

This bipartisan Pueblo amendment, which I am proud to cosponsor, moves $51 million from the Department of Defense's Research, Development, Test and Evaluation budget to the Military Construction budget for the Assembled Chemical Weapons Alternatives program. This program, known as ACWA, is the authority for chemical weapons destruction at both the Pueblo Chemical Depot and the Bluegrass, KY, site.

More than three-quarters of a million chemical weapons—mustard agent rounds—are stockpiled in the Pueblo Chemical Depot. These weapons are a threat to the security of the surrounding community. The United States has sworn to safely destroy these weapons before the 2012 deadline established by the Chemical Weapons Convention. Progress has been slow in the past but has recently been moving forward.

Unfortunately, under the President's budget request, there was no money allotted for Military Construction at the Pueblo Chemical Depot facility for fiscal year 2006. The program was on hold at the time the budget was released. But now that the dedication and hard

work of the citizens of Pueblo, along with a strong bipartisan effort here in DC, has resulted in forward progress, money needs to be designated specifically for MilCon so the Department of Defense can spend money for ACWA construction projects. Without money being designated for MilCon, the progress at Pueblo Chemical Depot could be halted once again.

The amendment adopted today was cosponsored by the Senators from Colorado and Kentucky. It ensures that money will be available to be spent in fiscal year 2006 for construction, planning, and design work at both the Pueblo Chemical Depot in Colorado and at the Bluegrass, KY, site.

This amendment is an essential step forward for the destruction of the tons of chemical weapons still stored at the Pueblo Chemical Depot. I hope this is another indication that the Pentagon recognizes the urgency this situation demands—an urgency the people of Pueblo and all of Colorado are right to expect.

I am proud to be part of such a strong coalition of concerned citizens and Senators from the communities impacted by these terrible weapons. But even though I am cautiously optimistic that today's amendment signals positive action in the future, there is still much work to do. I hope that this upcoming work will go forward in a similar manner: with good communications, with utmost concern for the safety of the citizens of Pueblo and Bluegrass, and with our eye always fixed on the goal of the safe destruction of these chemical weapons by 2012.

Mr. WARNER. Mr. President, I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the amendment is agreed to.

The amendment (No. 1324) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 1325

Mr. LEVIN. Mr. President, on behalf of myself and Senator COLLINS, I offer an amendment that would require the Department of Defense to develop a strategic plan for the civilian workforce of the Department of Defense, and I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, and Ms. COLLINS, proposes an amendment numbered 1325.

The amendment is as follows:

(Purpose: To require a strategic human capital plan for civilian employees of the Department of Defense)

At the end of title XI, add the following:

SEC. 1106. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the appropriate committees of Congress a strategic plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The plan shall be known as the ''strategic human capital plan''.

(b) CONTENTS.—The strategic human capital plan required by subsection (a) shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—The recruitment and retention of civilian employees to meet the goals established under subsection (b)(2)(A) shall not be subject to any limitation or constraint under statute or regulations on the end strength of the civilian workforce of the Department of Defense or any part of the workforce of the Department.

(d) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (d); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(f) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the appropriate committees of Congress a report on the plan.

(2) Not later than 90 days after the Secretary submits under subsection (e) an update of the strategic human capital plan under subsection (d), the Comptroller General shall submit to the appropriate committees of Congress a report on the update.

(3) A report on the strategic human capital plan under paragraph (1), or on an update of the plan under paragraph (2), shall include the assessment of the Comptroller General of the extent to which the plan or update, as the case may be—

(A) complies with the requirements of this section; and

(B) complies with applicable best management practices (as determined by the Comptroller General).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services and Government Reform of the House of Representatives.

Mr. WARNER. Mr. President, the amendment is acceptable to this side.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 1325) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I believe, unless my distinguished colleague has a need to further address the Senate, we have concluded the opening round of our bill. My understanding is that the pending business will be amendment No. 1314 to S. 1042, am I correct?

The PRESIDING OFFICER. That is correct, that is the pending question.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VERLIE DOING

Mr. REID. Mr. President, today I rise to honor one of the pillars of my hometown, Searchlight, NV—Mrs. Verlie Doing. Saturday, July 23, 2005 will be designated Verlie Doing Day, and it could not go to a more deserving or influential person.

Searchlight has never been the same since Verlie came to town in 1968 to help her late husband run Sandy's Casino. They built the Searchlight Nugget, which Verlie still owns. Verlie is a proud Texan, but she quickly adopted the citizens of Searchlight and put down lasting roots in the community that will benefit many generations to come.

For years, Searchlight did not have a senior center; so Verlie donated a building for the Searchlight Senior Citizen's Center. Searchlight did not have a church, so Verlie helped found the Searchlight Community Church, where she plays the organ every Sunday. Searchlight did not have a modern

park so Verlie established Searchlight Park, equipped with a new playground, grills, and picnic areas for the town.

These are a few of many visible contributions that Verlie made to the community, but Verlie's most important contributions exist outside of the public eye. She never asks for recognition and she does not draw attention to her actions, but her charity touches every person in need.

''She's always doing something for someone,'' said long time friend Marion Young. ''Verlie has a kindness for everyone and she'll never let someone go down the road hungry.''

Much of Verlie's philanthropy occurs behind the scenes, but her impact is felt throughout Searchlight. Each year, Verlie furnishes ice cream for ice cream socials. She has always supported the local police department, allowing the Searchlight Police to have Police Officer's Night Out. Verlie also provides a steak dinner annually for our firefighters and medical workers. Local children at the elementary school are treated to hamburgers at the Nugget for good grades. Anyone in need always comes to Verlie first, and she never turns them away.

Verlie means a lot to me personally. After my father's passing, Verlie was a close friend to my mother. She would take her to Las Vegas to shop, and looked after her because my mother lived in Searchlight alone. Her thoughtfulness and compassion helped my mother make it through tough and trying times. I will never be able to repay her kindness to my mother.

Verlie understands the importance of community. Her philanthropy—both visible and invisible—has made Searchlight the town it is today. Verlie Doing has touched every life in Searchlight, including my own, and I know that she has changed each life for the better.

Congratulations, Verlie. I am proud to honor an authentic Searchlight hero.

PUBLIC HEALTH SERVICE ACT

Mr. GRASSLEY. Mr. President, I want to take a few minutes to explain my recent action related to S. 1418, the Wired for Health Care Quality Act. Today, with great reluctance, I asked Leader FRIST to consult with us prior to any action related to consideration of this bill, which the Health, Education, Labor, and Pensions Committee reported by voice vote this morning.

The Wired for Health Care Quality Act would promote the use of electronic health records by adopting standards for the electronic exchange of information, offer incentives for health care providers to create networks for secure exchange of electronic health information, and ensure quality measurement and reporting of provider performance under the Public Health Service Act.

I fully support linking the adoption of health information technology to quality improvements in our health care system. They go hand in hand. Which is why Senator BAUCUS and I decided to introduce our Medicare Value Purchasing Act, S. 1356, jointly with Senators ENZI and KENNEDY's Better Healthcare Through Information Technology Act, S. 1355. The thought behind a dual introduction was to enforce the message that Medicare can drive quality improvement through payment incentives, and that the adoption of information technology is also a necessary step not only to facilitate the reporting of quality measures but also to increase efficiency and quality in our health care delivery system.

Our bill creates quality payments under Medicare for all provider groups. A considerable amount of time was devoted towards ensuring that the development of quality measures and the implementation of value-based purchasing programs under Medicare were properly vetted with provider groups, beneficiary groups, and the administration. We did not want to reinvent the wheel; we wanted to build on the initiatives that already exist to develop and adopt quality measures. And because Medicare is the single largest purchaser of health care in the Nation, adopting quality payments in Medicare influences the level of quality in all of health care. We have seen time and time again how when Medicare leads, the other public and private purchasers follow.

Which is why I am troubled, that as currently drafted, S. 1418 would require the development of quality measures under the Public Health Service Act. It is hard to comprehend how the quality measurement system in this bill intersects with the quality measurement system developed in the Medicare Value Purchasing Act. The last thing we want to do is end up with two different quality measurement systems. This has the potential to derail both proposals, effectively terminating or at least postponing the common goal of improving the quality of patient care.

The Wired for Health Care Quality Act would also direct the Secretary of Health and Human Services, along with the Secretary of Defense, the Secretary of Veterans Affairs, and other heads of relevant Federal agencies to jointly develop a quality measurement system. The coordination among all these Federal agencies alone is a massive project that could indefinitely stall the development and implementation of appropriate quality measures or result in one that falls to the lowest common denominator. That could actually set back quality efforts.

I welcome the opportunity to work with the sponsors of S. 1418, Senators ENZI, KENNEDY, FRIST, and CLINTON along with members of the Health, Education, Labor, and Pensions Committee on this matter. I had hoped to accomplish that before the bill was introduced on the floor. Unfortunately, that did not happen. I do not take actions such as these lightly. But I am deeply troubled that, as currently drafted, the Wired for Health Care Quality Act could end up unintentionally delaying our common goal of improving the quality of health care for all Americans.

Mr. BAUCUS. Mr. President, I rise to address possible floor consideration of S. 1418, a bill to amend the Public Health Service Act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

Senator GRASSLEY and I have been working since January with Senators ENZI and KENNEDY on issues of quality and health information technology. Together, we introduced two bills on June 30—one that deals with Medicare quality, and another to enhance quality through the widespread adoption of health IT. The latter is S. 1356, the Medicare Value Purchasing Act of 2005, which develops a system of quality measurement and implements pay-for-performance in Medicare.

In drafting these two bills, we worked hard to craft language that was complementary rather than contradictory. Ultimately, we viewed these two pieces of policy as working together to build a comprehensive and workable health care quality system.

S. 1418 potentially disrupts the work we have done thus far, by including language that will force the duplication of quality measurement systems. It also raises questions about the jurisdictional reach of the Committee on Health, Education, Labor, and Pensions.

Medicare is the dominant payer in health care, with annual spending exceeding $300 billion. Furthermore, it is Medicare's payment systems that are often adopted by private insurance groups. Private payers use the Medicare physician fee schedule for their own book of business, and we would expect these same insurers to follow Medicare's lead on pay-for-quality.

I appreciate the process that Senators ENZI and KENNEDY have undertaken with us over the last several months. And I appreciate the majority leader's desire to move important health IT legislation. Congressional action on this issue is long overdue. But until common ground can be reached on a feasible system of measuring quality, I must reluctantly object to moving forward with S. 1418. I believe that the process outlined in this bill for the development of quality measures may well be unworkable and that it will raise deep concerns for hospitals, physicians, and other providers.

I also believe that the language on the development of quality measures in this bill ought to be designed for Public Health Service Act programs and explicitly applicable to these programs, not to Medicare or Medicaid.

I hope that our colleague, Senators ENZI, KENNEDY, FRIST, and CLINTON, will work with us to craft a bill that is appropriate for programs under the

PHSA and that complements the Medicare Value Purchasing Act of 2005. Ultimately, I believe that we have the same goals in mind. If we can come to an agreement now, we can continue moving forward with these important policies that can change the shape, quality, and ultimately the cost and benefit of our health care system.

METHAMPHETAMINE CRISIS

Mr. WYDEN. Mr. President, to draw attention to the meth crisis facing Oregon and a growing number of States around the country, I stand once again on the floor of the Senate introducing two more newspaper articles into the RECORD. Both articles highlight the plight of the most vulnerable victims of the meth crisis: America's children.

As the first piece, ''The Little Round Faces of Meth,'' from The Oregonian points out, ''The drug lurks behind nearly all of Oregon's most shocking and horrifying cases of child abuse and neglect.''

The second article, ''A Drug Scourge Creates Its Own Form of Orphan'' was printed in the New York Times a little over a week ago. As the article explains, ''In Oregon, 5,515 children entered the [foster care] system in 2004, up from 4,946 the year before, and officials there say the caseload would be half what it is now if the methamphetamine problem suddenly went away.''

The burden that meth is placing on Oregon communities is enormous. And we have to do something about it. Because even if we get the epidemic under control right now, we are going to be dealing with the consequences for years to come. And one of these consequences will be taking care of the child victims of meth. As Jay Wurscher, director of alcohol and drug services for the children and families division of the Oregon Department of Human Services explains in the New York Times article, ''In every way, shape and form, this is the worst drug ever for child welfare.''

We cannot afford to wait any longer. Each day we fail to act, another child is neglected, abused or even worse—dead—as a result of meth. I urge Congress to pass and the President to sign the Combat Meth bill, a solid step that will help us fight this terrible drug in Oregon and around the country. Among other things, the bill provides $5 million in grants to help kids affected by meth.

Mr. President, I ask for unanimous consent that the full text of The Oregonian article and the New York Times article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Oregonian, July 9, 2005]

THE LITTLE ROUND FACES OF METH

You will have to imagine the face of a tearful 16-month-boy found toddling alone last Wednesday morning alongside River Road North in Keizer. You usually only see the faces of the child victims of methamphetamine, or learn their names, when they die.

The familiar faces of meth are the mug shots of the drug users and dealers spilling out of Oregon's jails and prisons. You have seen them so often in newspapers and on television newscasts that they have all but blurred into one gaunt face with hollow eyes, straggly hair, jack-o-lantern smiles.

But when a toddler winds up standing alone in a T-shirt and soiled diaper along a busy Oregon commuter street, while his parents apparently sleep off another night of drugs, it is time to realize the most awful thing about meth is not the rotten teeth it produces but the rotten parents.

That little boy in the diaper standing along River Road is among thousands of Oregon children who have suffered neglect and abuse linked to methamphetamine. State authorities say at least half of the investigated cases of abuse and neglect in Oregon trace back to the drug found in the apartment of the little boy's parents, Kurt Michael Quinn, 42, and Ivory Angela Williams, 26. The couple was arrested on multiple charges, including child neglect and possession of a controlled substance.

Of, course, meth was there. The drug lurks behind nearly all of Oregon's most shocking and horrifying cases of child abuse and neglect:

The parents who nailed a sheet of plywood over their baby's crib so that he would not escape while they were on a meth high.

The 10-month-old baby who crawled out of a two-story window and fell to the ground while his mother was strung out on meth.

The infant who died of an overdose from breast-feeding from a mother addicted to meth.

There was meth in the family of Ashton Parris, who died at 15 months from severe head injuries after the state returned him to his birth mother.

Jewell Newland was only 3-months-old when her meth-laden father, James Dean Newland, picked her up and then fell on her—with what the police affidavit called a ''whoof.'' Baby Jewell was bleeding from the mouth, but no one took her to the hospital for 14 long hours. She died of her injuries.

These are the little round faces of meth. They are the faces that demand the additional police, the tougher prison sentences, the expanded drug treatment and the hassle of a few extra minutes at the pharmacy waiting for the cold medicines that drug cookers turn into meth.

Yet, some still are not enlisted in this fight. Some oppose the tough international restrictions needed to control the ingredients in meth. Others want to weaken restrictions on cold medicines.

If only they all had a chance to pass River Road the other morning. If only they could see the face of that little boy toddling along in his T-shirt and diaper.

[From the New York Times, July 11, 2005]

A DRUG SCOURGE CREATES ITS OWN FORM OF ORPHAN

(By Kate Zernike)

The Laura Dester Shelter here is licensed for 38 children, but at times in the past months it has housed 90, forcing siblings to double up in cots. It is supposed to be a 24–hour stopping point between troubled homes and foster care, but with foster homes backed up, children are staying weeks and sometimes months, making it more orphanage than shelter, a cacophony of need.

In a rocking chair, a volunteer uses one arm to feed a 5–day-old boy taken from his mother at birth, the other to placate a toddler who is wandering from adult to adult begging, ''Bottle?'' A 3–year-old who arrived at dawn shrieks as salve is rubbed on her to kill the lice.

This is a problem methamphetamine has made, a scene increasingly familiar across the country as the number of foster children rises rapidly in states hit hard by the drug, the overwhelming number of them, officials say, taken from parents who were using or making methamphetamine.

Oklahoma last year became the first state to ban over-the-counter sales of cold medicines that contain the crucial ingredient needed to make methamphetamine. Even so, the number of foster children in the state is up 16 percent from a year ago. In Kentucky, the numbers are up 12 percent, or 753 children, with only seven new homes.

In Oregon, 5,515 children entered the system in 2004, up from 4,946 the year before, and officials there say the caseload would be half what it is now if the methamphetamine problem suddenly went away. In Tennessee, state officials recently began tracking the number of children brought in because of methamphetamine, and it rose to 700 in 2004 from 400 in 2003.

While foster populations in cities rose because of so-called crack babies in the 1990's, methamphetamine is mostly a rural phenomenon, and it has created virtual orphans in areas without social service networks to support them. In Muskogee, an hour's drive south of here, a group is raising money to convert an old church into a shelter because there are none.

Officials say methamphetamine's particularly potent and destructive nature and the way it is often made in the home conspire against child welfare unlike any other drug.

It has become harder to attract and keep foster parents because the children of methamphetamine arrive with so many behavioral problems; they may not get into their beds at night because they are so used to sleeping on the floor, and they may resist toilet training because they are used to wearing dirty diapers.

''We used to think, you give these kids a good home and lots of love and they'll be O.K.,'' said Esther Rider-Salem, the manager of Child Protective Services programs for the State of Oklahoma. ''This goes above and beyond anything we've seen.''

Although the methamphetamine problem has existed for years, state officials here and elsewhere say the number of foster children created by it has spiked in the last year or two as growing awareness of the drug problem has prompted more lab raids, and more citizens reporting suspected methamphetamine use.

Nationwide, the Drug Enforcement Administration says that over the last five years 15,000 children were found at laboratories where methamphetamine was made. But that number vastly understates the problem, federal officials say, because it does not include children whose parents use methamphetamine but do not make it and because it relies on state reporting, which can be spotty.

On July 5, the National Association of Counties reported that 40 percent of child welfare officials surveyed nationwide said that methamphetamine had caused a rise in the number of children removed from homes.

The percentage was far higher on the West Coast and in rural areas, where the drug has hit the hardest. Seventy-one percent of counties in California, 70 percent in Colorado and 69 percent in Minnesota reported an increase in the number of children removed from homes because of methamphetamine.

In North Dakota, 54 percent of counties reported a methamphetamine-related increase. At what was billed as a ''community meeting on meth'' in Fargo this year, the state attorney general, Wayne Stenehjem, exhorted the hundreds of people packed into an auditorium: ''People always ask, what can they do

about meth? The most important thing you can do is become a foster parent, because we're just seeing so many kids being taken from these homes. ''

Officials also say methamphetamine has made it harder to reunite families once the child is taken; 59 percent of those surveyed in the national counties study agreed.

The federal Adoption and Safe Families Act of 1997, enacted as babies born to crack users were crowding foster care, requires states to begin terminating parental rights if a child has spent 15 out of 22 months in foster care. It was intended to keep children from languishing in foster homes. But rehabilitation for methamphetamine often takes longer than other drugs, and parents fall behind the clock.

''Termination of parental rights almost becomes the regular piece,'' said Jerry Foxhoven, the administrator of the Child Advocacy Board in Iowa. ''We know pretty early that these families are not going to get back together.''

The drug—smoked, ingested or injected—is synthetic, cheap and easy to make in home labs using pseudoephedrine, the ingredient in many cold medicines, and common fertilizers, solvents or battery acid. The materials are dangerous, and highly explosive.

''Meth adds this element of parents who think they are rocket scientists and want to cook these chemicals in the kitchen,'' said Yvonne Glick, a lawyer at the Department of Human Services in Oklahoma who works with the state's alliance for drug endangered children. ''They're on the couch watching their stuff cook, and the kids are on the floor watching them.''

The drug also produces a tremendous and long-lasting rush, with intense sexual desire. As a result of the sexual binges, some child welfare officials say, methamphetamine users are having more children. More young children are entering the foster system, often as newborns suffering from the effects of their mother's use of the drug.

Oklahoma was recently chosen to participate in a federally financed study of the effects of methamphetamine on babies born to addicted mothers. Doctors who work with them have already found that the babies are born with trouble suckling or bonding with their parents, who often abuse the children out of frustration.

But the biggest problem, doctors who work with children say, is not with those born under the effects of the drug but with the children who grow up surrounded by methamphetamine and its attendant problems. Because users are so highly sexualized, the children are often exposed to pornography or sexual abuse, or watch their mothers prostitute themselves, the welfare workers say.

The drug binges tend to last for days or weeks, and the crash is tremendous, leaving children unwashed and unfed for days as parents fall into a deep sleep.

''The oldest kid becomes the parent, and the oldest kid may be 4 or 5 years old,'' said Dr. Mike Stratton, a pediatrician in Muskogee, Okla., who is involved with a state program for children exposed to drugs that is run in conjunction with the Justice Department. ''The parents are basically worthless, when they're not stoned they're sleeping it off, when they're not sleeping they don't eat, and it's not in their regimen to feed the kids.''

Ms. Glick recalls a group of siblings found eating plaster at a home filled with methamphetamine. The oldest, age 6, was given a hamburger when they arrived at the Laura Dester Shelter; he broke it apart and handed out bits to his siblings before taking a bite himself.

Jay Wurscher, director of alcohol and drug services for the children and families division of the Oregon Department of Human Services, said, ''In every way, shape and form, this is the worst drug ever for child welfare.''

Child welfare workers say they used to remove children as a last resort, first trying to help with services in the home.

But everywhere there are reminders of the dangers of leaving children in homes with methamphetamine. In one recent case here, an 18-month-old child fell onto a heating unit on the floor and died while the parents slept; a 3-year-old sibling had tried to rouse them.

The police who raid methamphetamine labs say they try to leave the children with relatives, particularly in rural areas, where there are few other options.

But it has become increasingly clear, they say, that often the relatives, too, are cooking or using methamphetamine. And because the problem has hit areas where there are so few shelters, children are often placed far from their parents. Caseworkers have to drive children long distances to where parents are living or imprisoned for visits; Leslie Beyer, a caseworker at Laura Dester, logged 3,600 miles on her car one month.

The drain of the cases is forcing foster families to leave the system, or caseworkers to quit. In some counties in Oklahoma, Ms. Rider-Salem said, half the caseworkers now leave within two years.

After the ban on over-the-counter pseudoephedrine was enacted—a law other states are trying to emulate—the number of children taken out of methamphetamine labs and into the foster care system in Oklahoma declined by about 15 percent, Ms. Glick said. But she said the number of children found not in the labs but with parents who were using the drug had more than compensated for any decline.

The state's only other children's shelter, in Oklahoma City, was so crowded recently that the fire marshal threatened to shut it down, forcing the state to send children to foster families in far-flung counties.

At Laura Dester, three new children arrived on one recent morning, the 3-year-old being treated for lice and two siblings, found playing in an abandoned house while their mother was passed out at home. The girl now wanders with a plastic bag over her hair to keep the lice salve from leaking. She hugs her little brother, then grabs a plastic toy phone out of his hand, leaving him wailing.

''Who's on the phone?'' asks Kay Saunders, the assistant director at the shelter, gently trying to intervene. ''My mom,'' the girl says, then turns to her little brother. ''It's ringing!''

HONORING OUR ARMED FORCES

TRIBUTE TO PRIVATE FIRST CLASS ERIC P. WOODS

Mr. GRASSLEY. Mr. President, I rise today to salute an extraordinary native Iowan who has fallen in service to his country in support of Operation Iraqi Freedom. PFC Eric P. Woods, of the 2nd Squadron, 3rd Armored Cavalry Regiment, died on the 9th day of July, 2005, in Tal Afar, Iraq, due to injuries sustained when an explosive device detonated under his vehicle. Woods, a combat medic was killed en route to aid an injured soldier. My prayers go out to his wife Jamie, his 3-year-old son Eric Scott, his parents Charles and Janis Woods, and his many other friends and family.

Eric Woods grew up in Urbandale, IA, and was an active member in the youth group at Westchester Evangelical Free Church. At Urbandale High School he wrestled and played football and baseball before graduating in 1997. While attending Iowa State University, he became manager of Krause Gentle Company. After a move to Omaha, Eric became a medic in the U.S. Army.

Private First Class Woods was a truly thoughtful soldier, requesting packages from home containing soccer balls, candy, and toys to give out to the children of Iraq. He will be remembered not only for his sacrifice for freedom but also the way in which he served, giving his life on the way to help an injured fellow soldier. Recently, his pastor said of Eric: ''His motto was to charge, not retreat. He squeezed the most out of life.'' Again my thoughts and prayers are with his family and friends. I ask my colleagues in the Senate and all Americans to remember with gratitude and admiration this courageous Iowan, PFC Eric P. Woods.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF THE CALIFORNIA ASSOCIATION OF SANITATION AGENCIES

• Mrs. FEINSTEIN. Mr. President, I rise today to honor the achievements of the California Association of Sanitation Agencies, and to celebrate the organization's 50th anniversary.

CASA has provided the State of California with clean, safe, and reliable drinking water since its founding in 1955. Not only has CASA worked hard to ensure the well-being of Californians, but it has also championed a multitude of environmental issues related to clean water and water infrastructure that have been vital to California's long-term economic and social stability.

I want to recognize CASA's proactive leadership in promoting partnerships with a variety of organizations to create a sound public health and environmental agenda. For the past 50 years CASA has been the voice of the public wastewater agencies and served to assist and monitor a variety of water quality, and related policy issues.

CASA has fought hard on behalf of California's sanitation agencies and played an active role in numerous legislative struggles. Among CASA's legislative achievements include sponsoring legislation that gives publicly owned treatment works the authority to levy civil and administrative penalties against industrial dischargers for violations of local wastewater ordinances. Additionally, CASA has worked in partnership with the U.S. Environmental Protection Agency to develop and implement effective water rules for air toxics, sewer overflows, and biosolids management.

CASA has acted as a valuable resource by helping its member agencies understand and comply with varying

Federal and State water quality standards. CASA also has provided the legal, legislative, and administrative support for the publicly owned treatment work community and helped set the precedent for ensuring clean and safe water for all Californians. Over the years, I have come to value CASA's insight and suggestions for improving our Nation's water quality.

Today I celebrate 50 years of CASA's devoted service and contributions to our Nation, and call upon CASA to continue to lead the way in its innovative and cooperative stewardship of our Nation's complex and growing waterways. Water quality is imperative to the development and welfare of my State and the Nation, and I thank CASA for its continued effort and contributions to the cause.●

HONORING CENTENNIAL HIGH SCHOOL

● Mr. SARBANES. Mr. President, I am pleased to commend Centennial High School in Howard County, MD, for its fine performance on this year's ''It's Academic'' quiz show. After many hours of practice and four rounds of competition, Centennial has emerged as the 2004–2005 Baltimore-area ''It's Academic'' champion.

The team of Jeff Amoros, Michael Fasulo, Marin Lolic, and Seth Manoff, with the assistance of their coach John Cheek, took first place out of 81 teams that competed from both public and private schools across the State of Maryland. In its final match, Centennial defeated two formidable foes in Calvert Hall College High School and Oakland Mills High School.

''It's Academic'', which is telecast every Saturday morning during the school year on WJZ-TV, channel 13, has been quizzing Maryland students since 1961. In fact, according to the ''2005 Guinness Book of World Records'', it is the world's longest running quiz show. For Maryland students, ''It's Academic'' provides an opportunity to challenge not only their own knowledge of math, science, literature, government and history, but also how their knowledge stacks up against students around the State. This year, Centennial's team demonstrated enormous skill and erudition. Congratulations to Jeff, Michael, Marin, Seth and Coach Cheek on a wonderful accomplishment.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of January 4, 2005, the Secretary of the Senate, on July 19, 2005, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3332. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

Under the authority of the order of July 19, 2005, the enrolled bill was signed on July 19, 2005, during the adjournment of the Senate, by the Majority Leader (Mr. FRIST).

MESSAGE FROM THE HOUSE

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 175. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean.

The message further announced that pursuant to section 5(a)(2) of the Benjamin Franklin Tercentenary Commission Act (36 U.S.C. 101 note), and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Benjamin Franklin Tercentenary Commission: Mr. CASTLE of Delaware.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 175. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; to the Committee on Foreign Relations.

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–3090. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to provisions of Sections 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005, as they relate to restrictions on assistance to the central government of Serbia; to the Committee on Appropriations.

EC–3091. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, the report of a proposed amendment to the Iran Nonproliferation Act of 2000, received on July 18, 2005; to the Committee on Foreign Relations.

EC–3092. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to authorizing the drawdown of up to $6.0 million of Department of Defense commodities and services, including the airlift of troops and equipment, as part of the mission to support the deployment of AU forces to Darfur, Sudan; to the Committee on Foreign Relations.

EC–3093. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment in the amount of $40,000,000 to Australia; to the Committee on Foreign Relations.

EC–3094. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Colombia; to the Committee on Foreign Relations.

EC–3095. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–3096. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of Rhode Island as a result of the record snow on January 22–23, 2005, has exceeded $5,000,000; to the Committee on Banking Housing, and Urban Affairs.

EC–3097. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Use of Form S–8, Form 8–K, and Form 20–F by Shell Companies'' (33–8587) received on July 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3098. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled ''Removal from Listing and Registration of Securities Pursuant to Section 12(d) of the Securities Exchange Act of 1934'' received on July 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3099. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period from October 1, 2004

through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3100. A communication from the Counsel to the Inspector General, General Services Administration, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on July 18, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3101. A communication from the Chair, Corporation for Public Broadcasting Board of Directors, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–3102. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Finance.

EC–3103. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Vehicle Guidance'' (Rev. Proc. 2005–48) received on July 14, 2005; to the Committee on Finance.

EC–3104. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Bank Interest Expense Allocation to Effectively Connected Income'' (Notice 2005–53) received on July 18, 2005; to the Committee on Finance.

EC–3105. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Predeceased Parent Rule'' ((RIN1545–BC60) (TD 9214)) received on July 18, 2005; to the Committee on Finance.

EC–3106. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Substitute for Return'' ((RIN1545–BC46) (TD 9215)) received on July 18, 2005; to the Committee on Finance.

EC–3107. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Payroll Deductions by Member Corporations for Contributions to a Trade Association's Separate Segregated Fund'' (11 CFR Part 114) received on July 15, 2005; to the Committee on Rules and Administration.

EC–3108. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, transmitting, pursuant to law, the report of a rule entitled ''Etoxazole: Pesticide Tolerance'' (FRL No. 7723–3) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3109. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Order Amending Marketing Order No. 946'' (Docket Nos. AO–F and V–946–3; FV03–946–01 FR) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3110. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Farmer Mac Nonprogram Investments and Liquidity'' (RIN3052–AC18) received on July 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–142. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the United States Department of Agriculture (USDA) providing assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION 35

Whereas, Michigan asked the federal government for $29.5 million to fight the Emerald Ash Borer (EAB) in 2005. On April 19th the USDA sent a letter to Governor Granholm saying there would be no more emergency funding to fight the EAB. The state has received only about $10.9 million from USDA, which is not enough to fund all the current eradication strategies; and

Whereas, With alarming swiftness, the Emerald Ash Borer, an aggressive Asian insect, is threatening virtually all of the ask trees in the state of Michigan and surrounding region. In spite of the quarantine in 20 Michigan counties this beetle has killed or damaged approximately 15 million ask tress in the state. Overall, the EAB, an invasive species, is causing similar devastation in the states of Ohio and Indiana, as well as the Canadian province of Ontario, threatening as many of 700 million ash trees in our state and 8 million in North America; and

Whereas, Ash trees are very important to the ecology, economy, and environment of our state and the nation. Ash trees are used for many products in several sectors of business. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan, the region, and the nation; and

Whereas, Governor Granholm is working to secure continued assistance from the federal government to deal swiftly with this devastating pest. Michigan needs sustained technical and financial assistance to face this emergency. The state has taken decisive actions to address this invasive species, but the magnitude of the problem and the immediacy of the issues make it clear we need the prompt assistance of Congress and the USDA: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance, including additional emergency funding, in the effort to mitigate the infestation of the Emerald Ash Borer; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–143. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to providing the necessary funding to restore Calcasieu Ship Channel in southwest Louisiana in order that the economic, safety, and security concerns may be adequately addressed; to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION 12

Whereas, the Calcasieu Ship Channel, located in southwest Louisiana, consists of thirty-five inland miles of navigable waterway and thirty miles of offshore channel in the Gulf of Mexico with a project depth of forty feet; and

Whereas, two major refineries are completely dependent on the ship channel for crude oil supply, which is significant since these refineries produce four percent of the supply of motor fuels for the United States and have no alternate means of receiving crude oil imports; and

Whereas, the Calcasieu Ship Channel also hosts the largest liquified natural gas import terminal in the continental United States, which is undergoing an expansion to double its capacity, and additional receiving terminals have been proposed on the Calcasieu, one of which has been approved by the Federal Energy Regulatory Commission (FERC); and

Whereas, the Port of Lake Charles handles over fifty million tons of cargo per year, making it the nation's twelfth largest port; and

Whereas, with an abundance of environmentally sensitive, potentially combustible cargo combined with a lack of viable alternative transportation modalities suggests that loss of this critical transportation infrastructure would be economically and strategically devastating; and

Whereas, for the congressional Fiscal Year 2006, operating and maintenance funding of the Calcasieu Ship Channel was cut disproportionately in comparison to other ports and waterways; and

Whereas, the Calcasieu Ship Channel cannot be maintained at its project depth at forty feet of draft under the proposed budget for Fiscal Year 2006 and will be functionally impaired as a result; such consequences to include:

(1) Increased risk of a grounding in an environmentally sensitive estuary that is not protected by a levee system.

(2) Increase in the number of tanker ship transits of liquefied natural gas and crude oil, which in turn will compound the need for future dredging and maintenance.

(3) Increase in shipping costs to users of the ship channel resulting from the mandatory lightening of ships, eventually borne by consumers.

(4) Increase in the number of transits of hazardous and combustible cargoes directly increases the number of potential terrorist targets on the channel.

(5) Should the channel be closed due to a grounding, four percent of the nation's motor fuel supply will be cut off from the raw materials needed for its production: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to provide the necessary funding to the Calcasieu Ship Channel in southwest Louisiana in order that the economic, safety, and security concerns may be adequately addressed. Be it further

Resolved, That to adequately address these concerns presented by under-funding, the Calcasieu Ship Channel needs fifteen million dollars in annual maintenance funding and an additional one-time allocation of another fifteen million dollars to restore the channel to its authorized dimensions. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–144. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to requesting the Base Realignment and Closure Commission to reject the Defense Department's recommendation to close the Defense Information Systems Agency (DISA)

site in Slidell; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION 167

Whereas, the Defense Information Systems Agency (DISA) site in Slidell has been recommended for closure by the United States Department of Defense; and

Whereas, DISA is located on fourteen acres of land owned by the city of Slidell, and Slidell leases the land to the federal government for one dollar per year; and

Whereas, DISA, a computer systems agency, employs one hundred fifty-one employees with an annual payroll of $10.8 million; and

Whereas, DISA's focus on technology serves as a stimulus for the attraction of high-tech businesses and the development of additional high-paying, professional jobs in the area; and

Whereas, the loss of the ten-year-old, multimillion dollar facility would be detrimental to the housing market, economy, and the city of Slidell; and

Whereas, DISA effectively provides services that are important to the defense of the nation: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the Base Realignment and Closure Commission to maintain the Defense Information Systems Agency location in Slidell as an active military installation and further requests that the members of the Louisiana congressional delegation support its continued presence in the city of Slidell and the state of Louisiana. Be it further

Resolved, That a suitable copy of this Resolution be transmitted to the President of the United States, George W. Bush, and to the Louisiana congressional delegation.

POM–145. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the expeditious resolution of the third nomination for the Medal of Honor; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION 90

Whereas, Colonel Hackworth died May 4, 2005, of cancer in Mexico where he was receiving alternative medical treatments for his illness which is believed to have been caused by his exposure to defoliants during his nearly five years of combat duty in the Republic of Vietnam; and

Whereas, Colonel Hackworth was a legendary combat leader, earning a battlefield commission in the Korean War and receiving his first Silver Star and Purple Heart before he was old enough to vote; and

Whereas, Colonel Hackworth was such an exceptional and outstanding soldier that he became the youngest ''Bird'' Colonel in the United States Army during his numerous tours in Vietnam where his bravery in combat action put him in the same class of hero as Sergeant Alvin York in World War I and Audie Murphy in World War II; and

Whereas, Colonel Hackworth earned some one hundred ten medals, badges and citations during his twenty-six years in the Army, including two Distinguished Service Crosses, ten Silver Stars, eight Bronze Star Medals for Valor, and eight Purple Hearts for wounds suffered in combat, as well as two separate awards of the Combat Infantryman's Badge; and

Whereas, Colonel Hackworth transformed the hopeless 4/39th Infantry Battalion into the legendary Hardcore Battalion which became the most feared unit in the Mekong Delta, Vietnam; and

Whereas, Colonel Hackworth, during his 1969 tour with the 4/39th, received his third nomination for the Medal of Honor for his gallantry and bravery as he flew a helicopter directly on top of the enemy's position and saved the lives of the entire point element of an Infantry Company pinned down and facing certain death by personally crossing a bullet-swept open area and carrying the wounded soldiers back to the chopper for extraction; and

Whereas, while the men who witnessed Colonel Hackworth's heroic actions are still actively urging the Pentagon to award the nation's highest award for valor to the Colonel, the Army, thirty-six years later, still has not considered the recommendation made by the men rescued that day and has made no award of any type for the Colonel's daring bravery which was clearly above and beyond the call of duty; and

Whereas, Colonel Hackworth retired from the Army after his public criticism of the military higher command's policy for fighting the Vietnam War and his accurate predictions that the war would be lost within five years unless America's policies and tactics were changed; and

Whereas, all three of Colonel Hackworth's nominations for the Medal of Honor were properly filed by witnesses to his extraordinary bravery, with two of the nominations resulting in the award of the Distinguished Service Cross, second in rank only to the Medal of Honor; and

Whereas, Colonel Hackworth was buried with full military honors in Arlington National Cemetery May 31, 2005, and enjoys a hero's well-deserved rest there now that none can deny him; and

Whereas, Colonel Hackworth surely deserves a posthumous award of the Medal of Honor for his truly unheard of and amazing third nomination for this country's highest acknowledgment of combat heroism, or, at the very least, some explanation of the military's failure to make any award for the nominated actions of thirty-six years ago; and

Whereas, several awards of the Medal of Honor were made during the administration of President Bill Clinton to minority veterans nominated for the medal but denied because of race and Pentagon politics: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to make serious inquiry into the status of and pursue the expeditious resolution of United States Army Colonel David H. Hackworth's third nomination for the Medal of Honor for his heroism in battle while in the service of his country. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress. Be it further

Resolved, That a copy of this Resolution be transmitted to Colonel Hackworth's widow, Eilhys England Hackworth.

POM–146. A joint resolution adopted by the General Assembly of the State of Tennessee relative to proposed cuts in agriculture-related programs and initiatives; to the Committee on the Budget.

SENATE JOINT RESOLUTION 277

Whereas, agriculture has been the backbone of the American way of life since the founding of our great nation and even today the United States of America remains the breadbasket of the world; and

Whereas, recognizing that farm planning is a multi-year process, the 2002 Farm Bill enacted by Congress provided a long-term commitment to the American farming and ranching communities to ensure stability in the agriculture industry and the overall agriculture economy; and

Whereas, the structure and funding levels of the current farm bill are currently being threatened with budget cuts that will jeopardize the futures of America's farmers and ranchers, placing them at a serious competitive disadvantage during World Trade Organization's agriculture trade talks; and

Whereas, agricultural products are America's top export with more than $62 billion in sales during 2004. Farm exports enable jobs and businesses for millions of Americans; more than 17 percent of the total American workforce is involved in the production, processing, and sale of the nation's food and fiber; and

Whereas, Tennessee ranks fourth in the nation in the number of farms within our borders; and agriculture contributes $38.5 billion to the Tennessee economy and accounts for more than 214,000 jobs; and

Whereas, the economic well-being of Tennessee's agricultural producers directly contributes to the economic well-being of the state as a whole and, in turn, the economic health of our producers is dependent on the preservation of agricultural funding on a national level. Any budget cuts to agriculture-related programs and initiatives will be disastrous for the agricultural industry throughout the entire nation: Now, therefore, be it

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee, the House of Representatives concurring, That, in order to prevent extensive economic damage to the American agriculture industry and the economic stability of the citizens of Tennessee, the United States Congress is hereby urged to stop any cuts to the agriculture budget as proposed in the 2006 Federal Budget documents and are also. urged to provide full funding to the 2002 Farm Bill, and be it further

Resolved, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the President and Secretary of the U.S. Senate; the Speaker and the Clerk of the U.S. House of Representatives; and each member of Tennessee's congressional delegation.

POM–147. A resolution adopted by the Senate of the Legislature of the State of Iowa relative to declaring support for Amtrak; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION 58

Whereas, Amtrak, the national railroad passenger corporation providing national railroad passenger service, is energy efficient and environmentally beneficial; and

Whereas, Amtrak provides mobility to citizens of many smaller communities not well served by air and bus services and to those persons with medical conditions which prevent them from traveling by air; and

Whereas, according to Amtrak, Amtrak ridership in Iowa has increased from 47,442 in 2003 to 54,365 in 2004; and

Whereas, according to Amtrak, during 2004, Amtrak carried over 25 million passengers nationwide, representing an increase of over 4.3 percent compared to 2003; and

Whereas, in service to those 25 million passengers, Amtrak serves over 500 stations in 46 states on 22,000 miles of track with approximately 20,000 employees, contributing strongly to local and regional economies; and

Whereas, the Amtrak 2004 budget represented only 2 percent of the United States Department of Transportation's $59 billion budget, compared to the balance for highway and airline subsidies: Now therefore, be it

Resolved by Senate, That the President of the United States and the Congress are urged to do the following:

1. Maintain a strong level of Amtrak funding; and

2. Include a strong Amtrak system in all plans for the national transportation system; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of Iowa's congressional delegation.

POM–148. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to protecting and ensuring the right of state and local governmental entities to comment on applications for new offshore liquefied natural gas facilities; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION 117

Whereas, Louisiana has had a major role in America's energy production and will continue to have a viable role in the future; and

Whereas, demand for natural gas in the United States is expected to grow by twenty-five percent during the next ten years and LNG will play an important role in the world's growing need for energy; and

Whereas, one of the greatest benefits of LNG is the new supplies of natural gas which will enter the market to offer relief to the American consumers; and

Whereas, today, more than one hundred fifty LNG ocean tankers transport more than one hundred ten million metric tons of LNG annually to more than forty ports around the world; and

Whereas, Louisiana and its citizens have long accepted the blessings and burdens of the oil and gas industry so that the rest of the nation may have an adequate supply of energy; and

Whereas, recent concerns have been growing across the coastal states regarding the use of open rack vaporization systems (''open-loop systems'') at LNG terminals in the Gulf of Mexico; and

Whereas, the proposed open loop terminals would be placed in the Gulf of Mexico adjacent to the most productive estuaries in the United States; and

Whereas, one open-loop terminal would take in up to two hundred million gallons of Gulf water a day through structures similar to a radiator, run it over panels with a temperature of minus two hundred sixty degrees Fahrenheit, and return the water back into the Gulf treated and approximately twenty degrees cooler; and

Whereas, the Louisiana Department of Wildlife and Fisheries issued concerns about ''the unknown effect of the open rack vaporizer regasification system's entrainment, impingement, and discharge characteristics on living marine resources, particularly considering the number of license applications for this type of facility being currently considered by the United States Coast Guard across the Gulf of Mexico''; and

Whereas, the governor of Louisiana stated ''as a state supportive of LNG development, we have tried to work within the current licensing system to allow offshore LNG development . . . we are unable to reach an acceptable comfort level with the potential risks presented by the cumulative impacts of multiple offshore LNG facilities that use the open rack vaporizer system''; and

Whereas, the Governor of Louisiana has stated ''Until studies demonstrate that the operation of the open rack vaporizer will not have an unacceptable impact on the surrounding ecosystem, I will only support offshore LNG terminals using a closed loop system having negligible impacts to marine life.'': Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and the Louisiana Congressional delegation to protect and ensure the right of state and local governmental entities to comment on applications for new offshore liquefied natural gas facilities and the right of the governor to veto to the extent authorized by federal law the approval of such facilities. Be it further

Resolved, That the Louisiana Legislature does hereby memorialize the U.S. Congress to direct the U.S. Maritime Administration to require that the environmental impacts of offshore liquefied natural gas terminals be fully investigated and considered before these facilities are licensed, especially in regards to the individual and cumulative impacts of open rack vaporization systems on marine species and marine habitat. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM–149. A joint resolution adopted by the Assembly of the State of Nevada relative to taking certain actions concerning wilderness areas and wilderness study areas; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION 1

Whereas, The provisions of 16 U.S.C. 1131 et seq., commonly referred to as the Wilderness Act, establish the National Wilderness Preservation System, which consists of areas of federal public lands that are designated by Congress as wilderness areas; and

Whereas, Congress has designated approximately 2.8 million acres of federal public lands in Nevada as wilderness areas; and

Whereas, If an area of federal public land is designated as a wilderness area, it must be managed in a manner that preserves the wilderness character of the area and ensures that the area remains unimpaired for future use and enjoyment as a wilderness area; and

Whereas, A reasonable amount of wilderness area in this State provides for a diverse spectrum of recreational opportunities in Nevada, promotes tourism and provides a place for Nevadans to escape the pressures of urban growth; and

Whereas, The provisions of the Wilderness Act and the Federal Land Policy and Management Act of 1976, 43 U.S.c. 1701 et seq., provide for the study of certain areas of land to determine whether those areas, commonly known as wilderness study areas, are suitable for designation as a wilderness area; and

Whereas, In conjunction with the provisions of the Wilderness Act and the Federal Land Policy and Management Act, the Bureau of Land Management of the Department of the Interior in the late 1970s conducted an initial inventory of approximately 49 million acres of federal public lands in Nevada to determine the suitability of such lands for designation as wilderness areas or identification as wilderness study areas and, in 1980, recommended that approximately 5.1 million acres of those lands be identified as wilderness study areas; and

Whereas, Although Congress recently enacted the Lincoln County Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108–424, 118 Stat. 2403, pursuant to which approximately 768,000 acres have been given status as wilderness areas and approximately 251,000 acres have been released for multiple use under the Federal Land Policy and Management Act, the Bureau of Land Management continues to manage approximately 2.8 million acres of federal public lands in Nevada identified as wilderness study areas; and

Whereas, Decisions concerning whether to designate wilderness study areas as wilderness areas or release those areas for multiple use are important and must be made in a timely manner and without any unnecessary delays so that those lands which are suitable for designation as a wilderness an:a may be afforded full protection as such and those lands which are not suitable for designation as a wilderness area may be released for use and management for the public good as accorded by law; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature urge the Nevada Congressional Delegation to work with all interested Nevadans, land managers, affected parties, local governments, special interest organizations and members of the public in a spirit of cooperation and mutual respect to address issues concerning the designation of wilderness areas in Nevada; and be it further

Resolved, That the members of the Nevada Legislature urge Congress to take the following actions concerning wilderness areas and wilderness study areas:

1. As part of the legislative process for determining which federal lands should be designated as wilderness areas, and in accordance with stakeholder agreements, continue the policy of releasing federal lands that are a part of a wilderness study area for multiple use, and to continue the appropriate disposal of suitable federal lands for conversion to state or private lands, when the determination is made that those federal lands are unsuitable for designation as wilderness areas;

2. When determining whether to designate land as a wilderness area, carefully consider the requirements of existing and future military operations on the land and in the airspace over the land and make appropriate decisions based on those requirements; and

3. Support the adoption of a schedule for the timely consideration of a plan to release wilderness study areas that are found unsuitable for designation as wild,erness areas; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–150. A joint resolution adopted by the Assembly of the State of Nevada relative to directing the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION 12

Whereas, The United States Congress passed the Southern Nevada Public Lands Management Act of 1998, which authorizes the United States Department of the Interior through the Bureau of Land Management to sell certain federal lands in Clark County to the private sector for development purposes; and

Whereas, The provisions of the Act allocate 5 percent of the profits from the sale of federal land to fund education in Nevada, 10 percent to the Southern Nevada Water Authority for water delivery projects, and 85 percent to a special account to be used for the federal acquisition of environmentally sensitive land to develop a Multi-Species Habitat Conservation Plan to protect threatened and endangered species, for capital projects on federal land managed by the Bureau of Land Management, the National Park Service and the United States Forest Service, and for developing parks, trails and natural areas in Clark County; and

Whereas, Additional legislation amended the Act to include the funding of conservation initiatives on federal land and federal environmental restoration projects at Lake Tahoe and to authorize that certain revenues be set aside for other specific purposes; and

Whereas, The Las Vegas Valley is the fastest growing metropolitan area in the United States and the Act was passed, in part, to offset growing recreational and environmental impacts on federal land surrounding the Las Vegas Valley and to provide recreational amenities within the Las Vegas Valley; and

Whereas, The residents of Clark County enjoy and utilize the right to own and use firearms, with persons in one of every three households estimated to own a firearm, and firearm owners have expressed a strong desire to develop a safe and affordable public shooting park in the Las Vegas Valley; and

Whereas, The Las Vegas Valley has limited public shooting opportunities and no public shooting parks, causing citizens to use federal lands for practice shooting, which results in illegal shooting, environmental damage and public safety issues; and

Whereas, Law enforcement, the security industry and local military units in the Las Vegas Valley have expressed a desire for a shooting park to meet training and Homeland Defense needs; and

Whereas, The need for a public shooting park was acknowledged by the Department of the Interior and Congress in January 2002 when President George W. Bush signed into law H.R. 2937, which transferred 2,880 acres of federal land to Clark County for the purpose of constructing a public shooting park; and

Whereas, The Clark County Board of Commissioners directed the Department of Parks and Community Services, with the advice of a citizen advisory committee, to design, construct and operate the shooting park; and

Whereas, The Sport Shooting Park Citizen Advisory Committee has recommended a conceptual plan for a safe, affordable and self-sustaining sport shooting park to meet the needs of the public, and this project enjoys strong support from the residents of the Las Vegas Valley; and

Whereas, The Department of the Interior, using money generated from the sale of land in Las Vegas Valley as required by the Southern Nevada Public Lands Management Act, funded the first phase of this project; and

Whereas, The Clark County staff proposed that the federal Parks, Trails and Natural Areas Subgroup recommend funding of $42,160,000 by the Department of the Interior to complete the remainder of the Sport Shooting Park development, as phases 2 and 3 of the project; and

Whereas, The Parks, Trails and Natural Areas Subgroup funding recommendation eliminated the proposed law enforcement area and the park center, thereby reducing the funding recommendation to $33,600,000; and

Whereas, The Clark County Board of Commissioners passed a resolution on March 1, 2005, requesting a reevaluation of the recommendation and the continuation of funding from the Southern Nevada Public Lands Management Act of 1998; and

Whereas, The Secretary of the Interior has the authority to authorize expenditure of money from the Act to provide full funding for the Clark County Sport Shooting Park: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 73rd Session of the Nevada Legislature hereby urge President Bush to direct the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park; and be it further

Resolved, That the members of the 73rd Session of the Nevada Legislature support the resolutions adopted by the Clark County Board of Commissioners on March 1, 2005, concerning the Southern Nevada Public Lands Management Act of 1998; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–151. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to establishing a domestic energy policy that will ensure an adequate supply of energy and the necessary infrastructure; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION 120

Whereas, the price of natural gas in the United States, the highest in the industrial world, has recently spiked and continues to show volatility; and

Whereas, the current price of natural gas has been equated to paying sixteen dollars for a gallon of milk, twelve dollars and seventy cents for a pound of ground beef, or nine dollars and twenty-one cents for a gallon of gasoline; and

Whereas, abnormally high natural gas prices have created an unanticipated burden of one hundred and eleven billion dollars on the economy of the United States over the past thirty months; and

Whereas, the United States relies too heavily on natural gas in our national energy supply, creating a tremendous imbalance between natural gas supply and demand; and

Whereas, Louisiana's manufacturers, farmers, small businesses, local governments, retailers, and residential consumers are struggling from skyrocketing natural gas prices; and

Whereas, thousands of jobs in these industries are threatened because many of these businesses use natural gas as a raw material and as an energy supply; and

Whereas, the natural gas imbalance is not a free market problem; and

Whereas, natural gas is domestically produced and very difficult to import, and the United States cannot correct the imbalance by the importation of natural gas; and

Whereas, the high price of natural gas is created by governmental policies that increase demand for natural gas while impeding the development of a greater supply by discouraging exploration and production; and

Whereas, the Legislature of Louisiana supports a sound and rational domestic energy policy; and

Whereas, such energy policy should develop a concerted national effort to promote greater energy efficiency and open promising new areas for environmentally responsible natural gas production: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to establish a domestic energy policy that will ensure an adequate supply of energy and the necessary infrastructure. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–152. A joint resolution adopted by the Legislature of the State of Nevada relative to recognizing the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION 4

Whereas, Since 1954, when the Atomic Energy Act was passed by Congress, the Federal Government has been responsible for the disposal of radioactive waste, yet few environmental challenges have proven more daunting than the problems posed by the disposal of spent nuclear fuel and high-level radioactive waste; and

Whereas, In July 2002, despite seemingly inadequate standards set by the Environmental Protection Agency and the recommendation of the Secretary of Energy, President Bush signed legislation designating Yucca Mountain as suitable for the nation's only repository for high-level radioactive waste and spent nuclear fuel without regard to the constant and vigorous objections of the political leaders and residents of the State of Nevada, and ignored the underlying geologic isolation requirements set by Congress; and

Whereas, The recommendation of Yucca Mountain was not only premature but also flawed, especially given the Department of Energy's failure to conduct a comprehensive evaluation of the socioeconomic, environmental and public health and safety impact both within Nevada and within communities along national shipping routes; and

Whereas, Not only is the proposed repository in one of the most geologically active areas in the nation but, according to the Agency for Nuclear Projects, it is ''the only repository under consideration in the world that is located above the water table, not below it''; and

Whereas, Even if risks related to geologic disposal are ignored, the designation of Yucca Mountain is of particular concern because of its location within an area rife with seismic and hydrothermic activity and because of its proximity to numerous fractures and earthquake faults, which could lead to underground contamination; and

Whereas, As more, problems are revealed, the Department of Energy has gravitated from the concept of geologic isolation; and now is relying almost exclusively on ''engineered barriers'' to keep radiological materials from migrating out of the repository and into the environment, essentially ignoring the foundational recommendation of the National Academy of Sciences that man-made materials not be used to compensate for faulty geology or hydrology; and

Whereas, The Nuclear Energy Institute has declared that the repository can be licensed ''without the mountain,'' yet, if that is true, if the mountain is irrelevant and waste packages can be made to last for 10,000 years, why make tens of thousands of shipments of radioactive waste through the nation's cities to a site as seismically adverse as Yucca Mountain; and

Whereas, In July 2004, the U.S. Court of Appeals for the D.C. Circuit threw out a radiation safety standard set by the Environmental Protection Agency, finding that the Nuclear Regulatory Commission ''breached its duty'' to protect the health and safety of the public by limiting repository performance standards to 10,000 years, essentially ignoring the National Academy of Sciences when it recommended that the standard exceed 300,000 years; and

Whereas, The recent court decision has not only delayed the licensing process, but the Department of Energy has stated that they are unable to meet a standard longer than 10,000 years; and

Whereas, The Department of Energy contends it is better to have all nuclear waste at a single location rather than scattered around the country, yet this contention is flawed because Yucca Mountain will be at capacity by the time it is finally deemed to be ready for use, effectively putting to rest the ''one safe site'' idea; and

Whereas, Those within the nuclear industry itself have commented that storing high-level waste at a centralized location is no longer essential and, in fact, permits have been filed to build new nuclear power plants with on-site storage and to increase storage at existing plants, the sites of which are already protected by comprehensive security plans; and

Whereas, The Department of Energy's own analysis of Yucca Mountain suggests there would be fewer deaths and injuries if the Department allowed the waste to continue to be stored at existing power plants and storage sites until a safe and permanent site and transportation proposal can be confirmed; and

Whereas, Ninety percent of the waste to be shipped to Yucca Mountain is now located east of the Mississippi and, if transported, will impact at least 44 states, hundreds of cities, thousands of communities and nearly 50 million Americans who reside within 3 miles of potential shipping routes; and

Whereas, An area identified as the Caliente rail corridor has been designated as part of the transportation route, the designation of which is being contested, particularly since flooding occurred in that area in January 2005, eroding approach embankments and causing railroad tracks to be washed away, which led 5 to 10 trains to be rerouted through Reno; and

Whereas, Compounding the transportation issue is the fact that, even without an accident, Nevada's economy stands to lose upwards of $5.5 billion annually as a result of the stigmatizing effects of the repository and the transportation of nuclear waste through the State; and

Whereas, As early as 1986, the Department of Energy acknowledged the potential for impacts to a tourism-dependent economy, an issue of great concern in Nevada, stating ''the potential for adverse public perception of a repository and its associated waste transportation could adversely affect the tourism industry''; and

Whereas, Given the unique reliance of Nevada's economy on the State's ability to attract tourists, any impacts that reduce the number of visitors, especially to Las Vegas, would have major economic consequences for this State, leading to direct fiscal consequences for local governments as it is predicted that, even without an accident, visitor spending will decline by 7 percent, reducing local government tax revenues by $91 million annually; and

Whereas, Not only is Nevada itself ranked the fastest growing state in the nation but the Las Vegas Valley, in particular, is one of the fastest growing areas in the nation, with Henderson, North Las Vegas and Las Vegas being among the top six fastest growing cities in the country, which further raises concerns because Yucca Mountain is located just 90 miles northwest of the Valley; and

Whereas, Recent setbacks include decreased funding by Congress, delays in the licensing process and the backlog in review by the Department of Energy of the documents to be submitted with the application, of which there are more than 2 million documents still in need of study; and

Whereas, The inescapable conclusion is that the Federal Government is in no way prepared to deal with, or is even aware of, the effects of the Yucca Mountain project on society and this country: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That numerous hurdles, including budget shortfalls, an unresolved radiation health safety standard, and transportation and corrosion issues, are cause for reconsidering Yucca Mountain as the proposed site for a nuclear waste repository; and be it further

Resolved, That President Bush is implored to remember a pledge he made in Las Vegas on August 12, 2004, to ''stand by the decision of the courts and the Nuclear Regulatory Commission,'' and to live up to this promise by ordering the Department of Energy to stop its work on a license for a nuclear waste repository in Nevada; and be it further

Resolved, That despite the fact that voters in Nevada chose to re-elect President Bush, a recent poll indicates that approximately 70 percent of Nevadans remain opposed to Yucca Mountain, an ill advised project based on bad science, bad law and bad public policy, a choice that ignores better, less expensive and safer alternatives, a choice which hinders, not helps, national security; and be it further

Resolved, That Nevada has already borne more than its fair share of this nation's radioactive waste burdens, including, hosting hundreds of nuclear weapons tests during the Cold War and hosting the world's largest low-level and mixed radioactive waste disposal facility at the Nevada Test Site, which is also controlled by the Department of Energy; and be it further

Resolved, That the issue of how to dispose of nuclear waste, the deadliest substance known to mankind, is of great importance, requiring decisions to be based on ''sound science,'' as was promised Nevada and the nation in 2000, before it is put on the roads, railways and waterways of this country; and be it further

Resolved, That with the abundance of safe, economical dry storage facilities at existing reactor sites, there is no current spent fuel emergency and nuclear power plants face no risk of shutdown, the residents and political leaders of the State of Nevada urge President Bush and Congress and all involved agencies to recognize the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of Energy and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–153. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii relative to urging the Federal Government to provide medical care and compensation to nuclear victims in the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION 141

Whereas, the International Declaration of Human Rights guarantees all world citizens the right to life and health and a clean environment, and one of the essential components in this fundamental right is the right to open information on environmental hazards and the short- and long-term effects of environmental contamination on human health; and

Whereas, given the continuing widespread reliance of many governments on nuclear energy and nuclear weapons, and given the imminent threat of acts of terror at nuclear facilities that could release large volumes of radiation into the global environment, it is essential that the federal government gather comprehensive data from a wide range of communities on sustained and extensive exposure to low-level radiation; and

Whereas, the United States government carried out sixty-seven above-ground tests of atomic and hydrogen bombs in the region of Enewetak and Bikini in the Marshall Islands from 1946 through 1958; and

Whereas, these bomb tests affected not only the atolls of Enewetak and Bikini, but also the downwind atolls of Rongelap, Utrik, Ujae, and others; and

Whereas, these atomic blasts were thousands of times more powerful than the bombs dropped on Hiroshima and Nagasaki, Japan; and

Whereas, three islands in the Bikini atoll and three islands in the Enewetak atoll completely ceased to exist as a result of these tests; and

Whereas, the federal government deliberately failed to protect the citizens of the Republic of the Marshall Islands from exposure to radioactive fallout; and

Whereas, significant numbers of residents of the four affected atolls experienced acute radiation sickness, thyroid cancer, skin cancer, other oncological illnesses, leukemia, birth defects, stillbirths, damage to reproductive organs, and endocrine disorders as a result of this exposure; and

Whereas, some of the radioactive materials released in massive quantities in these atomic tests remain dangerously radioactive for thousands of years; and

Whereas, the federal government has failed to conduct comprehensive, independent, open, and transparent health studies to determine the overall impact of the atomic bomb tests on the health of the citizens of the Marshall Islands; and

Whereas, newly declassified documents have verified that the federal government carried out radiation experiments deliberately injecting radioactive isotopes into Marshallese citizens without their informed consent; and

Whereas, officials from the United States Department of Energy, the National Cancer Institute, and other agencies charged with the protection of public health have admitted that they deliberately concealed or distorted the higher thyroid cancer rates and other health effects among nuclear survivors in the Marshall Islands; and

Whereas, the federal government has now threatened to cut off funds for medical care and compensation of nuclear victims in the Marshall Islands on the grounds that there is no legal basis for such payments and that no further nuclear health effects can be expected; and

Whereas, the Republic of the Marshall Islands currently lacks the financial and technical resources needed to remedy or combat the effects of radioactive fallout, to protect the public from further radiation exposure, to complete the further decontamination of all nuclear and military waste, or the devolution and restoration of the affected lands; now, therefore, be it

Resolved, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that the President of the United States and the Congress of the United States are respectfully urged to seek proper funding for medical care and compensation of nuclear victims who are residents of the Republic of the Marshall Islands, and for the development and decontamination of the affected Marshall Islands communities; and be it further

Resolved, That the federal government is further requested to immediately step up

their efforts to screen the health of exposed Marshall Islands populations and in particular, all newborn infants, now and in the future, that may suffer the long-term effects of exposure to radioactive fallout caused by atomic and hydrogen bomb testing conducted by the United States; and be it further

Resolved, That the federal government is urged to finance and commission a comprehensive independent health study to conclusively determine the impact of sustained exposure to high-level and low-level radiation; provided that the scope or duration of such health studies is requested to include the likelihood of chromosome damage and the likely emergence of genetic deformities in future generations; and be it further

Resolved, That the federal government is encouraged to establish health centers in the Republic of the Marshall Islands, and to finance and provide resources necessary to sustain health care adequate to the needs of nuclear victims that are Marshall Island residents; and be it further

Resolved, That the Congress of the United States is requested to hold public hearings on the Change of Circumstances Petition both in Majuro, Republic of the Marshall Islands, and in Washington D.C., and to allow representatives of the non-governmental organizations from Enewetak, Rongelap, Utrik, and Bikini to testify; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, through the Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, the Executive Director of the Aloha Medical Mission, the President of Micronesians United, the Director of Pacific Island and Asian American Ministry of the United Church of Christ, the Director of ERUB (Enewetak, Rongelap, Utrick, Bikini) Honolulu Marshallese Ministry, and the Director of the Friends Retreat Center.

POM–154. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to approving funding for deepening the Houma Navigation Canal, including funding efforts to make beneficial use of the dredge material for embankment stabilization; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION 84

Whereas, growth and development of businesses and industries are beginning to be restrained by the shallowness of the Houma Navigation Canal due to the fact that the existing depth of the canal does not allow passage of the larger barges and vessels which are necessary for newer equipment and products; and

Whereas, the Houma economy is heavily dependent on the oil and gas industry, and oil and gas exploration is venturing farther out into the Gulf of Mexico and into deeper and deeper water, ventures which require larger vessels and heavier equipment for support; and

Whereas, Houma has always been a major location of the industries necessary to support Gulf of Mexico oil and gas exploration and production, but the city may soon no longer be accessible to those support vessels and barges because of the restrictive depth of the Houma Navigation Canal; and

Whereas, economic growth in the area is dependent on the canal being dredged to a navigable depth of twenty feet, with the additional benefit that dredging the canal will provide dredge material that can be put to beneficial use in efforts for bank stabilization and coastal preservation and restoration; and

Whereas, the United States Army Corps of Engineers has already begun design work on a set of locks in the canal, which will be designed for a navigable depth of twenty feet, and it is only logical that the canal on which the locks are located would be the same depth as the locks: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and the Louisiana congressional delegation to approve funding for deepening the Houma Navigation Canal to a navigable depth of twenty feet, including funding efforts to make beneficial use of the dredge material for bank stabilization and coastal preservation and restoration. Be it further

Resolved, That a copy of this Resolution be forwarded to the United States Congress, the Louisiana congressional delegation, the United States Army Corps of Engineers, New Orleans District, and the secretary of the Department of Natural Resources.

POM–155. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to permitting public access to the West Pearl Navigational Canal; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION 66

Whereas, due to a shortage in federal funding for the operation of the West Pearl River Navigation Project, including no funding for staffing the fifty-eight mile waterway, the twenty-mile canal, or the three locks, the United States Army Corps of Engineers-Vicksburg District is preparing to close access by placing gates on the roads leading into the federal property on June 30, 2005; and

Whereas, the gates will block access roads leading to Locks 1, 2, and 3, and Poole's Bluff Sill; and

Whereas, citizens of Louisiana, especially the resident sportsmen and recreational boaters of St. Tammany and Washington parishes, have enjoyed the benefits of the boat launches for recreational purposes for many years and with the planned closure citizens will no longer have access nor be permitted to use such facilities; and

Whereas, residents of St. Tammany and Washington parishes who frequently use the boat launches and access roads are working with state and local officials on developing an alternative solution in order that such facilities and roads remain accessible: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to permit continued public access to the West Pearl River Navigational Canal located in the parishes of St. Tammany and Washington and to extend the date of June 30, 2005 scheduled for closure until such time that an alternate long-term solution can be determined by state and local officials to maintain public access for the citizens of Louisiana. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–156. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to directing the United States Army Corps of Engineers, New Orleans District, to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation except in the parishes of Terrebonne, Lafourche and St. Charles; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION 71

Whereas, Louisiana's wetlands support a variety of resources that are vital to the economic and environmental health of the state; and

Whereas, Louisiana's forests are ninety percent privately owned and play a vital role in the environmental quality of the state, covering over one-half the land area of the state and supporting an industry that contributes over $5 billion to the economy each year; and

Whereas, the management of coastal wetland forests must be accomplished in a manner that respects the rights of property owners and recognizes the use of property in wetland areas in a manner consistent with sustainable wetland management; and

Whereas, forest landowners, loggers, and industry operate under the principles of sustainable forestry and conduct operations consistent with Louisiana's recommended Best Management Practices; and

Whereas, the United States Congress, in Section 404(F) of the Federal Water Pollution Control Act, otherwise known as the Clean Water Act, recognized that normal silviculture is a land use that is consistent with sustainable wetland management; and

Whereas, the United States Army Corps of Engineers, New Orleans District, is using an 1899 law, Section 10 of the Rivers and Harbors Act, addressing impediments to navigation to stop sustainable forestry practices and cause financial loss to landowners and the forest products industry in sustainable forested wetlands; and

Whereas, no other United States Army Corps district uses the 1899 law to stop logging in areas that have no impact on navigable waters; and

Whereas, certain acreage between the Atchafalaya and Mississippi Rivers, encompassing all or portions of the parishes of Terrebonne, Lafourche, and St. Charles, has been designated as an area of special significance to the United States and to the state of Louisiana and has been further designated as one of only twenty-eight National Estuaries in the United States; and

Whereas, the parishes of Terrebonne, Lafourche, and St. Charles fully support the efforts of the United States Army Corps of Engineers, New Orleans District, to protect and regulate coastal forestry activities: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to direct the New Orleans District of the United States Army Corps of Engineers to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation except in the parishes of Terrebonne, Lafourche, and St. Charles. Be it further

Resolved, That the Legislature of Louisiana finds that it is imperative that the critically-imperiled and valued regions of the parishes of Terrebonne, Lafourche and St. Charles should have the full protection afforded by Section 10 of the Rivers and Harbors Act. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate; the clerk of the United States House of Representatives; each member of the Louisiana delegation to the United States Congress; the District Engineer for the United States Army Corps of Engineers, New Orleans District; the commissioner of the Department of Agriculture and Forestry; the secretary of the Department of Natural Resources; the state conservationist with the Natural Resources Conservation Service of the United States Department of Agriculture; and the executive

directors of the Louisiana Forestry Association and the Louisiana Pulp and Paper Association.

POM–157. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to enacting the Coastal Restoration Tax Credit Act of 2005; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION 61

Whereas, Louisiana's coastal wetlands are the seventh largest delta on earth, and the ecosystem serves as a habitat for both marine life and wildlife; and

Whereas, Louisiana's coastal wetlands host production and distribution of eighty percent of America's offshore oil and gas supply; and

Whereas, Louisiana's coastal wetlands provide an important energy corridor vital to the entire United States, serving as a storage location for a significant portion of the nation's Strategic Petroleum Reserve and as the location of the Louisiana Offshore Oil Port which is the nation's major import terminal for foreign oil; and further providing for the onshore and offshore intersections of oil and natural gas intrastate and interstate pipeline networks which serve as reference for futures markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, energy facilities in coastal Louisiana, in connection with other facilities in the state, transport nearly thirty-four percent of the nation's natural gas supply, over twenty-nine percent of the nation's crude oil supply, and are connected to nearly fifty percent of U.S. refining capacity; and

Whereas, the wetlands serve as the wintering habitat for millions of waterfowl and migratory birds, and approximately ninety-five percent of all marine life in the Gulf of Mexico spend part of the life cycle in the wetlands; and

Whereas, the wetlands serve as hurricane and storm surge protection for more than two million people living in the coastal zone, and as a buffer for the number one port system in the nation; and

Whereas, Louisiana's coastal wetlands are being lost at the rate of twenty-four square miles per year, which is approximately one football field lost every thirty-eight minutes; and

Whereas, Louisiana's coastal wetlands loss represents more than eighty percent of all coastal saltwater marsh loss in the continental United States; and

Whereas, if the current rate of loss is not slowed, the loss will have devastating impacts on Louisiana and the rest of the nation, including not only the loss of marine life and wildlife habitat, but also the exposure of over two million citizens and the nation's oil and gas infrastructure to deadly hurricanes and storms; and

Whereas, considering the potential expected cost for a Louisiana restoration plan is fourteen billion dollars over thirty years, the Coastal Restoration Tax Credit Act of 2005, serves a useful and important purpose by providing tax credits for expenses incurred by a taxpayer for approved projects which restore and protect coastal lands: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact the Coastal Restoration Tax Credit Act of 2005. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–158. A joint resolution adopted by the Legislature of the State of Nevada relative to mandating the reporting of results of all clinical trials and the collection and analysis of the data by the appropriate Federal agencies; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY JOINT RESOLUTION 14

Whereas, A clinical trial is a research study involving the participation and observation of human volunteers to determine the safety and effectiveness of drugs, biological products or medical devices; and

Whereas, There is no comprehensive system for tracking, organizing and disseminating information about ongoing clinical trials, and it is estimated that only half of the approximately 1 million trials conducted over the past 56 years have been reported; and

Whereas, One consequence of this lack of reporting is ''publication bias'' wherein positive results of trials are reported in order to get a drug approved, while trials which show harmful effects are not reported, resulting in a distortion of evidence on which to base medical determinations, allowing physicians to unwittingly prescribe drugs that may have hazardous side effects; and

Whereas, There are many reasons that volunteers participate in trials, such as gaining access to new treatments before they are widely available, obtaining expert medical care at leading health care facilities, playing an active role in their own health care and helping others by contributing to medical research; and

Whereas, There are many risks to participation in these trials, including possible unpleasant and even life-threatening side effects, and with a voluntary registry such as suggested by the pharmaceutical industry, companies may not report results that are unfavorable to their products, betraying the volunteers' trust, and without this information, there cannot be a true scientific evaluation of the study of that drug; and

Whereas, Many trials that are performed by academic researchers are sponsored by pharmaceutical companies, presenting a conflict of interest when reporting the results of the trials, and nearly one-fifth of government scientists say they have been pressured to support approval of a drug despite having concerns about its safety; and

Whereas, Each clinical trial in the United States must be approved and monitored by an institutional review board, which is an independent committee of physicians, statisticians, community advocates and others, to ensure that the trial is ethical and that the rights of the volunteers are protected; and

Whereas, Prescription drugs are regulated by the Food and Drug Administration, but with the discovery that some of the drugs developed for arthritis have been found to increase the risk of heart attacks and that some patients, especially children and teenagers who were prescribed antidepressants had increased rates of suicide and violence, with substantial evidence of the suppression of negative data concerning these drugs in clinical trials, there is a growing movement supporting a national registry of all clinical trials; and

Whereas, The pharmaceutical industry opposes full disclosure because of concerns that competitors would learn their research and development secrets and it would affect their profits, but the pharmaceutical industry is consistently one of the most profitable industries in the Fortune 500 list, and the welfare of the public must take precedence over all else; and

Whereas, For these reasons, the American Medical Association has called for all clinical trials to be registered with the Federal Government; and

Whereas, The International Committee of Medical Journal Editors has issued a statement that, as of July 1, 2005, they will require registration in a public trials registry for all clinical studies that involve human patients as a condition of consideration for publication in member journals; and

Whereas, In the 108th Session of Congress, H.R. 5252 and S. 2933 were introduced which required researchers to enter their clinical trials into a federal registry before starting them and to report the results of the trials at the conclusion, but these bills died in committee; and

Whereas, Under current law, pharmaceutical companies are required to post information only about trials of drugs for serious or life-threatening diseases or conditions which are then posted on an existing government website, www.ClinicalTrials.gov. that currently has a database of such studies conducted in all 50 states and in over 100 countries; and

Whereas, This website could be expanded to include information about the purpose, duration and outcomes of all clinical trials; and

Whereas, It is imperative that federal legislation be introduced to create a centralized and comprehensive national registry for mandatory reporting of all publicly and privately funded clinical trials involving drugs, biological products or medical devices; and

Whereas, Since it has been shown that unfavorable trial results which placed financial interests at risk are particularly likely to remain unpublished and hidden from public view, any legislation must require that the results of all clinical trials be reported, whether those results are positive or negative, because selective reporting of results distorts the body of evidence available for decision making; and

Whereas, By creating a single, comprehensive database of clinical studies and their results. scientific information is easily available, in a timely fashion, for use by researchers, journalists, public interest organizations, health care providers, patients seeking to enroll as subjects in clinical trials and the general public so that they may make informed decisions, resulting in safer and more responsible clinical trials; and

Whereas, Since many adverse effects do not surface until a drug is taken over a long period of time, periodic updates must be included in the registry to improve knowledge of the risks of longterm use; and

Whereas, To be effective, legislation would need to require that institutional review boards deny a stamp of approval to a clinical trial unless it is registered in the database; and

Whereas, To regain the public's trust in the clinical trials procedure, there must be full disclosure of the results of all clinical trials, allowing physicians and patients to make safe, appropriate and effective health care decisions by having all relevant information available; Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That, because carefully conducted clinical trials are recognized as a necessary and valuable tool in determining the efficacy and safety of products, the members of the Nevada Legislature hereby express their strong support for a national registry of clinical trials for the health and well-being of the public; and be it further

Resolved, That, since there is no pending legislation requiring a national registry of clinical trials before the I09th Session of Congress, the Legislature of the State of Nevada urges the Nevada Congressional Delegation to introduce and to support federal legislation which mandates registration of all

clinical trials before they are begun and full disclosure of the results; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, to the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation: and be it further

Resolved, That this resolution becomes effective upon passage.

POM–159. A joint resolution adopted by the Legislature of the State of Maine relative to funding the costs of special education and to end unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, the Congress of the United States has found that all children deserve a high-quality education, including children with disabilities; and

Whereas, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

Whereas, the Federal Government has never contributed more than a fraction of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a high-quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of that state and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national average per-pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–160. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to amending the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 245

Whereas, in 2002, the No Child Left Behind Act of 2001 was enacted on a bipartisan basis and signed into law by President George W. Bush; and

Whereas, all states that accept federal Title I education funds, including Hawaii, are subject to the requirements of the Act; and

Whereas, the purpose of the Act is to compel all public schools to make adequate yearly progress toward the goal of 100 percent student proficiency in math and reading by 2013–2014; and

Whereas, these expectations are unreasonable for students with limited English proficiency and students with disabilities, making it impossible for many of Hawaii's schools, that have a high population of these students, to comply with the law; and

Whereas, the Act does not allow states that may already have successful accountability systems in place to use their system to comply with the spirit of the Act; and

Whereas, states should be allowed to use a value-added or student growth approach in their state accountability plan; and

Whereas, the Act is an under-funded mandate that causes states and school districts to spend more money than the amounts appropriated by Congress to implement the Act; and

Whereas, the Act coerces participation by placing punitive financial consequences on states that refuse to participate; and

Whereas, in 2004, the National Conference of State Legislatures created a bipartisan task force to study the Act, resulting in suggestions for specific changes to make the Act more workable, more responsive to variations among the states, and more effective in improving elementary education; and

Whereas, the recommendations of the task force's February 2005 Final Report include the following:

(1) Substantially increasing federal funding for the Act;

(2) Reexamining the financial consequences for states that choose not to participate;

(3) Reevaluating the 100 percent proficiency goal established by the Act;

(4) Conducting a Government Accountability Office study of the compliance and proficiency costs associated with the Act;

(5) Giving the Individuals with Disabilities Education Act primacy over the Act in cases where these laws may conflict; and

(6) Providing states with much greater flexibility to meet the objectives of the adequate yearly progress provisions of the Act; and

Whereas, although the Act aims to provide flexibility for states to improve academic achievement and to close the achievement gap, the task force found that little flexibility has been granted to states to implement the Act: Now, therefore, be it

Resolved, By the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the United States Congress is respectfully requested to amend the No Child Left Behind Act of 2001 according to the recommendations of the February 2005 Final Report of the National Conference of State Legislatures' Task Force on No Child Left Behind; and be it further

Resolved, That the current law and any revisions thereof recognize that under our federal system of government, education is primarily a state and local responsibility; and be it further

Resolved, That Congress is requested to allow states more flexibility to continue to work toward the goal of closing the achievement gap without the threat of losing federal funds; and be it further

Resolved, That Congress is requested to appropriate federal funding in amounts consistent with the levels authorized in the Act for education programs and expanded information systems needed to accurately reflect student, school, and school district performance and to pay the costs of ensuring student proficiency; and be it further

Resolved, That Congress is requested to authorize appropriate assessment methods and an alternative methodology for determining adequate yearly progress targets and progress for students who are not yet proficient in English and who have certain disabilities; and be it further

Resolved, That Congress is requested to amend the No Child Left Behind Act's current provisions relating to adequate yearly progress to apply sanctions only when the same groups or subgroups within a grade level fail to meet adequate yearly progress targets in the same subject area for two consecutive years; and be it further

Resolved, That Congress is requested to amend the Act to allow flexibility in:

(1) Determining adequate yearly progress using models that measure individual student growth or growth in the same cohort of students from year to year;

(2) Calculating adequate yearly progress for students belonging to multiple groups and subgroups; and

(3) Determining whether certain categories of teachers, such as special education teachers, are highly qualified; and be it further

Resolved, That Congress is requested to modify the No Child Left Behind Act's provisions relating to school choice by limiting the option only to those students whose performance is consistently below the proficiency level; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and members of Hawaii's congressional delegation.

POM–161. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting federal policies designed to eliminate homelessness in the United States; to the Committee on Health, Education, Labor, and Pensions.

POM–162. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the creation of a national cord blood stem cell bank; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION 75

Whereas, In discussion on stem cells in this country, one available resource has too often been overlooked—stem cells from umbilical cords. For example, a special type of stem cells known as hematopoietic progenitor cells have been successfully used for decades to reconstitute bone marrow and circulating blood cells in patients whose bone marrow

has been damaged by chemotherapy or other underlying disease. Blood collected from the umbilical cords of recently delivered infants have proven advantages over other sources of these cells, such as adult donors. Stem cells found in the umbilical cord are less immunologically mature than other sources, which lessens the risk of rejection when transplanted. In addition, the collection of these cells poses minimal risk to the mother and infant. In some cases there are sufficient stem cells in one umbilical cord for a transplant to reconstitute bone marrow in a recipient; and

Whereas, Nearly 12,000 Americans a year search for a bone marrow donor. Of these, only a small fraction identifies a relative who is an acceptable match for a successful donation. All the others must rely on a transplant from a stranger. More than 9 million adults have voluntarily entered bone marrow donor registries worldwide. This number is not sufficient to find a match for everyone in need; and

Whereas, The current system for collecting and registering umbilical cord blood in the United States is fragmented, with at least 20 public banks operating across the country, one of which is located in Grand Rapids, Michigan. In 2004, the United States Congress appropriated $10 million to the Department of Health and Human Services' Health Resources and Services Administration to establish a National Cord Blood Stem Cell Bank Program. Congress directed the Institute of Medicine to make recommendations to set up and operate the bank. In April 2005 the Institute of Medicine met its responsibility by issuing an extensive report with recommendations on how to make the current system work and expand it for the benefit of physicians and patients searching for matching donors: Now, therefore, be it

Resolved, By the House of Representatives, That we memorialize the Congress of the United States and the Department of Health and Human Services to take the steps necessary to create the national cord blood stem cell bank based on the recommendations of the Institute of Medicine; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives members of the Michigan congressional delegation, the Secretary of the Department of Health and Human Services and the Administrator of the Health Resources and Services Administration. Adopted by the House of Representatives, June 1, 2005.

POM–163. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to supporting Federal funding for Lyme disease research; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION 4

Whereas, according to the Centers for Disease Control and Prevention (CDC), Lyme disease is probably the most common tick-borne bacterial disease in the world, and in the United States, it accounts for more than 90 percent of all reported cases of vector-borne illness; and

Whereas, New Hampshire ranked 12th nationwide in total reported cases to the CDC in 2003; and

Whereas, the number of reported cases in 2004 in New Hampshire has grown substantially from the 2003 reported numbers; and

Whereas, the tick populations are spreading northward with the primary carrier being the deer tick; and

Whereas, the lack of early detection of Lyme disease may result in unrecognized illness and persistent symptoms of Lyme disease infection; and

Whereas, further research and health care provider education about Lyme disease laboratory testing is needed; and

Whereas, the issue of co-infections is clouding the diagnostic picture with babesiosis, ehrlichiosis, anaplasmosis, Bartonella, RMSF, tularemia, tick paralysis. and other infections possibly being transmitted by the bite of the same ticks that transmit Lyme disease and Lyme-like diseases; and

Whereas, the educational awareness of this disease, insurance coverage, and research funding need more attention in New Hampshire; and

Whereas, government officials need to understand the complexities of this disease, develop good sound policy to draw attention to Lyme disease, and stop the spread of Lyme disease in the state of New Hampshire: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the general court of New Hampshire strongly supports more federal funding for Lyme disease research; and

That the general court will continue to educate the public and physicians about this disease through the New Hampshire department of health and human services and other appropriate state agencies; and

That copies of this resolution signed by the president of the senate and the speaker of the house of representatives shall be sent by the senate clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives. and to each member of the New Hampshire congressional delegation.

POM–164. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to enacting Federal legislation to ensure that deserving victims of asbestos exposure receive compensation; to the Committee on the Judiciary.

SENATE RESOLUTION 177

Whereas, asbestos, a mineral processed and used in thousands of construction and consumer products, is a dangerous substance and has caused thousands of people to develop serious and often fatal diseases and cancers; and

Whereas, millions of workers have been exposed to asbestos, and the economic toll resulting from litigation related to exposure to asbestos could run into the hundreds of billions of dollars; and

Whereas, many companies, in order to avoid bankruptcy and to compensate victims with manifest injuries from exposure to asbestos, have attempted to set aside sufficient resources to compensate such victims; and

Whereas, the new claims are resulting in a depletion of the funds available to compensate victims who have sustained serious injuries and who are in desperate need of compensation; and

Whereas, the United States Supreme Court has noted that federal and state courts have been inundated by an enormous number of asbestos cases that defies customary judicial administration and calls for national legislation; and

Whereas, the United States Senate Judiciary Committee, under the bipartisan leadership of Republican Senator Arlen Specter and Democratic Senator Patrick Leahy, have crafted a bipartisan piece of legislation that creates a fair and equitable system to deal with the asbestos litigation crisis; and

Whereas, this bipartisan legislation creates an asbestos trust fund that will ensure that victims of asbestos exposure will receive just and fair compensation: Therefore, be it

Resolved, That the Louisiana Senate does hereby memorialize the members of the United States Senate from Louisiana, Senator Mary Landrieu and Senator David Vitter, to continue to work toward enacting federal legislation to ensure that deserving victims of asbestos exposure receive compensation and continue to work with Senators Specter and Leahy to pass meaningful and fair asbestos litigation reform legislation. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–165. A resolution adopted by the City Commission of Belle Glade of the State of Florida relative to the protection and enhancement of the Community Development Block Grant (CDBG) Program; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

Marcus C. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency.

Granta Y. Nakayama, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

By Mr. GRASSLEY for the Committee on Finance.

Suzanne C. DeFrancis, of Maryland, to be an Assistant Secretary of Health and Human Services.

Alex Azar II, of Maryland, to be Deputy Secretary of Health and Human Services.

Charles E. Johnson, of Utah, to be an Assistant Secretary of Health and Human Services.

(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 Ms. LANDRIEU:

S. 1427. A bill for the relief of Marcela Silva do Nascimento to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD):

S. 1428. A bill to stop corporations from financing terrorism to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1429. A bill to amend the Higher Education Act of 1965 to assist homeless students in obtaining postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1430. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1431. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. DODD):

S. 1432. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child care providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1433. A bill to establish a grant program to enable institutions of higher education to improve schools of education to better prepare teachers to educate all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1434. A bill to provide grants to teacher preparation programs at institutions of higher education to award scholarships for teachers to receive a graduate level degree; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1435. A bill to establish a grant program for institutions of higher education to collaborate with low-income schools to recruit students to pursue and complete postsecondary degrees in education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1436. A bill to award grants to eligible entities to enable the entities to reduce the rate of underage alcohol use and binge drinking among students at institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG:

S. 1437. A bill to amend the Public Health Service Act to provide protections for first responders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself and Mr. KYL):

S. 1438. A bill to provide for immigration reform; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1439. A bill to provide for Indian trust asset management reform and resolution of historical accounting claims, and for other purposes; to the Committee on Indian Affairs.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 285

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 285, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Connecticut (Mr. LIEBERMAN) 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. 603

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 828

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 1022

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 1104

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1104, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1265

At the request of Mr. VOINOVICH, the name of the Senator from Texas (Mr. CORNYN) 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. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1317

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) 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 suitably matched to donors of bone marrow and cord blood.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1383

At the request of Mr. COLEMAN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1383, a bill to seek urgent and essential institutional reform at the United Nations.

S. 1400

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1400, a bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States.

S. 1419

At the request of Mr. LUGAR, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1419, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1419, supra.

S. 1423

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1423, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representatives of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) 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.

S. RES. 198

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 198, a resolution commemorating the 25th anniversary of the 1980 worker's strike in Poland and the birth of the Solidarity Trade Union, the first free and independent trade union established in the Soviet-dominated countries of Europe.

AMENDMENT NO. 825

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Rhode Island (Mr. REED), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from Montana (Mr. BAUCUS) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 825 proposed to H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

AMENDMENT NO. 1245

At the request of Ms. LANDRIEU, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Ohio (Mr. DEWINE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1245 proposed to H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 1245 proposed to H.R. 3057, supra.

AMENDMENT NO. 1273

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 1273 proposed to H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1299

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 1299 proposed to H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself and Mr. DEWINE):

S. 1429. A bill to amend the Higher Education Act of 1965 to assist homeless students in obtaining postsecondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURRAY. Mr. President, today I join Senator DEWINE to introduce a bill that would make the dream of a college diploma more accessible to homeless youth and kids in foster care.

We all know the obstacles students' in America need to overcome in order to succeed in post-secondary education. Couple these traditional obstacles with extreme poverty, residential instability, insufficient documentation and lack of awareness of supportive educational programs and it is no wonder homeless children and children in foster care are only half as likely to go on to college as their peers.

Youth in foster care are less likely to be enrolled in college preparatory classes and are more than twice as likely as non-foster care youth to drop out of high school altogether. Because The Higher Education Act supports several programs that motivate and support disadvantaged students to help increase their postsecondary educational attainment, it already has many of the tools necessary to intervene in these student lives. My bill would help programs, such as TRIO and GEAR UP, target their resources to better serve homeless and foster care populations. Early intervention is key in retaining these students and preparing them for post-secondary education.

More than 70 percent of teens in foster care desire to go to college, only 27 percent of those who graduate from high school realize that dream. Although children and youth who experience the instability of homelessness or foster care represent the full range of academic talents and abilities, their situations create serious barriers to school enrollment, attendance, and success.

Homeless and foster care youth do not have the traditional family network to encourage or assist them in planning for a college education. These youth need help to select a college, apply for admission and obtaining financial aid. In addition, their student aid must be used for so much more than just tuition and books. They face the daunting challenges of housing, transportation and other basic needs. By assisting these youth to become independent students we will increase their access to student aid for financial aid purposes; improve their changes for a smooth transition into, and completion of, higher learning.

Our nation's economic well-being depends on our ability to provide greater access to higher education for students, regardless of their family background. By passing this bill we guarantee more students than ever will be given the tools they need to attend college and succeed. Through college we provide these vulnerable students with the best hope for escaping the cycle of poverty and homelessness.

I look forward to working with HELP Committee Chairman ENZI to incorporate these provisions into the Higher Education Act reauthorization bill. And again, I thank Senator DEWINE for his commitment to these often overlooked children.

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. 1429

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 ''Improving Access to Education for Students Who Are Homeless or in Foster Care Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to a study of foster care children in the State of Washington, a child who enters foster care is likely to have poorer academic outcomes than a child not in foster care, even after controlling for a variety of factors such as poverty.

(2) Youth in foster care—

(A) are less likely to be enrolled in college preparatory classes than non-foster care youth; and

(B) are more than twice as likely as non-foster care youth (37 percent as compared to 16 percent) to have dropped out of secondary school.

(3) 50 percent of foster youth in the United States graduate from secondary school, compared with 85 percent of youth overall.

(4) 70 percent of teens in foster care desire to go to college.

(5) A report from Casey Family Programs indicated that, nationwide, less than 27 percent of foster youth who graduated from secondary school went on to college, as compared to 52 percent of the general population. Moreover, the college dropout rate among foster youth is far higher than the rate among other students.

(6) A May 2002 report issued by the University of California at Berkeley found that, of more than 3,200 foster care youth who attended a community college from 1992 through 2000—

(A) 39 percent earned between 1 and 17 credits;

(B) 40 percent of the foster care youth earned no credits; and

(C) many of the foster care youth did not attempt to take classes for credit, but rather were enrolled in remedial or other non-credit classes.

(7) Unaccompanied youth experiencing homelessness often have left home for their own survival.

(8) Although children and youth who experience homelessness represent the full range of academic talents and abilities, homelessness creates serious barriers to school enrollment, attendance, and success.

(9) The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) requires State educational agencies and local educational agencies to ensure that homeless children and youth receive a free and appropriate public education, but these provisions do not reach beyond secondary education.

(10) The barriers created by homelessness to kindergarten through grade 12 education (extreme poverty, residential instability, lack of documentation, and lack of awareness of programs and resources) often are also barriers to postsecondary education.

(11) Higher education offers students experiencing homelessness the best hope for escaping poverty and homelessness as adults.

TITLE I—FINANCIAL ASSISTANCE FOR STUDENTS WHO ARE HOMELESS OR IN FOSTER CARE

SEC. 101. NEED ANALYSIS.

(a) SPECIAL CIRCUMSTANCES.—Section 479A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087tt(a)) is amended, in the third sentence, by inserting ''a change in housing status that results in homelessness,'' before ''or other changes''.

(b) INDEPENDENT STUDENT.—Section 480(d) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is amended to read as follows:

''(d) INDEPENDENT STUDENT.—

''(1) DEFINITION.—The term 'independent', when used with respect to a student, means any individual who—

''(A) is 24 years of age or older by December 31 of the award year;

''(B) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;

''(C) is an emancipated youth, as defined by the student's State of legal residence;

''(D) is in legal guardianship, as defined in section 475 of the Social Security Act (42 U.S.C. 675);

''(E) is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1));

''(F) is a graduate or professional student;

''(G) is a married individual;

''(H) has legal dependents other than a spouse;

''(I) has been verified as both a homeless child or youth and an unaccompanied youth, as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

''(i) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

''(ii) a director of a homeless shelter, transitional shelter, or independent living program; or

''(iii) a financial aid administrator; or

''(J) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

''(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—Nothing in this subsection shall be construed to prohibit a financial aid administrator from making a determination of independence under paragraph (1)(J) based upon a documented determination of independence under such paragraph that was previously made by another financial aid administrator in the same application year.''.

(c) TAILORING ELECTRONIC APPLICATIONS FOR STUDENTS WITH SPECIAL CIRCUMSTANCES.—Section 483(a) of the Higher Education Act of 1965 (20 U.S.C. 1090(a)) is amended by adding at the end the following:

''(8) APPLICATIONS FOR STUDENTS SEEKING A DOCUMENTED DETERMINATION OF INDEPENDENCE.—In the case of a student seeking a documented determination of independence by a financial aid administrator, as described in section 480(d)(1)(J), nothing in this section shall prohibit the Secretary from—

''(A) allowing such student to indicate the student's special circumstance on the electronic version of a form developed under paragraph (5);

''(B) collecting and processing, on a preliminary basis, data provided by such student using the electronic version of the form; or

''(C) distributing such data to States, institutions of higher education, and guaranty agencies for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards for such student on a preliminary basis, pending a documented determination of independence by a financial aid administrator.''.

TITLE II—FEDERAL EARLY OUTREACH AND STUDENT SERVICES PROGRAMS FOR STUDENTS WHO ARE HOMELESS OR IN FOSTER CARE

Subtitle A—Federal TRIO Programs

SEC. 211. DEFINITION OF HOMELESS CHILDREN AND YOUTHS.

Section 402A(g) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

''(2) HOMELESS CHILDREN AND YOUTHS.—The term 'homeless children and youths' has the meaning given the term in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).''.

SEC. 212. TALENT SEARCH.

Section 402B(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–12(b)) is amended by striking paragraph (10) and inserting the following:

''(10) programs and activities as described in paragraphs (1) through (9) which are specially designed for—

''(A) students of limited English proficiency;

''(B) students who are homeless children and youths; and

''(C) students who are in foster care or are aging out of the foster care system.''.

SEC. 213. UPWARD BOUND.

Section 402C(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–13(b)) is amended by striking paragraph (12) and inserting the following:

''(12) programs and activities as described in paragraphs (1) through (11) which are specially designed for—

''(A) students of limited English proficiency;

''(B) students who are homeless children and youths; and

''(C) students who are in foster care or are aging out of the foster care system.''.

SEC. 214. STUDENT SUPPORT SERVICES.

Section 402D of the Higher Education Act of 1965 (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)(3)—

(A) by striking ''students and'' and inserting ''students,''; and

(B) by inserting '', students who are homeless children and youths, and students who are in foster care or are aging out of the foster care system'' before the period; and

(2) in subsection (b)—

(A) in paragraph (9), by striking ''and'' after the semicolon;

(B) by striking paragraph (10) and inserting the following:

''(10) programs and activities as described in paragraphs (1) through (9) which are specially designed for—

''(A) students of limited English proficiency;

''(B) students who are or who were homeless children and youths; and

''(C) students who are in foster care or are aging out of the foster care system; and''; and

(C) by adding at the end the following:

''(11) assistance in securing temporary housing for—

''(A) students who are, or who were, homeless children and youths; or

''(B) students who are in foster care or are aging out of the foster care system.''.

SEC. 215. EDUCATIONAL OPPORTUNITY CENTERS.

Section 402F(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–16(b)) is amended by striking paragraph (10) and inserting the following:

''(10) programs and activities as described in paragraphs (1) through (9) which are specially designed for—

''(A) students of limited English proficiency;

''(B) students who are homeless children and youths; and

''(C) students who are in foster care or are aging out of the foster care system.''.

SEC. 216. STAFF DEVELOPMENT ACTIVITIES.

Section 402G(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–17(b)(3)) is amended by striking ''chapter.'' and inserting ''chapter, including strategies for recruiting and serving students who are homeless children and youths, and students who are in foster care or are aging out of the foster care system.''.

Subtitle B—GEAR-UP Programs

SEC. 221. REQUIREMENTS FOR GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

Section 404B(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–22(c)(2)) is amended by striking ''programs.'' and inserting ''programs, including programs under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).''.

SEC. 222. EARLY INTERVENTION USE OF FUNDS.

Section 404D(b)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1070a–24(b)(2)(C)) is amended by inserting '', for students who are homeless children and youths, as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), or for students who are in foster care or are aging out of the foster care system'' before the period.

TITLE III—DEMONSTRATION PROJECTS TO INCREASE ENROLLMENT AND SUCCESS OF HIGHLY MOBILE STUDENTS IN POSTSECONDARY EDUCATION

SEC. 301. PURPOSE.

It is the purpose of this title to support demonstration projects in order to—

(1) increase the secondary school graduation rates of highly mobile students;

(2) increase the academic success of highly mobile students in secondary school; and

(3) increase the enrollment and success of highly mobile students in higher education.

SEC. 302. DEFINITIONS.

In this title:

(1) HIGHLY MOBILE STUDENTS.—The term ''highly mobile students'' means students who are—

(A) homeless children and youths, as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); or

(B) wards of the State.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(3) WARD OF THE STATE.—The term ''ward of the State'' means a child who—

(A) is a ward of the State, as determined by the State where the child resides; or

(B) is in the custody of a public child welfare agency, including situations where the child is residing—

(i) in a foster family home, group home, or other alternative residential setting; or

(ii) at home under protective supervision.

SEC. 303. GRANTS AUTHORIZED.

(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may award grants, contracts, and cooperative agreements, on a competitive basis, to—

(1) partnerships consisting of—

(A) a State educational agency;

(B) a State department serving abused and neglected children;

(C) a State department serving runaway, homeless, or at-risk youth;

(D) a State department serving homeless families or youth; and

(E) 1 or more degree-granting institutions of higher education; and

(2) partnerships consisting of—

(A) 1 or more local educational agencies;

(B) 1 or more degree-granting institutions of higher education;

(C) a recipient of a grant under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

(D) 2 or more community organizations or entities, such as businesses, community-based organizations, faith-based organizations, State agencies, or other public or private agencies or organizations.

(b) DURATION.—Grants contracts, and cooperative agreements under this title shall be awarded for a period of not more than 3 years.

SEC. 304. APPLICATIONS.

Each partnership desiring to receive a grant, contract, or cooperative agreement under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

(1) a description of how the partnership plans to carry out the activities required under this title;

(2) a description of how the partnership will coordinate and collaborate with transportation, education, housing, social services, and child welfare agencies to prevent and reduce school mobility;

(3) an assurance that all State and local educational agency members of the partnership will comply with the applicable grant recipient requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) and section 1113(c)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)(A)); and

(4) an assurance that the partnership will demonstrate that, to the maximum extent practicable, the partnership is—

(A) utilizing other resources (including Federal, State, and local funds, public transportation, and other community resources) to transport highly mobile students; and

(B) collaborating with local housing, social services, and child welfare agencies to minimize the need for such transportation.

SEC. 305. AWARD CONSIDERATIONS.

In awarding grants, contracts, or cooperative agreements under this title, the Secretary shall consider the following:

(1) The number of highly mobile students identified in the area proposed to be served by the partnership.

(2) The extent to which each local educational agency member of the partnership has reserved appropriate funds under section 1113(c)(3)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)(A)) to serve homeless children.

(3) The extent to which the partnership has demonstrated interagency collaboration among transportation, education, housing, social services, and child welfare agencies.

(4) Evidence of past successful operation of programs for highly mobile students.

SEC. 306. AUTHORIZED ACTIVITIES.

Grants, contracts, and cooperative agreements under this title shall be used to carry out 1 or more of the following activities:

(1) Services designed to assist highly mobile students in the completion of secondary school and in increasing academic success, such as—

(A) after-school and summer tutoring;

(B) academic counseling;

(C) skills assessment;

(D) mentoring programs; and

(E) exposure to cultural events, academic programs, and other activities not usually available to highly mobile students.

(2) Services designed to assist highly mobile students with matriculation in an institution of higher education, such as—

(A) academic advice and assistance in course selection;

(B) assistance in completing college admission and financial aid applications;

(C) assistance in preparing for college entrance examinations;

(D) personal counseling; and

(E) career workshops and counseling.

(3) Services and strategies to prevent and reduce the mobility of highly mobile students, such as—

(A) defraying the excess cost of transporting highly mobile students to their schools of origin, as required under paragraphs (1)(J)(iii) and (3)(A) of section 722(g) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(iii) and (3)(A)), except that a grant recipient may not use more than 25 percent of the total grant award received under this title for this use;

(B) interagency coordination of services and policies, including transportation, education, housing, social services, and child welfare agencies;

(C) family counseling, home visits, staff development, outreach, and supportive services; and

(D) evaluation and dissemination of data, information, and promising practices.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $20,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

Mr. DEWINE. Mr. President, today I join Senator MURRAY in introducing the ''Improving Access to Education for Students Who Are Homeless or in Foster Care Act.'' I thank Senator MURRAY for her deep commitment to the education of children who are homeless or in foster care. I have worked with her on provisions to promote their access to and completion of education in both the Individuals with Disabilities Education Act (IDEA) reauthorization and the Head Start Act reauthorization and am pleased to have worked with her again on this bill.

In the United States, on any given day, more than half a million children are in foster care—20,000 of whom are in the State of Ohio, alone. In 2003, also know that more than 900,000 children were found to be victims of child abuse or neglect. More than half of the children in foster care experience developmental delays. Children in foster care have three to seven times more chronic medical conditions, birth defects, emotional disorders, and academic failures than children of similar socioeconomic backgrounds who do not enter foster care.

We also know that homeless children face great barriers to higher education. Often, these students have run away from an abusive home, or have been lost to the system. These students also may be living on the street with a parent—too often with a parent suffering from an addiction to alcohol or drugs. These children will move from school to school and shelter to shelter, piecing together their education as they can. This is not good enough. Although we have tried to reach out to these students through the McKinney Vento Homelessness Assistance Act, we need to do more. These children deserve a better chance at an education.

Education offers foster care and homeless children their best hope for escaping the poverty and instability they experience. This bill includes additional outreach to these hard to reach populations through current Federal education programs, such as TRIO and GEAR UP. It also would expand and clarify the definition of ''Independent Student'' in order to accommodate the special circumstances of foster care and homeless children and would allow student financial aid administrators additional flexibility to help this cohort of students attain access to higher education. This bill would create a $20 million demonstration grant program targeting foster and homeless children to help decrease the barriers to higher education by involving stakeholders and their communities in the outreach process.

I look forward to working with HELP Committee Chairman ENZI to incorporate these provisions into the Higher Education Act reauthorization bill. I appreciate his willingness to incorporate provisions related to homeless and foster children in the Head Start Act reauthorization bill, as well. He is equally concerned with the welfare of these children. And again, I thank Senator MURRAY for her commitment to these children. We cannot afford to overlook their needs.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1430. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 1431. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family domestic relations court system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. DODD):

S. 1432. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1433. A bill to establish a grant program to enable institutions of higher education to improve schools of education to better prepare teachers to educate all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1434. A bill to provide grants to teacher preparation programs at institutions of higher education to award scholarships for teachers to receive a graduate level degree; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1435. A bill to establish a grant program for institutions of higher education to collaborate with low-income schools to recruit students to pursue and complete postsecondary degrees in education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 1436. A bill to award grants to eligible entities to enable the entities to reduce the rate of underage alcohol use and binge drinking among students at institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I join several of my colleagues today to introduce a series of bills related to the reauthorization of the Higher Education Act (HEA). These bills emphasize a number of issues that are vital to higher education, including teacher quality, recruitment, and retention; loan forgiveness for social workers, family lawyers, and early childhood teachers; and the reduction of drug use and underage drinking at our colleges and universities.

The quality of a student's education is the direct result of the quality of that student's teachers. If we don't have well trained teachers, then future generations of our children will not be well educated. That is why I am introducing a bill ''Ready to Educate All Children Act'' that would provide $200 million in grants to our schools of education to partner with high-need local schools to ensure that our teachers are receiving the best, most extensive training available before they enter the classroom.

Studies find that a majority of graduates of schools of education believe that the traditional teacher preparation program left them ill prepared for the challenges and rigors of the classroom. Part of the responsibility for this lies in the hands of our schools of education. However, Congress also has a responsibility to give our schools of education the tools they need to make necessary improvements. This new bill would create a competitive grant program for schools of education, which partner with low-income schools to create clinical programs to train teachers. Additionally, it would require schools of education to make internal changes by working with other departments at the university to ensure that teachers are receiving the highest quality education in core academic subjects. Finally, it would require the college or university to demonstrate a commitment to improving their schools of education by providing matching funds.

Another bill I am introducing today, is the ''Collaborative Agreements to Recruit Educators Act,'' which also would encourage improvement in the education of our Nation's low-income students. Children raised in poverty have a much more difficult time in finishing high school and going on to college. While about seventy percent of children in America will graduate from high school, that rate drops to fifty percent for low-income students. We know that every day, about 3,000 children drop out of school. Our Nation's inner city schools have some of the lowest rates of graduation. I strongly believe that education is one of the most important ways to break the cycle of poverty. To break that cycle, we must keep our children in school, help them graduate from high school, and increase their access to higher education.

My bill would provide grants for collaborative agreements to between local education agencies in low-income communities and to colleges of education. These partnerships would work to provide services, such as mentoring, tutoring, and scholarships through the college of education to the students at the partnering school in order to 1. encourage those students to graduate from high school, 2. let them know of opportunities within higher education, and (3) encourage them to become teachers, which are so badly needed.

Another complex issue affecting the teaching force is the high percentage of disillusioned beginning teachers who leave the field. This bill would help combat this issue, as well. Schools of education receiving these grants would be responsible for following their graduates and continuing to provide assistance after they enter the classroom. The more we invest in the education of teachers—especially once they have entered the profession—the more likely they will remain in the classroom.

To further help teacher quality and retention, I am introducing a bill ''The Master Teacher Scholarship Act''—to establish a Master's in Education Scholarship Program. The lack of promotions and salary increases are some of the most pervasive reasons for the disillusionment of teachers. This disillusionment is becoming a crisis as half of teachers leave the profession altogether within their first five years of teaching. To both improve the quality of teachers and increase their retention, this bill would provide $30 million in grants to schools of education to administer scholarships to eligible teachers. In return for the scholarships, teachers would agree to teach for another five years and mentor a novice teacher for two years.

Today, along with Senator DODD, I am introducing the ''Paul Wellstone Early Educator Loan Forgiveness Act.'' Our dear friend and colleague, Senator Wellstone, and I had been working on this legislation together before his tragic death. I know he cared deeply about this issue and about making sure that all children receive a quality education. He was passionate about that. Though our bill was originally called the ''Early Care and Education Loan Forgiveness Act,'' we have renamed our bill in Paul's memory.

Our bill would expand the loan forgiveness program so that it benefits not just childcare workers, but also early childhood educators. This loan forgiveness program would serve as an incentive to keep those educators in the field for longer periods of time. Research shows that children who attend quality early childcare programs when they were three or four years old scored better on math, language arts, and social skills in early elementary school than children who attended poor quality childcare programs. In short, children in early learning programs with high quality teachers—teachers with a Bachelor's degree or an Associate's degree or higher—do substantially better.

When we examine the number and recent growth of pre-primary education programs, it becomes difficult to differentiate between early education and childcare settings because they are so often intertwined—especially considering that about 12 million children younger than age five spend part of their time with a care provider other than a parent and that demand for quality childcare and education is growing as more mothers enter the workforce.

Because this bill targets loan forgiveness to those educators working in low-income schools or childcare settings, we can make significant strides toward providing high quality education for all of our young children, regardless of socioeconomic status. The bill would serve a twofold function. First, it would reward professionals for their training. Second, it would encourage professionals to remain in the profession over longer periods of time, since more time in the profession leads to higher percentages of loans forgiveness. The bill would result in more educated individuals with more teaching experience and lower turnover rates, each of which enhance student performance.

I encourage my colleagues to join me in this effort to help ensure that truly

no children—especially our youngest children—are left behind.

I also am working on two bills with my friend and colleague from West Virginia, Senator ROCKEFELLER. These bills would provide loan forgiveness to students who dedicate their careers to working in the realm of child welfare, including social workers, who work for child protective services, and family law experts.

Currently, there aren't enough social workers to fill available jobs in the area of child welfare. Furthermore, the number of social work job openings is expected to increase faster than the average for all occupations through 2010. The need for highly qualified social workers in the child protective services is reaching crisis level.

We also need more qualified individuals focusing on family law. The wonderful thing about family law is its focus on rehabilitation—that is the rehabilitation of families by helping them through life's transitions, whether it is a family going through a divorce, a family dealing with their troubled teenager in the juvenile system, or a child getting adopted and becoming a member of a new family.

Across the United States, family, juvenile, and domestic relations courts are experiencing a shortage of qualified attorneys. As many of my colleagues and I know, law school is an expensive investment. In the last 20 years, tuition has increased more than 200 percent. Currently, the average rate of law school debt is about $80,000 per graduate. To be sure, few law school graduates can afford to work in the public sector because debts prevent even the most dedicated public service lawyer from being able to take these low-paying jobs. This results in a shortage of family lawyers.

The shortage of family law attorneys also disproportionately impacts juveniles. The lack of available representation causes children to spend more time in foster care because cases are adjourned or postponed when they simply cannot find an attorney to represent their rights or those of the parent or guardian. Furthermore, the number of children involved in the court system is sharply increasing. We need to ensure that the interests of these children are taken care of by making certain they have an advocate—someone working solely on their behalf. By offering loan forgiveness to those willing to pursue careers in the child welfare field, we can increase the number of highly qualified and dedicated individuals who work in the realm of child welfare and family law.

Finally, I am introducing a bill today that would help address an epidemic—the epidemic of underage drinking on college and university campuses across the United States. This bill would provide grants to states to establish statewide partnerships among colleges and universities and the surrounding communities to work together to reduce underage and binge drinking and illicit drug use by students.

Many States, including my home State of Ohio, have coalitions that deal specifically with the culture of alcohol and drug abuse on America's college campuses. They work with the surrounding communities, including local residents; bar, restaurant, and shop owners; and law enforcement officials toward a goal of changing the pervasive culture of drug and alcohol abuse. They provide alternative alcohol-free events, as well as support groups for those who choose not to drink. They also educate students about the dangers of alcohol and drug use.

Furthermore, the coalitions recognize that while it is important to promote an alcohol aware and drug-free campus community, if the community surrounding the campus does not promote these initiatives, there will be no long-term solutions. Therefore, these coalitions also have worked to establish regulations both on and off campus, which will help our Nation's youth to stay healthy, alive, and get the most out of their time at college. Some of these regulations include the registration of kegs. This provides accountability for both the store and the student. This is just an example of one step that colleges, local communities, and organizations can take.

To help start the expansion of these coalitions, this bill would provide $5 million in grants. This is an important demonstration project that would help lead to positive effects for our young people. It is up to us to change the culture, which has been perpetuated by years of complacency and a dismissal tone of ''that's just the way it is in college.'' We must protect the health and education of our young people by changing this culture of abuse—and that is exactly what this bill would help do.

I thank all of my colleagues who have worked with me on these bills. I look forward to the reauthorization of the Higher Education Act and working with Chairman ENZI and Ranking Member KENNEDY to incorporate these important measures.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1439. A bill to provide for Indian trust asset management reform and resolution of historical accounting claims, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to introduce the, Indian Trust Reform Act of 2005.

The following is an overview of the bill, title by title, which is followed by a discussion of the reasons for the measure.

TITLE I: RESOLUTION OF HISTORICAL ACCOUNTING CLAIMS IN COBELL V. NORTON

Title I of the bill would provide for a lump sum settlement of the claims for an historical accounting that have been asserted in the case of Cobell v. Norton. The section would establish a Settlement Fund which would be administered by the Secretary of the Treasury and a Special Master. The total amount of the fund is left blank in this introduced version of the bill. The Committee on Indian Affairs will hold a hearing on this soon and have further discussions with the parties, hopefully to reach a consensus number for the settlement. The settlement fund would be distributed to individual Indians using two formulas: part of the fund would be distributed among all claimants equally, and part would be distributed under a formula that allocates funds in accordance with a through-put analysis—account holders with high volume accounts would receive more than those with low volume accounts. A portion of the fund would be held in reserve for payment of attorneys fees at an hourly rate, for administration of the fund and for claimants who successfully challenge their distribution in court. If any of the reserved funds remain unused, they are to be distributed to the claimants under the formula.

TITLE II: INDIAN TRUST ASSET MANAGEMENT POLICY REVIEW COMMISSION

Title II of the bill establishes and sets forth the duties, responsibilities, and authority of a 12-member Indian Trust Asset Management Review Commission. The Commission would have two principal areas of responsibility: 1. Reviewing all current trust resource management laws, (including regulations), and the Secretary of Interior's trust resource management practices, and 2. Following that review, preparing a report to the Senate Committee on Indian Affairs, the House Committee on Resources and the Secretary of Interior containing the Commission's recommendations for improving the management of those assets.

TITLE III: INDIAN TRUST RESOURCE MANAGEMENT DEMONSTRATION PROJECT

Title III of the bill establishes an eight-year Indian Trust Resource Management Demonstration Project. The demonstration project would initially be open to all Indian tribes participating in section 131 of the Fiscal Year 2005 Interior Appropriations Act and an additional 30 Indian tribes that submit applications to the Secretary. Participating tribes would negotiate a ''trust resource management plan'' with the Secretary, which would remain in effect for the full duration of the demonstration project but would be subject to modification or termination annually. A participating tribe would be allowed to negotiate with the Department of Interior as to how the trust asset management budget for the reservation would be prioritized. Self-governance tribes participating in the demonstration project would also be permitted to develop their own ''customized'' trust asset management systems and practices. Trust assets subject to the plan would have to be managed in accordance with 1. The Federal trust responsibility and 2. Certain basic standards set forth in the section. The trust asset management plan itself would not create, diminish or increase

the liability of either the United States or the Indian tribe. The Indian tribe would have the right to terminate the plan by giving the Secretary notice, but termination would not be effective until the beginning of the next fiscal year.

TITLE IV: FRACTIONAL INTEREST PURCHASE AND CONSOLIDATION PROGRAM

Title IV of the bill would be an amendment to Section 213 of the Indian Land Consolidation Act (25 USC 2212). As currently written, Section 213 of ILCA authorizes the Secretary to purchase fractional interests in land in accordance with certain requirements. One problem with this program is that the fractional interests are so small that an offer of fair market value is such a small amount of money that there is little incentive to sell. Accordingly, the amendment would be a new subsection to ILCA Section 213 that would authorize the Secretary to offer more than fair market value for fractional interests in tracts of land that have 20 or more trust or restricted fractional interests—the offer would be fair market value PLUS an additional amount of at least $100 but not more than $350.

Also, this title would add another new subsection to ILCA section 213 that would authorize the Secretary to offer, along with an offer to purchase any interest or interests under section 213, an additional amount of money to settle any and all mismanagement claims against the United States that the interest owner may have in connection with the tract of land of which the fractional interest is a part. The interest owner would have the option of selling his or her interest to the Secretary with or without a settlement of mismanagement claims, i.e., the settlement of mismanagement claims could not be made a mandatory condition of the sale of the interest.

Also included as part of this title is a provision dealing with tracts of extremely fractionated land—specifically, tracts of land that consist of 200 or more fractional trust interests. If the Secretary determines that a tract is owned by 200 or more individuals, she is authorized to make the offer (not less than four times fair market value) via certified mail to each and every trust interest owner in the tract. The offer would include a notice that says they have 90 days to reject the offer or it will be deemed to have been accepted. It would include a pre-addressed (back to the Secretary) postage-paid ''notice of rejection'' form that the offeree may use to reject the offer. If they fail to mail the form back in time, they will be given another notice stating that they may withdraw the offer by mailing a postage pre-paid ''notice of withdrawal'' form back to the Secretary within 30 days. If They fail to do that in time, the offer is deemed to be accepted.

TITLE V: RESTRUCTURING THE BUREAU OF INDIAN AFFAIRS AND OFFICE OF THE SPECIAL TRUSTEE

This title of the bill would reorganize the Bureau of Indian Affairs and Office of the Special Trustee for American Indians under a new office within the Department of Interior, an Under Secretary for Indian Affairs. The title provides that the Under Secretary has responsibility for the administration of all Indian trust and non-trust matters, including, after a transition period ending on December 31, 2008, matters currently within the scope of authority of the Special Trustee for American Indians under the American Indian Trust Fund Management Reform Act of 1994 (25 USC 4041 et seq.). The Under Secretary would oversee a new Office of Trust Reform Implementation and Oversight, but the Special Trustee would continue performing his duties under the 1994 Act until December 31, 2008, at which time the OST would be abolished.

TITLE VI: ANNUAL AUDIT OF INDIAN TRUST FUNDS BY THE GOVERNMENT ACCOUNTABILITY OFFICE

Title VI of the bill requires the Government Accountability Office to contract for an annual audit of all funds held in trust by the United States for the benefit of an Indian Tribe or an individual Indian. The audit would be conducted in accordance with generally accepted auditing principles and the Single Audit Act. Copies of each audit report must be submitted to the Secretary of Interior, the Senate Committee on Indian Affairs, and the House Committee on Resources.

Reasons for the bill: the performance of the United States over the past 125 years in its capacity as trustee and manager of Indian trust and restricted lands is not something to be proud of. The policy of allotting Indian tribal lands, which was made the general Federal Indian policy in the 1880s, was one of several federal ''experiments'' in Indian matters that have had regrettable results both for Native Americans and for the Government. This policy of the 19th Century has come back to haunt us now in the form of fractionated ownership of allotted lands—where some parcels of land are owned by hundreds and in some cases over a thousand different Indian owners. This fractionation of ownership has led to a proliferation of individual Indian money accounts ''IIM accounts,'' now numbering in the hundreds of thousands, all of which the Federal Government has a trust obligation to track and manage.

The staggering number of IIM accounts—along with decades of mismanagement on the part of Government officials—contributed to the conditions that led to the filing of the Federal class action here in the District of Columbia known as Cobell v. Norton. A lot has happened in that litigation since it was filed 9 years ago, much of it reported in newspapers across the country, but I think it is fair to say that one thing the case has shown is that the United States has not lived up to its duty as a fiduciary to the thousands of Indian beneficiaries of IIM accounts.

The principal objectives of the Cobell case are to obtain a complete historical accounting of IIM accounts and to reform the trust itself. The Government has been ordered to perform a complete, detailed accounting of transactions relating to IIM accounts and to submit and implement a plan to reform the trust. In hearings before the Committee on Indian Affairs, officials from the Department of Interior have stated that the cost of doing the accounting may run in to multiple billions of dollars, and representatives of the plaintiffs in the case as well as the GAO, have stated that much of this accounting cannot be done due to missing or destroyed records, information, or data relating to the IIM accounts.

The bill I introduce today would provide a resolution of the class action relating to an historical accounting and would also bring a number of important changes to the Indian trust asset management system. In lieu of an accounting, the bill would create a settlement fund and direct the Secretary of the Treasury to develop a formula for distributing the fund to the beneficial owners of IIM accounts in full settlement for losses, errors, and unpaid interest in their IIM accounts. Several other aspects of the bill are included for the purpose of reforming the Indian trust management system. For example, the bill would create a special commission charged with the responsibility of examining current Indian trust management laws, regulations and practices and reporting back to the authorizing committees of jurisdiction in the Senate and House with recommended revisions of these laws, regulations and practices. It would also restructure the Bureau of Indian Affairs under an Under Secretary For Indian Affairs, phasing out the Office of the Special Trustee whose responsibilities would be transferred to the Under Secretary after December 31, 2008.

I would like to thank the National Congress of American Indians, the Inter-Tribal Monitoring Association, the Affiliated Tribes of Northwest Indians, representatives of the plaintiffs as well as many other stakeholders for their considerable and helpful input in developing this legislation. The bill does not include everything that they requested, and they may have issues with certain aspects of the bill as it is now written. That said, the bill is offered as a starting point for discussion. I do not think that there is any provision in the bill that is immutable, closed to debate or negotiation. Hopefully the stakeholders will remain engaged and continue to provide me with information and suggestions to make it a better bill, a bill that brings substantial improvements to the administration and management of Indian trust assets.

I look forward to working with my colleagues on both sides of the aisle to enact this timely legislation. I ask unanimous consent that the full 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. 1439

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 ''Indian Trust Reform Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SETTLEMENT OF LITIGATION CLAIMS

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Individual Indian Accounting Claim Settlement Fund.
Sec. 104. General distribution.
Sec. 105. Claims relating to share determination.
Sec. 106. Claims relating to method of valuation.
Sec. 107. Claims relating to constitutionality.
Sec. 108. Attorneys' fees.
Sec. 109. Waiver and release of claims.
Sec. 110. Effect of title.

TITLE II—INDIAN TRUST ASSET MANAGEMENT POLICY REVIEW COMMISSION

Sec. 201. Establishment.
Sec. 202. Membership.
Sec. 203. Meetings and procedures.
Sec. 204. Duties.
Sec. 205. Powers.
Sec. 206. Commission personnel matters.
Sec. 207. Exemption from FACA.
Sec. 208. Authorization of appropriations.
Sec. 209. Termination of Commission.

TITLE III—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION PROJECT ACT

Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Establishment of demonstration project; selection of participating Indian tribes.
Sec. 304. Indian trust asset management plan.
Sec. 305. Effect of title.

TITLE IV—FRACTIONAL INTEREST PURCHASE AND CONSOLIDATION PROGRAM

Sec. 401. Fractional interest program.

TITLE V—RESTRUCTURING BUREAU OF INDIAN AFFAIRS AND OFFICE OF SPECIAL TRUSTEE

Sec. 501. Purpose.
Sec. 502. Definitions.
Sec. 503. Under Secretary for Indian Affairs.
Sec. 504. Transfer of functions of Assistant Secretary for Indian Affairs.
Sec. 505. Office of Special Trustee for American Indians.
Sec. 506. Hiring preference.
Sec. 507. Authorization of appropriations.

TITLE VI—AUDIT OF INDIAN TRUST FUNDS

Sec. 601. Audits and reports.
Sec. 602. Authorization of appropriations.

TITLE I—SETTLEMENT OF LITIGATION CLAIMS

SEC. 101. FINDINGS.

Congress finds that—

(1) Congress has appropriated tens of millions of dollars for purposes of providing an historical accounting of funds held in Individual Indian Money accounts;

(2) as of the date of enactment of this Act, the efforts of the Federal Government in conducting historical accounting activities have provided information regarding the feasibility and cost of providing a complete historical accounting of IIM account funds;

(3) in the case of many IIM accounts, a complete historical accounting—

(A) may be impossible because necessary records and accounting data are missing or destroyed;

(B) may take several years to perform even if necessary records are available;

(C) may cost the United States hundreds of millions and possibly several billion dollars; and

(D) may be impossible to complete before the deaths of many elderly IIM account beneficiaries;

(4) without a complete historical accounting, it may be difficult or impossible to ascertain the extent of losses in an IIM account as a result of accounting errors or mismanagement of funds, or the correct amount of interest accrued or owned on the IIM account;

(5) the total cost to the United States of providing a complete historical accounting of an IIM account may exceed—

(A) the current balance of the IIM account;

(B) the total sums of money that have passed through the IIM account; and

(C) the enforceable liability of the United States for losses from, and interest in, the IIM account;

(6)(A) the delays in obtaining an accounting and in pursuing accounting claims in the case styled Cobell v. Norton, Civil Action No. 96–1285 (RCL) in the United States District Court for the District of Columbia, have created a great hardship on IIM account beneficiaries; and

(B) many beneficiaries and their representatives have indicated that they would rather receive monetary compensation than experience the continued frustration and delay associated with an accounting of transactions and funds in their IIM accounts;

(7) it is appropriate for Congress, taking into consideration the findings under paragraphs (1) through (6), to provide benefits that are reasonably calculated to be fair and appropriate in lieu of performing an accounting of an IIM account, or assuming liability for errors in such an accounting, mismanagement of IIM account funds (including undetermined amounts of interest in IIM accounts, losses in which may never be discovered or quantified if a complete historical accounting cannot be performed), or breach of fiduciary duties with respect to the administration of IIM accounts, in order to transmute claims by the beneficiaries of IIM accounts for undetermined or unquantified accounting losses and interest to a fixed amount to be distributed to the beneficiaries of IIM accounts;

(8) in determining the amount of the payments to be distributed as described in paragraph (7), Congress should take into consideration, in addition to the factors described in paragraphs (1) through (6)—

(A) the risks and costs to IIM account beneficiaries, as well as any delay, associated with the litigation of claims that will be resolved by this title; and

(B) the benefits to IIM account beneficiaries available under this title;

(9) the situation of the Osage Nation is unique because, among other things, income from the mineral estate of the Osage Nation is distributed to individuals through headright interests that belong not only to members of the Osage Nation, but also to members of other Indian tribes, and to non-Indians; and

(10) due to the unique situation of the Osage Nation, the Osage Nation, on its own behalf, has filed various actions in Federal district court and the United States Court of Federal Claims seeking accountings, money damages, and other legal and equitable relief

SEC. 102. DEFINITIONS.

In this title:

(1) ACCOUNTING CLAIM.—The term ''accounting claim'' means any claim for an historical accounting of a claimant against the United States under the Litigation.

(2) CLAIMANT.—The term ''claimant'' means any beneficiary of an IIM account (including an heir of such a beneficiary) that was living on the date of enactment of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) IIM ACCOUNT.—The term ''IIM account'' means an Individual Indian Money account administered by the Bureau of Indian Affairs.

(4) LITIGATION.—The term ''Litigation'' means the case styled Cobell v. Norton, Civil Action No. 96–1285 (RCL) in the United States District Court for the District of Columbia.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) SETTLEMENT FUND.—The term ''Settlement Fund'' means the fund established by section 103(a).

(7) SPECIAL MASTER.—The term ''Special Master'' means the special master appointed by the Secretary under section 103(b) to administer the Settlement Fund.

SEC. 103. INDIVIDUAL INDIAN ACCOUNTING CLAIM SETTLEMENT FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the general fund of the Treasury a fund, to be known as the ''Individual Indian Accounting Claim Settlement Fund''.

(2) INITIAL DEPOSIT.—The Secretary shall deposit into the Settlement Fund to carry out this title not less than $[____],000,000,000 from funds appropriated under section 1304 of title 31, United States Code.

(b) SPECIAL MASTER.—As soon as practicable after the date of enactment of this Act, the Secretary shall appoint a Special Master to administer the Settlement Fund in accordance with this title.

(c) DISTRIBUTION.—

(1) IN GENERAL.—The Special Master shall use not less than 80 percent of amounts in the Settlement Fund to make payments to claimants in accordance with section 104.

(2) METHOD OF VALUATION AND CONSTITUTIONAL CLAIMS.—The Special Master may use not to exceed 12 percent of amounts in the Settlement Fund to make payments to claimants described in—

(A) section 106; or

(B) section 107.

(3) ATTORNEYS' FEES.—The Special Master may use not to exceed [____] percent of amounts in the Settlement Fund to make payments to claimants for attorneys' fees in accordance with section 108.

(d) COSTS OF ADMINISTRATION.—The Secretary may use not more than [____] percent of amounts in the Settlement Fund to pay the costs of—

(1) administering the Settlement Fund; and

(2) otherwise carrying out this title.

SEC. 104. GENERAL DISTRIBUTION.

(a) PAYMENTS TO CLAIMANTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary publishes in the Federal Register the regulations described in subsection (d), the Special Master shall distribute to each claimant from the Settlement Fund an amount equal to the sum of—

(A) the per capita share of the claimant of $[__ __],000,000,000 of the amounts described in section 103(c)(1); and

(B) of [__ __],000,000,000 of the amounts described in section 103(c)(1), the additional share of the claimant, to be determined in accordance with a formula established by the Secretary under subsection (d)(1).

(2) HEIRS OF CLAIMANTS.—

(A) IN GENERAL.—An heir of a claimant shall receive the entire amount distributed to the claimant under paragraphs (1) and (3).

(B) MULTIPLE HEIRS.—If a claimant has more than 1 heir, the amount distributed to the claimant under paragraphs (1) and (3) shall be divided equally among the heirs of the claimant.

(3) RESIDUAL AMOUNTS.—After making each distribution required under sections 106, 107, and 108, the Special Master shall distribute to claimants the remainder of the amounts described in paragraphs (2) and (3) of section 103(c), in accordance with paragraph (1)(B).

(b) REQUIREMENT FOR DISTRIBUTION.—The Special Master shall not make a distribution to a claimant under subsection (a) until the claimant executes a waiver and release of accounting claims against the United States in accordance with section 109.

(c) LOCATION OF CLAIMANTS.—

(1) RESPONSIBILITY OF SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall provide to the Special Master any information, including IIM account information, that the Special Master determines to be necessary to—

(A) identify any claimant under this title; or

(B) apply a formula established by the Secretary under subsection (d).

(2) CLAIMANTS OF UNKNOWN LOCATION.—

(A) IN GENERAL.—The Special Master shall deposit in an account, for future distribution, amounts under this title for each claimant who—

(i) is entitled to receive a distribution under this title, as determined by the Special Master; and

(ii) has not been located by the Special Master as of the date on which a distribution is required under subsection (a)(1).

(B) LOCATION OF CLAIMANTS.—

(i) RESPONSIBILITY OF SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall provide to the Special Master any information and assistance necessary to locate a claimant described in subparagraph (A)(ii).

(ii) CONTRACTS.—The Special Master may enter into contracts with an Indian tribe or an organization representing individual Indians in order to locate a claimant described in subparagraph (A)(ii).

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall promulgate any regulations that the Secretary determines to be necessary to carry out this title, including regulations establishing a formula to determine the share of each claimant of payments under subsection (a)(1).

(2) FACTORS FOR CONSIDERATION.—In developing the formula described in paragraph (1), the Secretary shall take into consideration the amount of funds that have passed through the IIM account of each claimant during the period beginning on January 1, 1980, and ending on December 31, 2005, or another period, as the Secretary determines to be appropriate.

SEC. 105. CLAIMS RELATING TO SHARE DETERMINATION.

(a) IN GENERAL.—Subject to subsection (b), any claimant may seek judicial review of the determination of the Special Master with respect to the amount of a share payment of a claimant under section 104(a)(1).

(b) REQUIREMENTS.—A claimant shall file a claim under subsection (a)—

(1) not later than 180 days after the date of receipt of a notice by the claimant under subsection (c); and

(2) in the United States district court for the district in which the claimant resides.

(c) NOTICE.—The Secretary shall provide to each claimant a notice of the right of any claimant to seek judicial review of a determination of the Special Master with respect to the amount of the share payment of the claimant under section 105.

(d) SUBSEQUENT APPEALS.—A claim relating to a determination of a United States district court relating to an appeal under subsection (a) shall be filed only in the United States Court of Appeals for the District of Columbia.

SEC. 106. CLAIMS RELATING TO METHOD OF VALUATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, a claimant may seek judicial review of the method of distribution of a payment to the claimant under section 104(a).

(b) REQUIREMENTS.—A claim under subsection (a)—

(1) shall not be filed as part of a class action claim against any party; and

(2) shall be filed only in the United States Court of Federal Claims.

(c) AVAILABLE AMOUNTS.—

(1) IN GENERAL.—The Special Master shall use only amounts described in section 103(c)(2)(A) to satisfy an award under a claim under this section.

(2) PAYMENTS TO CLAIMANTS.—A claimant that files a claim under this subsection shall not be eligible to receive a distribution under section 104(a).

(d) EFFECT OF CLAIM.—The filing of a claim under this section shall be considered to be a waiver by the claimant of any right to an award under section 104.

SEC. 107. CLAIMS RELATING TO CONSTITUTIONALITY.

(a) IN GENERAL.—Any claimant may seek judicial review in the United States District Court for the District of Columbia of the constitutionality of the application of this title to an individual claimant.

(b) PROCEDURE.—

(1) JUDICIAL PANEL.—A claim under this section shall be determined by a panel of 3 judges, to be appointed by the chief judge of the United States District Court for the District of Columbia.

(2) CONSOLIDATION OF CLAIMS.—

(A) IN GENERAL.—The judicial panel may consolidate claims under this section, as the judicial panel determines to be appropriate.

(B) PROHIBITION OF CLASS ACTION CASES.—A claim under this section shall not be filed as part of a class action claim against any party.

(3) DETERMINATION.—The judicial panel may award a claimant such relief as the judicial panel determines to be appropriate, including monetary compensation.

(c) AVAILABLE AMOUNTS.—

(1) IN GENERAL.—The Special Master shall use only amounts described in section 103(c)(2)(B) to satisfy an award under a claim under this section.

(2) PAYMENTS TO CLAIMANTS.—A claimant that files a claim under this subsection shall not be eligible to receive a distribution under section 104(a).

(d) EFFECT OF CLAIM.—The filing of a claim under this section shall be considered to be a waiver by the claimant of any right to an award under section 104.

SEC. 108. ATTORNEYS' FEES.

(a) IN GENERAL.—The Special Master may use amounts described in section 103(c)(3) to make payments to claimants for costs and attorneys' fees incurred under the Litigation before the date of enactment of this Act, or in connection with a claim under section 104, at a rate not to exceed $[____] per hour.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Special Master may make a payment under subsection (a) only if, as of the date on which the Special Master makes the payment, the applicable costs and attorneys' fees have not been paid by the United States pursuant to a court order.

(2) ACTION BY ATTORNEYS.—To receive a payment under subsection (a), an attorney of the claimant shall submit to the Special Master a written claim for costs or fees under the Litigation.

SEC. 109. WAIVER AND RELEASE OF CLAIMS.

(a) IN GENERAL.—In order to receive an award under this title, a claimant shall execute and submit to the Special Master a waiver and release of claims under this section.

(b) CONTENTS.—A waiver and release under subsection (a) shall contain a statement that the claimant waives and releases the United States (including any officer, official, employee, or contractor of the United States) from any legal or equitable claim under Federal, State, or other law (including common law) relating to any accounting of funds in the IIM account of the claimant on or before the date of enactment of this Act.

SEC. 110. EFFECT OF TITLE.

(a) SUBSTITUTION OF BENEFITS.—

(1) IN GENERAL.—The benefits provided under this title shall be considered to be provided in lieu of any claims under Federal, State, or other law originating before the date of enactment of this Act for—

(A) losses as a result of accounting errors relating to funds in an IIM account;

(B) mismanagement of funds in an IIM account; or

(C) interest accrued or owed in connection with funds in an IIM account.

(2) LIMITATION OF CLAIMS.—Except as provided in this title, and notwithstanding any other provision of law, a claimant shall not maintain an action in any Federal, State, or other court for an accounting claim originating before the date of enactment of this Act.

(3) JURISDICTION OF COURTS.—

(A) IN GENERAL.—Except as otherwise provided in this title, no court shall have jurisdiction over a claim filed by an individual or group for the historical accounting of funds in an IIM account on or before the date of enactment of this Act, including any such claim that is pending on the date of enactment of this Act.

(B) LIMITATION.—This paragraph does not prevent a court from ordering an accounting in connection with an action relating to the mismanagement of trust resources that are not funds in an IIM account on or before the date of enactment of this Act.

(b) ACCEPTANCE AS WAIVER.—The acceptance by a claimant of a benefit under this title shall be considered to be a waiver by the claimant of any accounting claim that the claimant has or may have relating to the IIM account of the claimant.

(c) RECEIPT OF PAYMENTS HAVE NO IMPACT ON BENEFITS UNDER OTHER FEDERAL PROGRAMS.—The receipt of a payment by a claimant under this title shall not be—

(1) subject to Federal or State income tax; or

(2) treated as benefits or otherwise taken into account in determining the eligibility of the claimant for, or the amount of benefits under, any other Federal program, including the social security program, the medicare program, the medicaid program, the State children's health insurance program, the food stamp program, or the Temporary Assistance for Needy Families program.

(d) CERTAIN CLAIMS.—Nothing in this title precludes any court from granting any legal

or equitable relief in an action by an Indian tribe or Indian nation against the United States, or an officer of the United States, filed or pending on or before the date of enactment of this Act, seeking an accounting, money damages, or any other relief relating to a tribal trust account or trust asset or resource.

TITLE II—INDIAN TRUST ASSET MANAGEMENT POLICY REVIEW COMMISSION

SEC. 201. ESTABLISHMENT.

There is established a commission, to be known as the ''Indian Trust Asset Management Policy Review Commission,'' (referred to in this title as the ''Commission''), for the purposes of—

(1) reviewing trust asset management laws (including regulations) in existence on the date of enactment of this Act governing the management and administration of individual Indian and Indian tribal trust assets;

(2) reviewing the management and administration practices of the Department of the Interior with respect to individual Indian and Indian tribal trust assets; and

(3) making recommendations to the Secretary of the Interior and Congress for improving those laws and practices.

SEC. 202. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 12 members, of whom—

(1) 4 shall be appointed by the President;

(2) 2 shall be appointed by the Majority Leader of the Senate;

(3) 2 shall be appointed by the Minority Leader of the Senate;

(4) 2 shall be appointed by the Speaker of the House of Representatives; and

(5) 2 shall be appointed by the Minority Leader of the House of Representatives.

(b) QUALIFICATIONS.—The membership of the Commission shall include—

(1) at least 6 members who are representatives of federally recognized Indian tribes with reservation land or other trust land that is managed for—

(A) grazing;

(B) fishing; or

(C) crop, timber, mineral, or other resource production purposes;

(2) at least 1 member (including any member described in paragraph (1)) who is or has been the beneficial owner of an individual Indian monies account; and

(3) at least 4 members who have experience in—

(A) Indian trust resource (excluding a financial resource) management;

(B) fiduciary investment management;

(C) financial asset management; and

(D) Federal law and policy relating to Indians.

(c) DATE OF APPOINTMENTS.—

(1) IN GENERAL.—The appointment of a member of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(2) FAILURES TO APPOINT.—A failure to make an appointment in accordance with paragraph (1) shall not affect the powers or duties of the Commission if sufficient members are appointed to establish a quorum.

(d) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers or duties of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

SEC. 203. MEETINGS AND PROCEDURES.

(a) INITIAL MEETING.—Not later than 150 days after the date of enactment of this Act, the Commission shall hold the initial meeting of the Commission to—

(1) elect a Chairperson; and

(2) establish procedures for the conduct of business of the Commission, including public hearings.

(b) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairperson.

(c) QUORUM.—7 members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(d) CHAIRPERSON.—The Commission shall elect a Chairperson from among the members of the Commission.

SEC. 204. DUTIES.

(a) REVIEWS AND ASSESSMENTS.—The Commission shall review and assess—

(1) Federal laws (including regulations) applicable or relating to the management and administration of Indian trust assets; and

(2) the practices of the Department of the Interior relating to the management and administration of Indian trust assets.

(b) CONSULTATION.—In conducting the reviews and assessments under subsection (a), the Commission shall consult with—

(1) the Secretary of the Interior;

(2) federally recognized Indian tribes; and

(3) organizations that represent the interests of individual owners of Indian trust assets.

(c) RECOMMENDATIONS.—After conducting the reviews and assessments under subsection (a), the Commission shall develop recommendations with respect to—

(1) changes to Federal law that would improve the management and administration of Indian trust assets by the Secretary of the Interior;

(2) changes to Indian trust asset management and administration practices that would—

(A) better protect and conserve Indian trust assets;

(B) improve the return on those assets to individual Indian and Indian tribal beneficiaries; or

(C) improve the level of security of individual Indian and Indian tribal money account data and assets; and

(3) proposed Indian trust asset management standards that are consistent with any Federal law that is otherwise applicable to the management and administration of the assets.

(d) REPORT.—Not later than 2 years after the date on which the Commission holds the initial meeting, the Commission shall submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and the Secretary of the Interior a report that includes—

(1) an overview and the results of the reviews and assessments under subsection (a); and

(2) any recommendations of the Commission under subsection (c).

SEC. 205. POWERS.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Chairperson determines to be appropriate to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Chairperson determines to be necessary to carry out this title.

(2) PROVISION OF INFORMATION.—On request of the Chairperson, the head of a Federal agency shall provide information to the Commission.

(c) ACCESS TO PERSONNEL.—For purposes of carrying out this title, the Commission shall have reasonable access to staff responsible for Indian trust asset management and administration of—

(1) the Department of the Interior;

(2) the Department of the Treasury; and

(3) the Department of Justice.

(d) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property to the same extent and under the same conditions as other Federal agencies.

SEC. 206. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson may, without regard to the civil services laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 207. EXEMPTION FROM FACA.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission if all hearings of the Commission are held open to the public.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 209. TERMINATION OF COMMISSION.

The Commission and the authority of the Commission under this title shall terminate on the date that is 3 years after the date on which the Commission holds the initial meeting of the Commission.

TITLE III—INDIAN TRUST ASSET MANAGEMENT DEMONSTRATION PROJECT ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Indian Trust Asset Management Demonstration Project Act of 2005''.

SEC. 302. DEFINITIONS.

In this title:

(1) PROJECT.—The term ''Project'' means the Indian trust asset management demonstration project established under section 303(a).

(2) OTHER INDIAN TRIBE.—The term ''other Indian tribe'' means an Indian tribe that—

(A) is federally recognized;

(B) is not a section 131 Indian tribe; and

(C) submits an application under section 303(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SECTION 131 INDIAN TRIBE.—The term ''section 131 Indian tribe'' means any Indian tribe that is participating in the demonstration project under section 131 of title III, division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2809).

SEC. 303. ESTABLISHMENT OF DEMONSTRATION PROJECT; SELECTION OF PARTICIPATING INDIAN TRIBES.

(a) IN GENERAL.—The Secretary shall establish and carry out an Indian trust asset management demonstration project, in accordance with this title.

(b) SELECTION OF PARTICIPATING INDIAN TRIBES.—

(1) SECTION 131 INDIAN TRIBES.—A section 131 Indian tribe shall be eligible to participate in the Project if the section 131 Indian tribe submits to the Secretary an application under subsection (c).

(2) OTHER TRIBES.—

(A) IN GENERAL.—Any other Indian tribe shall be eligible to participate in the Project if—

(i) the other Indian tribe submits to the Secretary an application under subsection (c); and

(ii) the Secretary approves the application of the other Indian tribe.

(B) LIMITATION.—

(i) 30 OR FEWER APPLICANTS.—If 30 or fewer other Indian tribes submit applications under subsection (c), each of the other Indian tribes shall be eligible to participate in the Project.

(ii) MORE THAN 30 APPLICANTS.—

(I) IN GENERAL.—If more than 30 other Indian tribes submit applications under subsection (c), the Secretary shall select 30 other Indian tribes to participate in the Project.

(II) PREFERENCE.—In selecting other Indian tribes under subclause (I), the Secretary shall give preference to other Indian tribes the applications of which were first received by the Secretary.

(3) NOTICE.—

(A) IN GENERAL.—The Secretary shall provide a written notice to each Indian tribe selected to participate in the Project.

(B) CONTENTS.—A notice under subparagraph (A) shall include—

(i) a statement that the application of the Indian tribe has been approved by the Secretary; and

(ii) a requirement that the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with section 304.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to participate in the Project, an Indian tribe shall submit to the Secretary a written application in accordance with paragraph (2).

(2) REQUIREMENTS.—The Secretary shall take into consideration an application under this subsection only if the application—

(A) includes a copy of a resolution or other appropriate action by the governing body of the Indian tribe, as determined by the Secretary, in support of or authorizing the application;

(B) is received by the Secretary by the date that is 180 days after the date of enactment of this Act; and

(C) states that the Indian tribe is requesting to participate in the Project.

(d) DURATION.—The Project shall remain in effect for a period of 8 years after the date of enactment of this Act.

SEC. 304. INDIAN TRUST ASSET MANAGEMENT PLAN.

(a) PROPOSED PLAN.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 120 days after the date on which an Indian tribe receives a notice from the Secretary under section 303(b)(3), the Indian tribe shall submit to the Secretary a proposed Indian trust asset management plan in accordance with paragraph (2).

(B) TIME LIMITATIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), any Indian tribe that fails to submit the Indian trust asset management plan of the Indian tribe by the date specified in subparagraph (A) shall no longer be eligible to participate in the Project.

(ii) EXTENSION.—The Secretary shall grant an extension of not more than 60 days to an Indian tribe if the Indian tribe submits a written request for such an extension before the date described in subparagraph (A).

(2) CONTENTS.—A proposed Indian trust asset management plan shall include provisions that—

(A) identify the trust assets that will be subject to the plan, including financial and nonfinancial trust assets;

(B) establish trust asset management objectives and priorities for Indian trust assets that are located within the reservation, or otherwise subject to the jurisdiction, of the Indian tribe;

(C) allocate trust asset management funding that is available for the Indian trust assets subject to the plan in order to meet the trust asset management objectives and priorities;

(D) if the Indian tribe has contracted or compacted functions or activities under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) relating to the management of trust assets—

(i) identify the functions or activities that are being performed by the Indian tribe under the contracts or compacts; and

(ii) describe the proposed management systems, practices, and procedures that the Indian tribe will follow; and

(E) establish procedures for nonbinding mediation or resolution of any dispute between the Indian tribe and the United States relating to the trust asset management plan.

(3) AUTHORITY OF INDIAN TRIBES TO DEVELOP SYSTEMS, PRACTICES, AND PROCEDURES.—For purposes of preparing and carrying out a management plan under this section, an Indian tribe that has compacted or contracted activities or functions under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), for purposes of carrying out the activities or functions, may develop and carry out trust asset management systems, practices, and procedures that differ from any such systems, practices, and procedures used by the Secretary in managing the trust assets if the systems, practices, and procedures of the Indian tribe meet the requirements of the laws, standards, and responsibilities described in subsection (c).

(4) TECHNICAL ASSISTANCE AND INFORMATION.—The Secretary shall provide to an Indian tribe any technical assistance and information, including budgetary information, that the Indian tribe determines to be necessary for preparation of a proposed plan on receipt of a written request from the Indian tribe.

(b) APPROVAL AND DISAPPROVAL OF PROPOSED PLANS.—

(1) APPROVAL.—

(A) IN GENERAL.—Not later than 120 days after the date on which an Indian tribe submits a proposed Indian trust asset management plan under subsection (a), Secretary shall approve or disapprove the proposed plan.

(B) REQUIREMENTS FOR DISAPPROVAL.—The Secretary shall approve a proposed plan unless the Secretary determines that—

(i) the proposed plan fails to address a requirement under subsection (a)(2);

(ii) the proposed plan includes 1 or more provisions that are inconsistent with subsection (c); or

(iii) the cost of implementing the proposed plan exceeds the amount of funding available for the management of trust assets that would be subject to the proposed plan.

(2) ACTION ON DISAPPROVAL.—

(A) NOTICE.—If the Secretary disapproves a proposed plan under paragraph (1)(B), the Secretary shall provide to the Indian tribe a written notice of the disapproval, including any reason why the proposed plan was disapproved.

(B) ACTION BY TRIBES.—An Indian tribe the proposed plan of which is disapproved under paragraph (1)(B) may resubmit an amended proposed plan not later than 90 days after the date on which the Indian tribe receives the notice under subparagraph (A).

(3) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to approve or disapprove a proposed plan in accordance with paragraph (1), the plan shall be considered to be disapproved under clauses (i) and (ii) of paragraph (1)(B).

(4) JUDICIAL REVIEW.—An Indian tribe may seek judicial review of the determination of the Secretary in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'') if—

(A) the Secretary disapproves the proposed plan of the Indian tribe under paragraph (1) or (3); and

(B) the Indian tribe has exhausted any other administrative remedy available to the Indian tribe.

(c) APPLICABLE LAWS; STANDARDS; TRUST RESPONSIBILITY.—

(1) APPLICABLE LAWS.—An Indian trust asset management plan, and any activity carried out under the plan, shall not be approved unless the proposed plan is consistent with—

(A) all Federal treaties, statutes, regulations, Executive orders, and court decisions that are applicable to the trust assets, or the management of the trust assets, identified in the plan; and

(B) all tribal laws that are applicable to the trust assets, or the management of trust assets, identified in the plan, except to the extent that the laws are inconsistent with the treaties, statutes, regulations, Executive orders, and court decisions referred to in subparagraph (A).

(2) STANDARDS.—Subject to the laws referred to in paragraph (1)(A), an Indian trust asset management plan shall not be approved unless the Secretary determines that the plan will—

(A) protect trust assets from loss, waste, and unlawful alienation;

(B) promote the interests of the beneficial owner of the trust asset;

(C) conform, to the maximum extent practicable, to the preferred use of the trust asset by the beneficial owner, unless the use is inconsistent with a treaty, statute, regulation, Executive order, or court decision referred to in paragraph (1)(A);

(D) protect any applicable treaty-based fishing, hunting and gathering, and similar

rights relating to the use, access, or enjoyment of a trust asset; and

(E) require that any activity carried out under the plan be carried out in good faith and with loyalty to the beneficial owner of the trust asset.

(3) TRUST RESPONSIBILITY.—An Indian trust asset management plan shall not be approved unless the Secretary determines that the plan is consistent with the trust responsibility of the United States to the Indian tribe and individual Indians.

(d) TERMINATION OF PLAN.—

(1) IN GENERAL.—An Indian tribe may terminate an Indian trust asset management plan on any date after the date on which a proposed Indian trust asset management plan is approved by providing to the Secretary—

(A) a notice of the intent of the Indian tribe to terminate the plan; and

(B) a resolution of the governing body of the Indian tribe authorizing the termination of the plan.

(2) EFFECTIVE DATE.—A termination of an Indian trust asset management plan under paragraph (1) takes effect on October 1 of the first fiscal year following the date on which a notice is provided to the Secretary under paragraph (1)(A).

SEC. 305. EFFECT OF TITLE.

(a) LIABILITY.—Nothing in this title, or a trust asset management plan approved under section 304, shall independently diminish, increase, create, or otherwise affect the liability of the United States or an Indian tribe participating in the Project for any loss resulting from the management of an Indian trust asset under an Indian trust asset management plan.

(b) EFFECT ON OTHER LAWS.—Nothing in this title amends or otherwise affects the application of any treaty, statute, regulation, Executive order, or court decision that is applicable to Indian trust assets or the management or administration of Indian trust assets, including the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(c) TRUST RESPONSIBILITY.—Nothing in this title diminishes or otherwise affects the trust responsibility of the United States to Indian tribes and individual Indians.

TITLE IV—FRACTIONAL INTEREST PURCHASE AND CONSOLIDATION PROGRAM

SEC. 401. FRACTIONAL INTEREST PROGRAM.

Section 213 of the Indian Land Consolidation Act (25 U.S.C. 2212) is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following:

''(d) PURCHASE OF INTERESTS IN FRACTIONATED INDIAN LAND.—

''(1) INCENTIVES.—In acquiring an interest under this section in any parcel of land that includes undivided trust or restricted interests owned by not less than 20 separate individuals, as determined by the Secretary, the Secretary may include in the offered purchase price for the interest, in addition to fair market value, an amount not less than $100 and not to exceed $350, as an incentive for the owner to sell the interest to the Secretary.

''(2) SALE OF ALL TRUST OR RESTRICTED INTERESTS.—If an individual agrees to sell to the Secretary all trust or restricted interests owned by the individual, the Secretary may include in the offered purchase price, in addition to fair market value and the incentive described in paragraph (1), an amount not to exceed $2,000, as the Secretary determines to be appropriate, taking into consideration the avoided costs to the United States of probating the estate of the individual or an heir of the individual.

''(e) CERTAIN PARCELS OF HIGHLY FRACTIONATED INDIAN LAND.—

''(1) DEFINITION OF OFFEREE.—In this subsection, the term 'offeree' does not include the Indian tribe that has jurisdiction over a parcel of land for which an offer is made.

''(2) OFFER TO PURCHASE.—

''(A) IN GENERAL.—If the Secretary determines that a tract of land consists of not less than 200 separate undivided trust or restricted interests, the Secretary may offer to purchase the interests in the tract, in accordance with this subsection, for an amount equal to the sum of—

''(i) the fair market value of the interests; and

''(ii) an additional amount, to be determined by the Secretary, not less than triple the fair market value of the interest.

''(B) REQUIREMENT.—The Secretary shall make an offer under subparagraph (A) not later than 3 days before the date on which the Secretary mails a notice of the offer to the offeree under paragraph (3).

''(3) NOTICE OF OFFER.—

''(A) IN GENERAL.—The Secretary shall provide to an offeree, by certified mail to the last known address of the offeree, a notice of any offer to purchase land under this subsection.

''(B) INCLUSIONS.—A notice under subparagraph (A) shall include in plain language, as determined by the Secretary—

''(i) the date on which the offer was made;

''(ii) the name of the offeree;

''(iii) the location of the tract of land containing the interest that is the subject of the offer;

''(iv) the size of the interest of the offeree, expressed in terms of a fraction or a percentage of the tract of land described in clause (iii);

''(v) the fair market value of the tract of land described in clause (iii);

''(vi) the fair market value of the interest of the offeree;

''(vii) the amount offered for the interest in addition to fair market value under paragraph (2)(A)(ii);

''(viii) a statement that the offeree shall be considered to have accepted the offer for the amount stated in the notice unless a notice of rejection form is deposited in the United States mail not later than 90 days after the date on which the offer is received; and

''(ix) a self-addressed, postage pre-paid notice of rejection form.

''(4) TREATMENT OF OFFER.—

''(A) IN GENERAL.—An offer made under this subsection shall be considered to be accepted by the offeree if—

''(i) the certified mail receipt for the offer is signed by the offeree; and

''(ii) the notice of rejection form described in paragraph (3)(B)(ix) is not deposited in the United States mail by the date that is 90 days after the date on which the offer is received.

''(B) REJECTION.—An offer made under this subsection shall be considered to be rejected by the offeree if—

''(i) the notice of rejection form described in paragraph (3)(B)(ix) is deposited in the United States mail by the date that is 90 days after the date on which the offer is received; or

''(ii) the certified mail receipt for the offer is returned to the Secretary unsigned by the offeree.

''(5) WITHDRAWAL OF ACCEPTANCE; NOTICE.—

''(A) WITHDRAWAL OF ACCEPTANCE.—A person that is considered to have accepted an offer under paragraph (4)(A) may withdraw the acceptance by depositing in the United States mail a notice of withdrawal of acceptance form by the date that is 30 days after the date of receipt of the notice under subparagraph (B).

''(B) NOTICE.—The Secretary shall provide to any person that is considered to have accepted an offer under paragraph (4)(A), by certified mail, restricted delivery, to the last known address of the person, a preaddressed, postage prepaid withdrawal of acceptance form and a notice stating that—

''(i) the offer made to the person is considered to be accepted; and

''(ii) the person has the right to withdraw the acceptance by depositing in the United States mail the notice of withdrawal of acceptance form by the date that is 30 days after the date on which the notice was delivered to the person.

''(6) NOTICE OF ACCEPTANCE AND RIGHT TO APPEAL.—The Secretary shall provide to any person that has been served with a notice under paragraph (5)(B) and fails to withdraw the acceptance of the offer in accordance with paragraph (5)(A), by first class mail to the last known address of the person, a notice stating that—

''(A) the offer made to the person is considered to be accepted and not timely withdrawn; and

''(B) after exhausting all administrative remedies, the person may appeal any determination of the Secretary in accordance with paragraph (7).

''(7) JUDICIAL REVIEW.—A person described in paragraph (6) may appeal any determination of the Secretary with respect to—

''(A) the number of owners of undivided interests in a tract of land required under paragraph (2);

''(B) the fair market value of a tract of land or interest in land;

''(C) the date on which a notice of rejection form was deposited in the United States mail under paragraph (4)(B)(i); or

''(D) the date on which a notice of withdrawal of acceptance form was deposited in the United States mail under paragraph (5)(A).

''(f) OFFER TO SETTLE CLAIMS AGAINST THE UNITED STATES.—

''(1) IN GENERAL.—The Secretary may make an offer to any individual owner (not including an Indian tribe) of a trust or restricted interest in a tract of land to settle any claim that the owner may have against the United States relating to the specific tract of land of which the interest is a part (not including a claim for an accounting described in title I of the Indian Trust Reform Act of 2005).

''(2) REQUIREMENTS.—An offer to settle claims under this subsection shall—

''(A) be in writing;

''(B) be delivered to an individual owner by the Secretary in person or through first class mail; and

''(C) include—

''(i) the name of the individual owner;

''(ii) a description of the tract of land to which the offer relates;

''(iii) the amount offered to settle a claim of the individual owner;

''(iv) the manner and date by which the individual owner shall accept the offer;

''(v) a statement that the individual owner is under no obligation to accept the offer;

''(vi) a statement that the individual owner has the right to consult an attorney or other advisor before accepting the offer;

''(vii) a statement that acceptance of the offer by the individual owner will result in a full and final settlement of all claims, known and unknown, of the individual owner (including the heirs and assigns of the individual owner) against the United States relating to the tract of land identified in the offer; and

''(viii) a statement that the settlement proposed by the offer does not cover any claim for an accounting described in title I of the Indian Trust Reform Act of 2005.

''(3) ACCEPTANCE.—No acceptance of an offer under this subsection shall be valid or binding on the individual owner unless the acceptance—

''(A) is in writing;

''(B) is signed by the individual owner;

''(C) is notarized; and

''(D) is attached to a copy of, or contains all material terms of, the offer to which the acceptance corresponds.

''(4) LIMITATION.—No offer to purchase an interest under this section or any other provision of law shall be conditioned on the acceptance of an offer to settle a claim under this subsection.

''(5) OTHER LAWS.—The authority of the Secretary to settle claims under this subsection shall be in addition to, and not in lieu of, the authority of the Secretary to settle claims under any other provision of Federal law.

''(g) BORROWING FROM TREASURY.—

''(1) ISSUANCE OF OBLIGATIONS.—

''(A) IN GENERAL.—To the extent approved in annual appropriations Acts, the Secretary may issue to the Secretary of the Treasury obligations in such amounts as the Secretary determines to be necessary to acquire interests under this Act, subject to approval of the Secretary of the Treasury, and bearing interest at a rate to be determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities to the obligations.

''(B) LIMITATION.—The aggregate amount of obligations under subparagraph (A) outstanding at any time shall not exceed $[_____].

''(2) FORMS AND DENOMINATIONS.—The obligations issued under paragraph (1) shall be in such forms and denominations, and subject to such other terms and conditions, as the Secretary of the Treasury may prescribe.

''(3) REPAYMENT.—

''(A) IN GENERAL.—Revenues derived from land restored to the Tribe under this Act shall be used by the Secretary to pay the principal and interest on the obligations issued under paragraph (1).

''(B) ASSURANCE OF REPAYMENT.—The Secretary shall ensure, to the maximum extent possible, that the revenues described in subparagraph (A) provide reasonable assurance of repayment of the obligations issued under paragraph (1).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each fiscal year beginning after the date of enactment of this subsection such sums as are necessary to cover any difference between—

''(A) the total amount of repayments of principal and interest on obligations issued to the Secretary of the Treasury under paragraph (1) during the previous fiscal year; and

''(B) the total amount of repayments described in subparagraph (A) that were contractually required to be made to the Secretary of the Treasury during that fiscal year.

''(h) RECEIPT OF PAYMENTS HAVE NO IMPACT ON BENEFITS UNDER OTHER FEDERAL PROGRAMS.—The receipt of a payment by an offeree under this title shall not be—

''(1) subject to Federal or State income tax; or

''(2) treated as benefits or otherwise taken into account in determining the eligibility of the offeree for, or the amount of benefits under, any other Federal program, including the social security program, the medicare program, the medicaid program, the State children's health insurance program, the food stamp program, or the Temporary Assistance for Needy Families program.''.

TITLE V—RESTRUCTURING BUREAU OF INDIAN AFFAIRS AND OFFICE OF SPECIAL TRUSTEE

SEC. 501. PURPOSE.

The purpose of this title is to ensure a more effective and accountable administration of duties of the Secretary of the Interior with respect to providing services and programs to Indians and Indian tribes, including the management of Indian trust resources.

SEC. 502. DEFINITIONS.

In this title:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(2) OFFICE.—The term ''Office'' means the Office of Trust Reform Implementation and Oversight referred to in section 503(c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) UNDER SECRETARY.—The term ''Under Secretary'' means the individual appointed to the position of Under Secretary for Indian Affairs, established by section 503(a).

SEC. 503. UNDER SECRETARY FOR INDIAN AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—There is established in the Department of the Interior the position of Under Secretary for Indian Affairs, who shall report directly to the Secretary.

(b) APPOINTMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(2) EXCEPTION.—The officer serving as the Assistant Secretary for Indian Affairs on the date of enactment of this Act may assume the position of Under Secretary without appointment under paragraph (1) if—

(A) the officer was appointed as Assistant Secretary for Indian Affairs by the President by and with the advice and consent of the Senate; and

(B) not later than 180 days after the date of enactment of this Act, the Secretary approves the assumption.

(c) DUTIES.—In addition to the duties transferred to the Under Secretary under sections 504 and 505, the Under Secretary, acting through an Office of Trust Reform Implementation and Oversight, shall—

(1) carry out any activity relating to trust fund accounts and trust resource management of the Bureau (except any activity carried out under the Office of the Special Trustee for American Indians before the date on which the Office of the Special Trustee is abolished), in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.);

(2) develop and maintain an inventory of Indian trust assets and resources;

(3) coordinate with the Special Trustee for American Indians to ensure an orderly transition of the functions of the Special Trustee under section 505;

(4) supervise any activity carried out by the Department of the Interior, including—

(A) to the extent that the activities relate to Indian affairs, activities carried out by—

(i) the Commissioner of Reclamation;

(ii) the Director of the Bureau of Land Management; and

(iii) the Director of the Minerals Management Service; and

(B) intergovernmental relations between the Bureau and Indian tribal governments;

(5) to the maximum extent practicable, coordinate activities and policies of the Bureau with activities and policies of—

(A) the Bureau of Reclamation;

(B) the Bureau of Land Management; and

(C) the Minerals Management Service;

(6) provide for regular consultation with Indians and Indian tribes that own interests in trust resources and trust fund accounts;

(7) manage and administer Indian trust resources in accordance with any applicable Federal law;

(8) take steps to protect the security of data relating to individual Indian and Indian tribal trust accounts; and

(9) take any other measure the Under Secretary determines to be necessary with respect to Indian affairs.

SEC. 504. TRANSFER OF FUNCTIONS OF ASSISTANT SECRETARY FOR INDIAN AFFAIRS.

(a) TRANSFER OF FUNCTIONS.—There is transferred to the Under Secretary any function of the Assistant Secretary for Indian Affairs that has not been carried out by the Assistant Secretary as of the date of enactment of this Act.

(b) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination relating to the functions transferred under subsection (a).

(c) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Under Secretary may appoint and fix the compensation of such officers and employees as the Under Secretary determines to be necessary to carry out any function transferred under this section.

(2) REQUIREMENTS.—Except as otherwise provided by law—

(A) an officer or employee described in paragraph (1) shall be appointed in accordance with the civil service laws; and

(B) the compensation of the officer or employee shall be fixed in accordance with title 5, United States Code.

(d) DELEGATION AND ASSIGNMENT.—

(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this section, the Under Secretary may—

(A) delegate any of the functions transferred to the Under Secretary by this section and any function transferred or granted to the Under Secretary after the date of enactment of this Act to such officers and employees of the Office as the Under Secretary may designate; and

(B) authorize successive redelegations of such functions as the Under Secretary determines to be necessary or appropriate.

(2) DELEGATION.—No delegation of functions by the Under Secretary under this section shall relieve the Under Secretary of responsibility for the administration of the functions.

(e) REORGANIZATION.—The Under Secretary may allocate or reallocate any function transferred under this section among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in the Office, as the Under Secretary determines to be necessary or appropriate.

(f) RULES.—The Under Secretary may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Under Secretary determines to be necessary or appropriate to administer and manage the functions of the Office.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with, the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office.

(2) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at any time the Director may provide, may make such determinations as are necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as are necessary, to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for any further measures and dispositions as are necessary to effectuate the purposes of this section.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for a period of at least 1 year after the date of transfer of the employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the date of enactment of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed to a position in the Office having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of the service of the person in the new position.

(3) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this title, shall terminate on the date of enactment of this Act.

(j) SEPARABILITY.—If a provision of this section or the application of this section to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(k) TRANSITION.—The Under Secretary may use—

(1) the services of the officers, employees, and other personnel of the Assistant Secretary for Indian Affairs relating to functions transferred to the Office by this section; and

(2) funds appropriated to the functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to the Assistant Secretary for Indian Affairs, with respect to functions transferred under this section, shall be deemed to be a reference to the Under Secretary.

(m) RECOMMENDED LEGISLATION.—Not later than 180 days after the effective date of this title, the Under Secretary, in consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, shall submit to Congress any recommendations relating to additional technical and conforming amendments to Federal law to reflect the changes made by this section.

(n) EFFECT OF SECTION.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this section that is in effect on the date of enactment of this Act shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(A) the President;

(B) the Under Secretary;

(C) a court of competent jurisdiction; or

(D) operation of Federal or State law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this section that is pending before the Assistant Secretary on the date of enactment of this Act.

SEC. 505. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS.

(a) TERMINATION.—Notwithstanding sections 302 and 303 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4042; 4043), the Office of Special Trustee for American Indians shall terminate on the effective date of this section.

(b) TRANSFER OF FUNCTIONS.—There is transferred to the Under Secretary any function of the Special Trustee for American Indians that has not been carried out by the Special Trustee as of the effective date of this section.

(c) DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—If necessary, the Office of Management and Budget shall make any determination relating to the functions transferred under subsection (b).

(d) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—The Under Secretary may appoint and fix the compensation of such officers and employees as the Under Secretary determines to be necessary to carry out any function transferred under this section.

(2) REQUIREMENTS.—Except as otherwise provided by law—

(A) any officer or employee described in paragraph (1) shall be appointed in accordance with the civil service laws; and

(B) the compensation of such an officer or employee shall be fixed in accordance with title 5, United States Code.

(e) DELEGATION AND ASSIGNMENT.—

(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this section, the Under Secretary may—

(A) delegate any of the functions transferred to the Under Secretary under this section and any function transferred or granted to the Under Secretary after the effective date of this section to such officers and employees of the Office as the Under Secretary may designate; and

(B) authorize successive redelegations of the functions as are necessary or appropriate.

(2) DELEGATION.—No delegation of functions by the Under Secretary under this section shall relieve the Under Secretary of responsibility for the administration of the functions.

(f) REORGANIZATION.—The Under Secretary may allocate or reallocate any function transferred under subsection (b) among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in the Office as the Under Secretary determines to be necessary or appropriate.

(g) RULES.—The Under Secretary may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Under Secretary determines to be necessary or appropriate to administer and manage the functions of the Office.

(h) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office.

(2) UNEXPENDED FUNDS.—Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(i) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, at any time the Director may provide, may make such determinations as are necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as are necessary, to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for any further measures and dispositions as are necessary to effectuate the purposes of this section.

(j) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for a period of at least 1 year after the date of transfer of the employee under this section.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed to a position in the Office having duties comparable to the duties performed immediately preceding such appointment, shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of the service of the person in the new position.

(3) TERMINATION OF CERTAIN POSITIONS.—Positions the incumbents of which are appointed by the President, by and with the advice and consent of the Senate, and the functions of which are transferred by this title, shall terminate on the effective date of this section.

(k) SEPARABILITY.—If a provision of this section or the application of this section to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(l) TRANSITION.—The Under Secretary may use—

(1) the services of the officers, employees, and other personnel of the Special Trustee relating to functions transferred to the Office by this section; and

(2) funds appropriated to those functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(m) REFERENCES.—Any reference in a Federal law, Executive order, rule, regulation, delegation of authority, or document relating to the Special Trustee, with respect to functions transferred under this section, shall be deemed to be a reference to the Under Secretary.

(n) RECOMMENDED LEGISLATION.—Not later than 180 days after the effective date of this title, the Under Secretary, in consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, shall submit to Congress any recommendations relating to additional technical and conforming amendments to Federal law to reflect the changes made by this section.

(o) EFFECT OF SECTION.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—Any legal document relating to a function transferred by this section that is in effect on the effective date of this section shall continue in effect in accordance with the terms of the document until the document is modified or terminated by—

(A) the President;

(B) the Under Secretary;

(C) a court of competent jurisdiction; or

(D) operation of Federal or State law.

(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceeding (including a notice of proposed rulemaking, an administrative proceeding, and an application for a license, permit, certificate, or financial assistance) relating to a function transferred under this section that is pending before the Special Trustee on the effective date of this section.

(p) EFFECTIVE DATE.—This section shall take effect on December 31, 2008.

SEC. 506. HIRING PREFERENCE.

In appointing or otherwise hiring any employee to the Office, the Under Secretary shall give preference to Indians in accordance with section 12 of the Act of June 8, 1934 (25 U.S.C. 472).

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VI—AUDIT OF INDIAN TRUST FUNDS

SEC. 601. AUDITS AND REPORTS.

(a) FINANCIAL STATEMENTS AND INTERNAL CONTROL REPORT.—

(1) FINANCIAL STATEMENTS.—For each fiscal year beginning after the enactment of this Act, the Secretary of Interior shall prepare financial statements for individual Indian, Indian tribal, and other Indian trust accounts in accordance with generally accepted accounting principles of the Federal Government.

(2) INTERNAL CONTROL REPORT.—Concurrently with the financial statements under by paragraph (1), the Secretary shall prepare an internal control report that—

(A) establishes the responsibility of the Secretary for establishing and maintaining an adequate internal control structure and procedures for financial reporting under this Act; and

(B) assesses the effectiveness of the internal control structure and procedures for financial reporting under subparagraph (A) during the preceding fiscal year.

(b) INDEPENDENT EXTERNAL AUDITOR.—

(1) IN GENERAL.—The Comptroller General of the United States shall enter into a contract with an independent external auditor to conduct an audit and prepare a report in accordance with this subparagraph.

(2) AUDIT REPORT.—An independent external auditor shall submit to the Committee on Indian Affairs of the Senate, and make available to the public, an audit of the financial statements under subsection (a)(1) in accordance with—

(A) generally accepted auditing standards of the Federal Government; and

(B) the financial audit manual jointly issued by the Government Accountability Office and the Council on Integrity and Efficiency of the President.

(3) ATTESTATION AND REPORT.—In conducting the audit under paragraph (2), the independent external auditor shall attest to, and report on, the assessment of internal controls made by the Secretary under subsection (a)(2)(B).

(4) PAYMENT FOR AUDIT AND REPORT.—

(A) TRANSFER OF FUNDS.—On request of the Comptroller General, the Secretary shall transfer to the Government Accountability Office from funds made available for administrative expenses of the Department of Interior the amount requested by the Comptroller General to pay for an annual audit and report.

(B) CREDIT TO ACCOUNT.—

(i) IN GENERAL.—The Controller General shall credit the amount of any funds transferred under subparagraph (A) to the account established for salaries and expenses of the Government Accountability Office.

(ii) AVAILABILITY.—Any amount credited under clause (i) shall be made available on receipt, without fiscal year limitation, to cover the full costs of the audit and report.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

Mr. DORGAN. Mr. President, I am pleased to join Senator MCCAIN in introducing this historic legislation. This bill is a necessary starting point to begin resolution of the longstanding claims in the Cobell v. Norton litigation, which involves the Federal Government's mismanagement of hundreds of thousands of individual Indian money accounts. The bill was drafted in a bipartisan manner and attempts to address the principles recently developed and set forth by Indian Country.

I want to thank the National Congress of American Indians and the InterTribal Monitoring Association for leading the consultative process utilized in developing these principles. Those principles helped guide the drafting of this bill. The current language of the bill, however, is not perfect. Rather, it is intended to be a starting point for substantive and productive dialogue between the parties. Recently, the parties engaged in a 9-month mediation process that failed to result in any type of potential resolution. This litigation is nearly a decade old and has no end in sight. It is my hope that this bill will assist the parties in reaching some type of resolution of this litigation.

The individual Indian trust account system was not a voluntary system elected by the individual Indians, but rather one imposed upon them by the federal government more than one hundred years ago. The Federal Government serves as trustee of these accounts and the individual Indians are beneficiaries. Unfortunately, the Cobell litigation has brought to light a very disturbing problem: the Federal Government, as trustee, may not be able to provide an accurate and proper historical accounting of these accounts. Moreover, the Federal Government may not know the proper balances of these accounts nor have sufficient documentation to determine the value of these accounts. Further, government officials have stated that a full transaction-by-transaction accounting, presuming one can be performed, would cost more than $10 billion. This cost would not include any monies determined to be unaccounted for or the interest on those monies.

The claims in the Cobell litigation on examples of broken promises and trust responsibilities to the Native Americans of this country, but it is my hope and desire that this bill will help us keep those promises, fulfill our responsibilities to Native Americans, and restore trust and faith in our government. If Congress continues to allow the Cobell litigation to proceed, the individual beneficiaries of these accounts will not be alive to reap the benefits these accounts and the trust resource management system were intended to bestow.

It is an honor to serve as Vice Chairman of the Committee on Indian Affairs alongside chairman MCCAIN. We have publicly pledged that we will make our best effort to resolve this long overdue injustice to the first Americans. The introduction of this bill is the first step toward that goal.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1303. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3057, An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1304. Mr. SCHUMER proposed an amendment to the bill H.R. 3057, supra.

SA 1305. Mr. DODD (for himself, Mr. NELSON, of Florida, Mr. REED, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 3057, supra.

SA 1306. Mr. MCCONNELL (for Mr. BYRD) proposed an amendment to the bill H.R. 3057, supra.

SA 1307. Mr. MCCONNELL (for Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. CORZINE, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3057, supra.

SA 1308. Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 3057, supra.

SA 1309. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1310. Mr. GRASSLEY submitted an amendment intended to be proposed by him

to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1311. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1312. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1313. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1314. Mr. WARNER (for himself and Mr. KYL) proposed an amendment to the bill S. 1042, supra.

SA 1315. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1316. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1317. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1318. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1319. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1320. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1321. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1322. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 1323. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, supra.

SA 1324. Mr. WARNER (for Mr. MCCONNELL (for himself, Mr. ALLARD, Mr. SALAZAR, and Mr. BUNNING)) proposed an amendment to the bill S. 1042, supra.

SA 1325. Mr. LEVIN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 1042, supra.

SA 1326. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1327. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1328. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1329. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1330. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1331. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1332. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1333. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1334. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1335. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1336. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1303. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, between lines 6 and 7, insert the following:

(e) It is the sense of Congress that, as the United States pursues a policy of moving forward on negotiations for Kosovo's future status, the funds made available during 2006 under this heading for assistance for Kosovo should be used primarily for programs that will promote progress on the long-term fulfillment in Kosovo of the standards on human rights, rule of law, democracy, and respect for minorities that were established by the United Nations and that are critical to promoting lasting stability and peace in Kosovo and the surrounding region.

SA 1304. Mr. SCHUMER proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

REPORT ON RECIPROCITY

SEC. 6113. (a) Notwithstanding any other provision of law, no agency or department of the United States may approve a merger between a United States company and a foreign-owned company or an acquisition of a United State company by a foreign-owned company prior to 30 days after the date on which the Secretary of State submits to Congress the report required by subsection (c).

(b) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''foreign-owned company'' means an entity that is owned or controlled by the government of a foreign country.

(3) The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(4) The term ''owned or controlled'' means—

(A) in the case of a corporation, the holding of at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, the holding of interests representing at least 50 percent of the capital structure of the entity.

(5) The term ''United States company'' means an entity that has its primary place of business in the United States and that is publicly traded on a United States based stock exchange.

(c) The report referred to in subsection (a) is a report submitted to the appropriate congressional committees by the Secretary of State, in consultation with the Secretary of Commerce, on a proposed merger between a United States company and a foreign-owned company or an acquisition of a United State company by a foreign-owned company. Such report shall include an assessment of whether the law and regulations of the government that owns or controls the foreign-owned company would generally permit a United States company in the same industry as the foreign-owned company to purchase, acquire, merge, or otherwise establish a joint relationship with an entity whose primary place of business is located in such foreign country.

SA 1305. Mr. DODD (for himself, Mr. NELSON of Florida, Mr. REED, Mr. LEAHY, and Mr. BIDEN) proposed an amendment to the bill H.R. 3057, An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 259, at the end of the page add the following new paragraph:

''(c) Funds made available for assistance for Haiti shall be made available to support elections in Haiti after the Secretary of State submits a written report to the Committee on Appropriations, the House International Relations Committee and the Senate Foreign Relations Committee setting forth a detailed plan, in consultation with the Haitian Transitional Government and the United Nations Stabilization Mission (MINUSTAH), which includes an integrated public security strategy to strengthen the rule of law, ensure that acceptable security conditions exist to permit an electoral process with broad based participation by all the political parties, and provide a timetable for the demobilization, disarmament and reintegration of armed groups: Provided, That following the receipt of such report, up to $3,000,000 of the funds made available under subsection (a)(3) should be made available for the demobilization, disarmament, and reintegration of armed groups in Haiti.

SA 1306. Mr. MCCONNELL (for Mr. BYRD) proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

RESPONSIBILITIES AND AUTHORITIES OF UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SEC. . (a) MODIFICATION OF RESPONSIBILITIES.—Notwithstanding any provision of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), or any other provision of law, the United States–China Economic and Security Review Commission established by subsection (b) of that section should investigate and report exclusively on each of the following areas:

(1) PROLIFERATION PRACTICES.—The role of the People's Republic of China in the proliferation of weapons of mass destruction and other weapons (including dual use technologies), including actions the United States might take to encourage the People's Republic of China to cease such practices.

(2) ECONOMIC TRANSFERS.—The qualitative and quantitative nature of the transfer of United States production activities to the People's Republic of China, including the relocation of high technology, manufacturing, and research and development facilities, the impact of such transfers on United States national security, the adequacy of United States export control laws, and the effect of such transfers on United States economic security and employment.

(3) ENERGY.—The effect of the large and growing economy of the People's Republic of China on world energy supplies and the role the United States can play (including through joint research and development efforts and technological assistance) in influencing the energy policy of the People's Republic of China.

(4) ACCESS TO UNITED STATES CAPITAL MARKETS.—The extent of access to and use of United States capital markets by the People's Republic of China, including whether or not existing disclosure and transparency rules are adequate to identify People's Republic of China companies engaged in harmful activities.

(5) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The triangular economic and security relationship among the United States, Taipei, and the People's Republic of China (including the military modernization and force deployments of the People's Republic of China aimed at Taipei), the national budget of the People's Republic of China, and the fiscal strength of the People's Republic of China in relation to internal instability in the People's Republic of China and the likelihood of the externalization of problems arising from such internal instability.

(6) UNITED STATES-CHINA BILATERAL PROGRAMS.—Science and technology programs, the degree of non-compliance by the People's Republic of China with agreements between the United States and the People's Republic of China on prison labor imports and intellectual property rights, and United States enforcement policies with respect to such agreements.

(7) WORLD TRADE ORGANIZATION COMPLIANCE.—The compliance of the People's Republic of China with its accession agreement to the World Trade Organization (WTO).

(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsection (g) of section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended to read as follows:

''(g) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Commission.''.

SA 1307. Mr. MCCONNELL (for Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CHAFEE, Ms. MIKULSKI, Mr. CORZINE, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 274, between lines 7 and 8, insert the following new subsection:

(e) USE OF FUNDS.—None of the funds made available for the UNFPA in this section may be used for any purpose except—

(1) to provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) to prevent and treat cases of obstetric fistula;

(3) to make available supplies of contraceptives for the prevention of pregnancy and sexually transmitted infections, including HIV/AIDS;

(4) to reestablish maternal health services in areas where medical infrastructure and such services have been destroyed by natural disasters;

(5) to eliminate the practice of female genital mutilation; or

(6) to promote the access of unaccompanied women and other vulnerable people to vital services, including access to water, sanitation facilities, food, and health care.

SA 1308. Mr. MCCONNELL (for Mr. FRIST) proposed an amendment to the bill H.R. 3057, an act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 326, between lines 10 and 11, insert the following:

NONPROLIFERATION AND COUNTERPROLIFERATION EFFORTS

SEC. 6113. Funds appropriated under title III under the heading ''NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS'' may be made available to the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts such as increased voluntary dues to the International Atomic Energy Agency, activities under the Proliferation Security Initiative, and the Cooperative Threat Reduction program, and in support of the National Counter Proliferation Center and its activities.

SA. 1309. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. PERMANENT AND MODIFIED AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) PERMANENT AUTHORITY.—Section 4544 of title 10, United States Code, is amended by striking subsection (j).

(b) UTILIZATION OF PROCEEDS OF SALE OF ARTICLES AND SERVICES.—Such section is further amended—

(1) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively;

(3) by inserting after subsection (d) the following new subsection (e):

''(e) UTILIZATION OF PROCEEDS.—(1) The proceeds of sale of articles and services received in connection with the use of an Army industrial facility under this section shall be credited to the appropriation or working-capital fund that incurs the variable costs of manufacturing the articles or performing the services. Notwithstanding section 3302(b) of title 31, the amount so credited with respect to an Army industrial facility shall be available, without further appropriation, as follows:

''(A) Amounts equal to the amounts of the variable costs so incurred shall be available for the same purposes as the appropriation or working-capital fund to which credited.

''(B) Amounts in excess of the amounts of the variable costs so incurred shall be available for operation, maintenance, and environmental restoration at that Army industrial facility.

''(2) Amounts credited to a working-capital fund under paragraph (1) shall remain available until expended. Amounts credited to an appropriation under paragraph (1) shall remain available for the same period as the appropriation to which credited.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by striking ''subsection (e)'' and inserting ''subsection (f)''.

SA. 1310. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. PERMANENT AND MODIFIED AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) PERMANENT AUTHORITY.—Section 4544 of title 10, United States Code, is amended by striking subsection (j).

(b) CREDITING OF PROCEEDS OF SALE OF ARTICLES AND SERVICES.—Such section is further amended—

(1) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively;

(3) by inserting after subsection (d) the following new subsection (e):

''(e) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—The proceeds of sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by striking ''subsection (e)'' and inserting ''subsection (f)''.

SA. 1311. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

ECONOMIC AND ENERGY SECURITY

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

(1) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''The President'' and inserting ''(1) IN GENERAL.—The President'';

(C) by inserting '', including national economic and energy security,'' after ''national security'';

(D) by adding at the end the following new paragraph:

''(2) NOTICE AND WAIT REQUIREMENT.—

''(A) NOTIFICATION OF APPROVAL.—The President shall notify the appropriate congressional committees of each approval of any proposed merger, acquisition, or takeover that is investigated under paragraph (1).

''(B) JOINT RESOLUTION OBJECTING TO TRANSACTION.—

''(i) DELAY PENDING CONSIDERATION OF RESOLUTION.—A transaction described in subparagraph (A) may not be consummated until 10 legislative days after the President provides the notice required under such subparagraph. If a joint resolution objecting to the proposed transaction is introduced in either House of Congress by the chairman of one of the appropriate congressional committees during such period, the transaction may not be consummated until 30 legislative days after such resolution.

''(ii) DISAPPROVAL UPON PASSAGE OF RESOLUTION.—If a joint resolution introduced under clause (i) is agreed to by both Houses of Congress, the transaction may not be consummated.'';

(E) in paragraph (1)(B) (as so designated by this paragraph), by striking ''shall'';

(2) in subsection (d), by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (e), by striking ''subsection (c)'' and inserting ''subsection (d)'';

(4) in subsection (f)(3), by inserting '', including national economic and energy security,'' after ''national security'';

(5) in subsection (g)—

(A) by striking ''REPORT TO THE CONGRESS'' in the heading and inserting ''REPORTS TO CONGRESS'';

(B) by striking ''The President'' and inserting the following: ''(1) REPORTS ON DETERMINATIONS.—The President'';

(C) by adding at the end the following new paragraph:

''(2) REPORTS ON CONSIDERED TRANSACTIONS.—

''(A) IN GENERAL.—The President or the President's designee shall transmit to the appropriate congressional committees on a monthly basis a report containing a detailed summary and analysis of each transaction the consideration of which was completed by the Committee on Foreign Acquisitions Affecting National Security since the most recent report.

''(B) CONTENT.—Each report submitted under subparagraph (A) shall include—

''(i) a description of all of the elements of each transaction; and

''(ii) a description of the standards and criteria used by the Committee to assess the impact of each transaction on national security.

''(C) FORM.—The reports submitted under subparagraph (A) shall be submitted in both classified and unclassified form, and company proprietary information shall be appropriately protected.''; and

(D) by striking ''of this Act'';

(6) in subsection (k)—

(A) by striking ''QUADRENNIAL'' in the heading and inserting ''ANNUAL''; and

(B) in paragraph (1)—

(i) by striking ''upon the expiration of every 4 years'' and inserting ''annually'';

(ii) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(C) evaluates the cumulative effect on national security of foreign investment in the United States.''; and

(7) by adding at the end the following new subsections:

''(l) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

''(2) the Committee on Financial Services, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

''(m) DESIGNEE.—Notwithstanding any other provision of law, the designee of the President for purposes of this section shall be known as the 'Committee on Foreign Acquisitions Affecting National Security', and such committee shall be chaired by the Secretary of Defense.''.

SA 1312. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, insert the following:

SEC. 1205. THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China's State-Owned Enterprises (SOEs) lack adequate disclosure standards, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States security interests;

(B) United States influence and vital long-term interests in Asia are being challenged by China's robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China's transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries of concern, including countries that support acts of international terrorism, has helped create a new tier of countries with the capability to produce WMD and ballistic missiles;

(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union would accelerate weapons modernization and dramatically enhance Chinese military capabilities;

(F) China's recent actions toward Taiwan call into question China's commitments to a peaceful resolution;

(G) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China's qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(H) China's growing energy needs are driving China into bilateral arrangements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

(2) On March 14, 2005, the National People's Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS.—

(1) PLAN.—The President is strongly urged to take immediate steps to establish a plan to implement the recommendations contained in the 2004 Report to Congress of the United States-China Economic and Security Review Commission in order to correct the negative implications that a number of current trends in United States-China relations have for United States long-term economic and national security interests.

(2) CONTENTS.—Such a plan should contain the following:

(A) Actions to address China's policy of undervaluing its currency, including—

(i) encouraging China to provide for a substantial upward revaluation of the Chinese yuan against the United States dollar;

(ii) allowing the yuan to float against a trade-weighted basket of currencies; and

(iii) concurrently encouraging United States trading partners with similar interests to join in these efforts.

(B) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China's unfair trade practices, including China's exchange rate manipulation, denial of trading and distribution rights, lack of intellectual property rights protection, objectionable labor standards, subsidization of exports, and forced technology transfers as a condition of doing business. The United States Trade Representative should consult with our trading partners regarding any trade dispute with China.

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement with China's Asian neighbors. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(D) Actions by the administration to hold China accountable for proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail North Korea's commercial export of ballistic missiles.

(E) Actions to encourage the creation of a new United Nations framework for monitoring the proliferation of WMD and their delivery systems in conformance with member nations' obligations under the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention. The new monitoring body should be delegated authority to apply sanctions to countries violating these treaties in a timely manner, or, alternatively, should be required to report all violations in a timely manner to the Security Council for discussion and sanctions.

(F) Actions by the administration to conduct a fresh assessment of the ''One China'' policy, given the changing realities in China and Taiwan. This should include a review of—

(i) the policy's successes, failures, and continued viability;

(ii) whether changes may be needed in the way the United States Government coordinates its defense assistance to Taiwan, including the need for an enhanced operating relationship between United States and Taiwan defense officials and the establishment of a United States-Taiwan hotline for dealing with crisis situations;

(iii) how United States policy can better support Taiwan's breaking out of the international economic isolation that China seeks to impose on it and whether this issue should be higher on the agenda in United States-China relations; and

(iv) economic and trade policy measures that could help ameliorate Taiwan's marginalization in the Asian regional economy, including policy measures such as enhanced United States-Taiwan bilateral trade arrangements that would include protections for labor rights, the environment, and other important United States interests.

(G) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement, whereby China engages in some limited exchanges with the organization, to a more structured arrangement whereby China would be obligated to develop a meaningful strategic oil reserve, and coordinate release of stocks in supply-disruption crises or speculator-driven price spikes.

(H) Actions by the administration to develop and publish a coordinated, comprehensive national policy and strategy designed to meet China's challenge to maintaining United States scientific and technological leadership and competitiveness in the same way the administration is presently required to develop and publish a national security strategy.

(I) Actions to revise the law governing the Committee on Foreign Investment in the United States (CFIUS), including expanding the definition of national security to include the potential impact on national economic security as a criterion to be reviewed, and transferring the chairmanship of CFIUS from the Secretary of the Treasury to a more appropriate executive branch agency.

(J) Actions by the President and the Secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

(K) Actions by the administration to restrict foreign defense contractors, who sell sensitive military use technology or weapons systems to China, from participating in United States defense-related cooperative research, development, and production programs. Actions by the administration may be targeted to cover only those technology areas involved in the transfer of military use technology or weapons systems to China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

(L) Any additional actions outlined in the 2004 Report to Congress of the United States-China Economic and Security Review Commission that affect the economic or national security of the United States.

SA 1313. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. ANNUAL REPORT ON THE INTERNATIONAL COMMITTEE ON THE RED CROSS.

(a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall, with the concurrence of the Secretary of Defense and the Attorney General, submit to Congress the activities and management of the International Committee of the Red Cross (ICRC) meeting the requirements set forth in subsection (b).

(b) ELEMENTS OF REPORTS.—(1) Each report under subsection (a) shall include, for the one-year period ending on the date of such report, the following:

(A) A description of the financial contributions of the United States, and of any other country, to the International Committee of the Red Cross.

(B) A detailed description of the allocations of the funds available to the International Committee of the Red Cross to international relief activities and international humanitarian law activities as defined by the International Committee.

(C) A description of how United States contributions to the International Committee of the Red Cross are allocated to the activities described in subparagraph (B) and to other activities.

(D) The nationality of each Assembly member, Assembly Council member, and Directorate member of the International Committee of the Red Cross, and the annual salary of each.

(E) A description of any activities of the International Committee of the Red Cross to determine the status of United States prisoners of war (POWs) or missing in action (MIAs) who remain unaccounted for.

(F) A description of the efforts of the International Committee of the Red Cross to assist United States prisoners of war.

(G) A description of any expression of concern by the Department of State, or any other department or agency of the Executive Branch, that the International Committee of the Red Cross, or any organization or employee of the International Committee, exceeded the mandate of the International Committee, violated established principles or practices of the International Committee, interpreted differently from the United States any international law or treaty to which the United States is a state-party, or engaged in advocacy work that exceeded the mandate of the International Committee.

(2) The first report under subsection (a) shall include, in addition to the matters specified in paragraph (1) the following:

(A) The matters specified in subparagraphs (A) and (G) of paragraph (1) for the period beginning on January 1, 1990, and ending on the date of the enactment of this Act.

(B) The matters specified in subparagraph (E) of paragraph (1) for the period beginning on January 1, 1947, and ending on the date of the enactment of this Act.

(C) The matters specified in subparagraph (F) of paragraph (1) during each of the Korean conflict, the Vietnam era, and the Persian Gulf War.

(c) DEFINITIONS.—In this section, the terms ''Korean conflict'', ''Vietnam era'', and ''Persian Gulf War'' have the meaning given such terms in section 101 of title 38, United States Code.

SA 1314. Mr. WARNER (for himself and Mr. KYL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 303, strike line 3 and all that follows through page 304, line 24, and insert the following:

(3) For other procurement $376,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (a)(3), $225,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and torpedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for the Marine Corps in the amount of $429,600,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $104,500,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to

the congressional defense committees a report describing such allocation of funds.

SA 1315. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

"§ 2163. National Defense University: master of science degrees

''(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

''(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

''(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

''(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

''(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

''(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2163. National Defense University: master of science degrees.''.

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

SA 1316. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. JOINT SERVICE SMALL ARMS PROGRAM.

(a) INCREASED AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 shall be available for the Joint Service Small Arms Program.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to Distribution Process Owner Technology Development and Implementation.

SA 1317. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. TOWED ARRAY HANDLER.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, $5,000,000 shall be available for Program Element 0604503N for the design, development, and test of improvements to the towed array handler in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow array is hereby reduced by $5,000,000.

SA 1318. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 846. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE PARTNERSHIPS FOR RESEARCH AND DEVELOPMENT.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to authorize the organizations referred to in subsection (b) to enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to assess the benefits of such agreements for such organizations and for the Department of Defense as a whole.

(b) COVERED ORGANIZATIONS.—The organizations referred to in this subsection are as follows:

(1) The National Defense University.

(2) The Defense Acquisition University.

(3) The Joint Forces Command.

(4) The United States Transportation Command.

(c) LIMITATION.—No agreement may be entered into, or continue in force, under the pilot program under subsection (a) after September 30, 2009.

(d) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in subsection (b) and for the Department of Defense as a whole.

SA 1319. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title II, add the following:

SEC. 244. MODIFICATION OF REQUIREMENTS FOR REPORTS ON PROGRAM TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (e) of section 2374a of title 10, United States Code, is amended to read as follows:

''(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken by the Defense Advanced Research Projects Agency in the preceding year under the authority of this section.

''(2) The report for a year under this subsection shall include the following:

''(A) The results of consultations between the Director and officials of the military departments regarding the areas of research, technology development, or prototype development for which prizes would be awarded under the program under this section.

''(B) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department.

''(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Defense Advanced Research Projects Agency for recording as obligations and expenditures.

''(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

''(E) A description of the resources, including personnel and funding, used in the execution of the program, together with a detailed description of the activities for which such resources were used.

''(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into acquisition programs of the Department.

''(G) For each competition under the program, a statement of the reasons why the competition was a preferable means of promoting basic, advanced, or applied research, technology development, or prototype development projects to other means of promoting such projects, including contracts, grants, cooperative agreements, or other transactions.''.

SA 1320. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 289, line 25, strike ''during such periods'' and insert ''in the case of the period after completion of the degree''.

SA 1321. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.

(a) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(b) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072(7) of title 10, United States Code.

SA 1322. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 27, line 21, strike ''$18,843,296,000'' and insert ''$19,011,754,000''.

On page 305, between lines 19 and 20, insert the following:

(6) For the Naval Reserve, $2,400,000.

SA 1323. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 77, strike lines 22 through 25 and insert the following:

Section 3037(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences: ''The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.''.

SA 1324. Mr. WARNER (for Mr. MCCONNELL (for himself, Mr. ALLARD, Mr. SALAZAR, and Mr. BUNNING)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. CHEMICAL DEMILITARIZATION FACILITIES.

(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

(1) Pueblo Army Depot, Colorado.

(2) Blue Grass Army Depot, Kentucky.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds that may be utilized under the authority in subsection (a) may not exceed $51,000,000.

(d) DURATION OF AUTHORITY.—A construction project, or portion of a construction project, may not be commenced under the authority in subsection (a) after September 30, 2006.

(e) NOTICE AND WAIT.—The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project.

SA 1325. Mr. LEVIN (for himself and Ms. COLLINS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1106. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the appropriate committees of Congress a strategic plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The plan shall be known as the ''strategic human capital plan''.

(b) CONTENTS.—The strategic human capital plan required by subsection (a) shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—The recruitment and retention of civilian employees to meet the goals established under subsection (b)(2)(A) shall not be subject to any limitation or constraint under statute or regulations on the end strength of the civilian workforce of the Department of Defense or any part of the workforce of the Department.

(d) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (d); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(f) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the appropriate committees of Congress a report on the plan.

(2) Not later than 90 days after the Secretary submits under subsection (e) an update of the strategic human capital plan under subsection (d), the Comptroller General shall submit to the appropriate committees of Congress a report on the update.

(3) A report on the strategic human capital plan under paragraph (1), or on an update of the plan under paragraph (2), shall include the assessment of the Comptroller General of the extent to which the plan or update, as the case may be—

(A) complies with the requirements of this section; and

(B) complies with applicable best management practices (as determined by the Comptroller General).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services and Government Reform of the House of Representatives.

SA 1326. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. 20MM–40MM MEDIUM CALIBER METAL PARTS MANUFACTURE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 shall be available for Munitions Standardization, Effectiveness and Safety (PE#605805A) for 20mm–40mm Medium Caliber Metal Parts Manufacture.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for Information Technology Initiatives.

SA 1327. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. CIVIL RESERVE SPACE SERVICE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 shall be available for the Satellite Control Network (Space) (PE#305110F) for the Civil Reserve Space Service.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to amounts available for Information Technology Initiatives.

SA 1328. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. ADVANCED LIGHTWEIGHT SILICON SWITCH FOR THE ELECTROMAGNETIC GUN SYSTEM.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the army is hereby increased by $2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $2,000,000 shall be available for Weapons and Munitions Advanced Technology (PE#603004A) for the Advanced Lightweight Silicon Switch (LSS) for the Electromagnetic Gun System.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $2,000,000, with the amount of the reduction to be allocated to amounts available for Information Technology Initiatives.

SA 1329. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 124. RAPID INTRAVENOUS INFUSION PUMP.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT FOR THE MARINE CORPS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,000,000 shall be available for General Property for Field Medical Equipment for the Rapid Intravenous (IV) Infusion Pump.

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for Information Technology Initiatives.

SA 1330. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, between lines 18 and 19, insert the following:

SEC. 718. CENTENNIAL DEMONSTRATION PROJECT.

(a) AUTHORIZATION.—Not later than December 31, 2005, the Secretary of the Air Force shall implement a demonstration project (in this section referred to as the ''Centennial Demonstration Project'') with a non-profit health care entity to jointly staff and provide heath care services to military personnel and civilians at a Department of Defense military treatment facility.

(b) PARTICIPANTS.—The Centennial Demonstration project shall be conducted at the Wright-Patterson Air Force Base by the signatories to the ''Centennial'' Memorandum Agreement entered into by the Department of the Air Force, Materiel Command on December 17, 2003.

(c) REPORTS.—Not later than September 30, 2007, and September 30, 2010, the parties to the agreement described in subsection (b) shall jointly submit a report to Congress on the Centennial Demonstration Project and its impact on the utilization of the military treatment facility at which health care services are provided under subsection (a).

(d) EFFECTIVE DATE.—This section shall be effective during the 5-year period beginning on the date of the enactment of this Act.

SA 1331. Mr. DEWINE submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 14, strike ''$4,339,434,000'' and insert ''$4,689,434,000''.

SA 1332. Mr. DEWINE submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 160, strike line 1 and all that follows through page 161, line 9, and insert the following:

(1) AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of enactment of this Act.

(4) PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

SA 1333. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, beginning on line 20, strike ''and advance construction'' and insert ''advance construction, detail design, and construction''.

On page 19, beginning on line 10, strike ''fiscal year 2007'' and insert ''fiscal year 2006''

On page 19, between lines 18 and 19, insert the following:

(e) FUNDING AS INCREMENT OF FULL FUNDING.—The amounts available under subsections (a) and (b) for the LHA Replacement ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

SA 1334. Mr. BAYH submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. OUTREACH TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON THE SERVICEMEMBERS CIVIL RELIEF ACT.

(a) OUTREACH TO MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Secretary concerned shall provide to each member of the Armed Forces under the jurisdiction of the Secretary comprehensive information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(2) TIME OF PROVISION.—Information shall be provided to a member of the Armed Forces under paragraph (1) at times as follows:

(A) When the member first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces.

(B) In the case of a member of a reserve component of the Armed Forces, at any subsequent time when the member is called or ordered to active duty.

(C) At such other times as the Secretary concerned considers appropriate.

(b) OUTREACH TO DEPENDENTS.—

(1) IN GENERAL.—The Secretary concerned shall provide to the adult dependents of members of the Armed Forces under the jurisdiction of the Secretary comprehensive information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act.

(2) TIME OF PROVISION.—Information shall be provided to dependents of a member of the Armed Forces under paragraph (1) at times as follows:

(A) As soon as practicable after the date on which the member first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces.

(B) In the case of dependents of a member of a reserve component of the Armed Forces, as soon as practicable after any subsequent date on which the member is called or ordered to active duty.

(C) At such other times as the Secretary concerned considers appropriate.

(c) COMPTROLLER GENERAL STUDY ON REDUCTION OF FINANCIAL BURDENS ASSOCIATED WITH MOBILIZATION.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of rights and obligations under the Servicemembers Civil Relief Act in order to identify additional rights and obligations that could be included in that Act in order to ease the financial burdens of members of the Armed Forces resulting from a call or order to active duty.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Secretary of Defense, and to the appropriate committees of Congress, a report on the study required by paragraph (1). The report shall include such recommendations for legislative or administrative action as the Comptroller General considers appropriate in light of the study.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services, Appropriations, and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services, Appropriations, and Veterans' Affairs of the House of Representatives.

(2) The terms ''dependent'' and ''Secretary concerned'' have the meanings given such terms in section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511).

SA 1335. Mr. BAYH submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. LIABILITY FOR NONCOMPLIANCE WITH SERVICEMEMBERS CIVIL RELIEF ACT.

(a) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

''TITLE VIII—CIVIL LIABILITY AND ENFORCEMENT

''SEC. 801. CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.

''(a) IN GENERAL.—Any person or entity (other than a servicemember or dependent) who is negligent in failing to comply with any requirement imposed by this Act with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(1) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(2) such amount of punitive damages as the court may allow; and

''(3) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(b) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.

''SEC. 802. ADMINISTRATIVE ENFORCEMENT.

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—(1) Except as provided in subsection (b), compliance with the requirements imposed by this Act shall be enforced by the Federal Trade Commission in accordance with the Federal Trade Commission Act with respect to entities and persons subject to the Federal Trade Commission Act.

''(2) For the purpose of the exercise by the Commission under this subsection of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed by this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act, and shall be subject to enforcement by the Commission with respect to any entity or person subject to enforcement by the Commission pursuant to this subsection, irrespective of whether such person or entity is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.

''(3) The Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed by this Act and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this Act.

''(4) Any person or entity violating any provision of this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were part of this Act.

''(5)(A) In the event of a knowing violation, which constitutes a pattern or practice of violations of this Act, the Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person or entity that has engaged in such violation. In such action, such person or entity shall be liable for a civil penalty of not less than $5,000 and not more than $50,000.

''(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct,

ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(b) ENFORCEMENT BY OTHER REGULATORY AGENCIES.—Compliance with the requirements imposed by this Act with respect to financial institutions shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, in the case of—

''(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Office of the Comptroller of the Currency;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organization operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Governors of the Federal Reserve System; and

''(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Directors of the Federal Deposit Insurance Corporation;

''(2) section 8 of the Federal Deposit Insurance Act, by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation and any subsidiaries of such saving associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

''(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any federally insured credit union, and any subsidiaries of such an entity;

''(4) State insurance law, by the applicable State insurance authority of the State in which a person is domiciled, in the case of a person providing insurance; and

''(5) the Federal Trade Commission Act, by the Federal Trade Commission for any other financial institution or other person that is not subject to the jurisdiction of any agency or authority under paragraphs (1) through (4).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new items:

''TITLE VIII—CIVIL LIABILITY AND ENFORCEMENT

''Sec. 801. Civil liability for negligent noncompliance.

''Sec. 802. Administrative enforcement.''.

SA 1336. Mr. BAYH submitted an amendment to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. SERVICEMEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) IN GENERAL.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (II), by striking ''; and'' and inserting a semicolon;

(2) in subclause (III), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(IV) notify the homeowner or mortgage applicant by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.''.

(b) NO PREEMPTION.—Nothing in this section shall preempt or relieve a mortgagor or creditor of a loan of any obligation such mortgagor or creditor has under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(c) DISCLOSURE FORM.—Not later than 150 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue a final disclosure form to fulfill the requirement of section 106(c)(5)(A)(ii)(IV) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)).

(d) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect 150 days after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON ENERGY

Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources' Subcommittee on Energy.

The hearing will be held on Wednesday, July 27 at 3 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on recent progress in hydrogen and fuel cell research sponsored by the Department of Energy and by private industry. Testimony will also address the remaining challenges to the development of these technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510–6150.

For further information, please contact Kathryn Clay at (202) 224–6224 or David Marks at (202) 228–6195.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. 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 Subcommittee on National Parks of the Committee on Energy and Natural Resources:

The hearing will be held, on Thursday, July 28, 2005, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: S. 584 and H.R. 432, bills to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park; S. 652, a bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, PA, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; S. 958, a bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; S. 1154, a bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; S. 1166, a bill to extend the authorization of the Kalaupapa National Historical Park Advisory Commission; and S. 1346, a bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.

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 Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224–6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, July 20, 2005 at 10 a.m. in SR–328A, Russell Senate office building. The purpose of this hearing will be to review bio-security preparedness and efforts to address agroterrorism threats.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I would like to ask unanimous consent that the Committee on Environment and Public Works be authorized to meet to hold a Business Meeting on July 20, 2005 at 9:30 a.m. on the following agenda:

Resolutions: To authorize GSA's fiscal year 06 Capital Investment and Leasing Program; to authorize a lease prospectus for the General Services Administration headquarters; committee resolution on the Delaware River and its Tributaries, New Jersey, New York, and Pennsylvania; committee resolution on the Beneficial Use of Dredged Material on the Delaware River, Delaware, New Jersey, and Pennsylvania; committee resolution on the South Fork of the South Branch of the Chicago River, IL; and committee resolution on the Grand and Tiger Passes and Baptiste Collette Bayou, LA.

Nominations: Marcus A. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency; and Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement & Compliance Assurance, Environmental Protection Agency.

Legislation: H.R. 1428 National Fish and Wildlife Foundation Reauthorization Act of 2005; S. 1250 Great Apes Bill; S. 1409 Alaska Native Villages reauthorization; S. 1265 Diesel Emissions Reduction Act of 2005; S. 1339 Duck Stamp bill; S. 1340 Pittman-Robertson extension; S. 158 Long Island Sound; S. 1410 Neotropical Birds reauthorization; S. 1415 Lacey Act technical correction; and S. 1400 Water Infrastructure Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 20, 2005, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nominations of Robert M. Kimmitt, to be Deputy Secretary of the Treasury, U.S. Department of the Treasury; Randal Quarles, to be Under Secretary of the Treasury, Domestic Finance, U.S. Department of the Treasury; Sandra L. Pack, to be Assistant Secretary of the Treasury, Management, U.S. Department of the Treasury; Kevin I. Fromer, to be Deputy Under Secretary of the Treasury, Legislative Affairs, U.S. Department of the Treasury.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 20, 2005, at 10:15 a.m. to hold a hearing on Accelerating Economic Progress in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, July 20, 2005 at 9:30 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Reporters' Privilege Legislation: Issues and Implications'' on Wednesday, July 20, 2005 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Panel I: The Honorable James Comey, Deputy Attorney General, U.S. Department of Justice, Washington, DC.

Panel II: Matthew Cooper, White House Correspondent, Time Magazine Inc., Washington, DC.

Norman Pearlstine, Editor-in-Chief, Time Inc., New York City, NY.

William Safire, Political Columnist, New York Times Company, New York City, NY.

Floyd Abrams, Partner, Cahill Gordon and Reindel LLP, New York City, NY.

Lee Levine, Esq., Levine, Sullivan, Koch & Schulz, LLP, Washington, DC.

Professor Geoffrey Stone, Harry Kalven, J. Distinguished Service Professor of Law, University of Chicago Law School, Chicago, IL.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Commmittee on Intelligence be authorized to meet during the session of the Senate on July 20, 2005 at 2:30 p.m. to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Special Commmittee on Aging be authorized to meet Wednesday, July 20, 2005 at 2:30 p.m.–5 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLIMATE CHANGE AND IMPACTS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Global Climate Change and Impacts be authorized to meet on Wednesday, July 20, 2005 at 10 a.m. on A Review of United States Climate Policy and the $5 Billion Budget Request for Climate Related Science and Technology in fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, July 20, 2005 at 2 p.m.

The purpose of the hearing is to receive testimony on 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, and for other purposes; S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, MT, to Jefferson County, MT, for use as a cemetery; S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; 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 other purposes; and H.R. 1101, to revoke a public land order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Charles Kane, a legal intern on the committee staff, be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy CDR Shawn Grenier, be granted the privilege of the floor during consideration of S. 1042, the National Defense Authorization Act of 2006, which I hope will be brought up by the leadership shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Andrew Feinberg, a military Fellow in my office, be granted floor privileges for the duration of the debate on S. 1042.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent, on behalf of Senator SNOWE, that Mr. Christopher Krafft, a State Department Fellow, have the privilege of the floor during the consideration of this bill, S. 1042.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator KENNEDY's Navy Fellow, Doug Thompson, be given floor privileges during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent Eileen Gross, my legislative fellow, be allowed floor privileges for the remainder of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Allison Thompson, a marine fellow in Senator DOLE's office, be allowed floor privileges during consideration of S. 1042, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that privilege of the floor be granted to the staff members of the Armed Services Committee during consideration of S. 1042, as follows:

Judith A. Ansley, Richard D. DeBobes, Charles W. Alsup, June M. Borawski, Leah C. Brewer, Alison E. Brill, Jennifer D. Cave, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Marie Fabrizio Dickinson, Regina A. Dubey, Gabriella Eisen, Evelyn N. Farkas, Richard W. Fieldhouse, Creighton Greene, William C. Greenwalt, Bridget W. Higgins, Ambrose R. Hock, Gary J. Howard, Jennifer Key, Gregory T. Kiley, Jessica Kingston, Michael J. Kuiken, Gerald J. Leeling, Peter K. Levine, Sandra E. Luff, Thomas L. MacKenzie, Michael J. McCord, Elaine A. McCusker, William G.P. Monahan, David M. Morriss, Lucian L. Niemeyer, Stan O'Connor, Cindy Pearson, Paula J. Philbin, Benjamin L. Rubin, Lynn F. Rusten, Catherine E. Sendak, Arun A. Seraphin, Joseph T. Sixeas, Robert M. Soofer, Scott W. Stucky, Kristine L. Svinicki, Diana G. Tabler, Mary Louise Wagner, Richard F. Walsh, Nicholas W. West, Pendred K. Wilson.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Utah is recognized.

NOMINATION OF JOHN ROBERTS

Mr. HATCH. Mr. President, yesterday, President Bush fulfilled his constitutional duty and nominated John Roberts to fill the vacancy left by Justice Sandra Day O'Connor on the Supreme Court of the United States. The spotlight is now on the Senate of the United States of America. The President has done his duty, and now we need to do ours.

Let me first pay tribute to Justice O'Connor who has been a real trailblazer in her own right. The first woman on the Supreme Court, a thoughtful and dedicated jurist, she has ably served on the highest Court for the past nearly 24 years. Her announced retirement creates the first vacancy in nearly 11 years. This has been the longest period with the same set of Justices in more than 175 years.

Article II, section 2 of the Constitution says that the President alone nominates, but he appoints only with the advice and consent of the Senate. One of the best shorthand ways of understanding the Senate's role is that by deciding whether to consent to the nomination, we give the President advice about whether to appoint the person he has nominated. Traditionally, we have done so by means of an up-or-down vote on the Senate floor.

I commend the President and his team of senior advisers for broadly soliciting the views of Senators and other interested parties. The President and his staff spoke with more than two-thirds of the Members of this body, over 70 Senators, an absolutely unprecedented level of interaction.

For some, though, it appears that even extensive consultation with all 100 Senators would not be enough if they did not like the President's nominee. On the other hand, if they did like the nominee, I suppose they would declare a 5-minute chat with a Senate staffer to have been a consultative triumph.

No President need consult at all with any Senator or with anyone else for that matter. The President does so because, in his judgment, it will help him fulfill his constitutional responsibility. President Bush has done that and has nominated John Roberts to be the 109th individual to serve on the Supreme Court in American history. The ball is now in our court.

Judge Roberts has served on the U.S. Court of Appeals for the District of Columbia Circuit ever since we confirmed him on May 8, 2003, without even a roll-call vote, I might add, one of the few people who have ever been confirmed by unanimous consent on the floor of the Senate.

Judge Roberts was so easily confirmed because he is so eminently qualified. He graduated summa cum laude from Harvard Law School and served as managing editor of the Harvard Law Review—no small achievement. In other words, No. 1 in his class. He clerked for Judge Henry Friendly, one of the alltime great judges on the U.S. Court of Appeals for the Second Circuit, and then for Chief Justice William Rehnquist on the U.S. Supreme Court, one of the alltime great Justices on the Supreme Court.

Judge Roberts served as Special Assistant to the Attorney General, Associate Counsel to President Ronald Reagan, and Principal Deputy Solicitor General under the first President Bush. And before his judicial appointment, he was head of the appellate practice group at the distinguished law firm, internationally recognized, of Hogan & Hartson.

He has been widely acknowledged as one of the most accomplished appellate attorneys in America, having argued nearly 40 cases before the Supreme Court on a wide range of issues from antitrust and the first amendment to Indian law, bankruptcy, and labor law.

Not surprisingly, the American Bar Association unanimously gave Judge Roberts its highest well-qualified rating for his appeals court appointment. This has been the Democrats' gold standard for evaluating judicial nominees, and he has met every aspect of that standard.

The question now is how we should evaluate Judge Roberts' nomination to the Supreme Court and what standards we should apply. There is more confusion about that than there should be. Yet I believe, like so many other endeavors, ending in the right place requires starting in the right place.

An effective process for hiring or selecting someone to fill a position, any position, must start with an accurate description of that position. I am reminded of a 1998 article by Judge Harry Edwards appointed in 1980 by President Jimmy Carter to the U.S. Court of Appeals for the DC Circuit. I was in this body at the time. He was that court's chief judge from 1994 to 2001 and a colleague of Judge Roberts. Judge Edwards warned that giving the public a distorted view of what judges do is bad for both the judiciary and the rule of law.

The debate about judicial selection is a debate about what judges do, about their proper place in our system of representative government. Getting the judicial job description right is necessary for a legitimate and effective selection process. It defines the qualifications for the job. It identifies the criteria we should apply. It guides the questions that may properly be asked and answered and the conclusions that should be reached.

Judges take law that they did not make and cannot change, determine what it means, and apply it to the facts of a legal dispute. That is what judges do. That judicial job description applies across the board. It does not depend on the parties or the issues before the court. It does not depend on the law that is involved in a particular case. And it certainly does not depend on which side wins or should win.

I believe we must help our fellow citizens better understand what judges do so they can better evaluate what we will be doing in the weeks ahead as we consider this nomination now before us.

Without in any way trivializing the work of judges, I want to use a practical example because I believe it can be simple without being simplistic.

Judges are like umpires or referees. They are neutral officials who take rules they did not make and cannot change and apply those rules to a contest between two parties or multiple parties.

How would we evaluate the performance of an umpire or referee? Would we say he or she did a good job as long as our favorite team won the game? If we were hiring an umpire or referee, would we grill him or her about which side he or she were likely to favor in the upcoming matches? Of course not.

Desirable results neither justify an umpire or referee twisting the rules during the game nor are automatic proof that the umpire or referee is fair and impartial. Umpires and referees must be fair and impartial from beginning to end during the contest before them. They do not pick the winner before the game starts, nor do they manipulate the process along the way to produce the winner they want.

In the same way, we must not evaluate judges solely by whether we like their decisions or whether their decisions favor a particular political agenda. The political ends do not justify the judicial means.

This is a very important point, something we must keep in clear focus throughout the weeks ahead. That is why I wanted to raise it now at the beginning of the confirmation process.

One thing that is becoming increasingly clear is not everyone who says

judges must interpret but not make the law means the same thing. Some who use that language still determine whether that standard is met the same old way by whether a judge's decisions meet a litmus test.

Once again, an umpire or referee is not there to pick the winner. He or she is there to fairly and impartially apply the rules.

Similarly, judges are not there to pick the winner. They are there to fairly and impartially apply the law.

I emphasize this because it is at the heart of this entire debate over judicial selection, and I will be returning to it throughout this process.

We may like or dislike a judge's decision, but that is not the point. His or her decisions may be consistent with certain political interests, but that is not the point. That is not what judges do. It is not their role in our system of representative government.

Rather, if the people do not like what the faithful and impartial application of the law produces, then they and their elected representatives can change the law.

That is our rule in our system of representative Government. Expecting judges to do our job—our legislative job—undermines the judicial branch and demeans the legislative branch. Simply put, judges must be evaluated not by the results they reach but by the process they follow to reach those results. That is what judges do.

Mark my words, we will hear in the days and weeks ahead this group or that Senator demanding to know whether the nominee now before us would produce the results they want or that they like. They want to know whether the nominee will rule this way on this issue and that way on this other issue. Some may try to cloak their mission, perhaps using terms their focus groups say will go down more smoothly with the public. But we all know what is going on. They want to know which side the umpire or referee will favor. They want to know that their team will have an upper hand even before that team takes the field.

In recent days, we have heard speeches by Senators and seen letters by interest groups and law professors with lists of questions to ask this nominee. Most of those questions are geared in one way or another to finding out how this nominee would likely rule; that is, the results this nominee would likely deliver on certain issues.

Past nominees, including virtually every current member of the Supreme Court, have resisted such intrusive attempts to extract either commitments or previews of future rulings. In that way, judicial nominees sometimes appear to have a deeper commitment to judicial independence than some Senators.

I expect Judge Roberts will take a judicious approach to answering questions, mindful of both the judicial position he already occupies and the one to which he has been nominated.

Last night, the head of one of the leftwing groups primed to attack Judge Roberts was on one of the cable talk shows as the news about the nomination circulated. It took him about 15 seconds to say the words, ''serious problems,'' regarding this superbly qualified nominee.

Within minutes of the President's announcement last night, other groups had already proclaimed the nominee an unacceptable extremist.

That kind of knee-jerk, results-oriented standard is wrong, whether such calls come from the left or the right.

As Judge Edwards reminded us, misrepresenting what judges do harms both the judiciary and the rule of law.

Judges take law they did not make and cannot change, determine what that law means, and apply it to settle legal disputes. That is what judges do.

In the days and weeks ahead, let us keep that job description in mind and set about determining whether the nominee now before us can do that job.

Judge Roberts twice came before the Judiciary Committee. As a matter of fact, he had to wait 14 years to finally be confirmed by the Senate. He was nominated by George Herbert Walker Bush, Bush 1, and then renominated by Bush 2, George W. Bush. But I remember him when he came before the committee. We had two hearings for him. I remember him as an intelligent, fair-minded, and thoughtful person, and so does everybody else who knows him.

While I, of course, must withhold final judgment on Judge Roberts' nomination to the Supreme Court until after the confirmation hearing, my initial reaction is President Bush appears to have submitted to the Senate a well-qualified nominee with the kind of intellect, integrity, and independence that is required for a Supreme Court Justice.

We must apply the right standard as we evaluate this nominee.

Having said all of that, I understand Senators are saying they can ask any question they want, and I have said Senators on the Judiciary Committee can ask any question they want, no matter how stupid the question may be. And we have all asked stupid questions from time to time, I am sure. At least most of us have. But the judge does not have to answer those questions. In fact, under the Canons of Judicial Ethics, judges should not be opining or answering questions about issues that may possibly come before them in the future.

I would like this body to remember some past nominations, and I will cite with particularity the nomination of Antonin Scalia to become a Justice on the U.S. Supreme Court. I remember time after time Senators asking him questions about how he might rule in the future on various issues, including Roe v. Wade. He refused to answer those questions because he thought those issues might come before him as a Justice on the Supreme Court and, frankly, wanted to abide by the Canons of Judicial Ethics. He was not overly pressured. The Judiciary Committee treated him with respect. He passed through the Senate 100 to zip and, of course, has become one of the leading conservative jurists in the history of the Court. But he did not have to answer questions that asked for specific conclusions in areas that likely would come before the Court, and that is almost anything. In this day and age, there is so much litigation almost anything could come before the Court.

The second illustration is the Ruth Bader Ginsburg illustration. Ruth Bader Ginsburg, when she came before the Senate Judiciary Committee, refused to answer questions with regard to matters that might come before her if she would be confirmed as a Justice to the U.S. Supreme Court.

Our side did not overly press her to answer those questions. We did not scream and shout about, She has to answer my questions or I am not going to vote for her. We did not make demands on her that were inappropriate. We did not have outside groups giving us questions to ask that are outrageous and formed for the purpose of trying to scuttle the nomination. She took that position, and we honored her in taking that position.

If I recall it correctly, she passed through the Senate I believe 96 to 3. We knew that she was a social liberal. We conservatives who are pro-life knew she was pro-abortion. We knew that she differed with our side on many issues. We also knew that she was qualified, and we knew she deserved a vote up or down out of respect for the position, out of respect for the U.S. Supreme Court, and out of respect for her. She received her vote up or down, and there was not a lot of screaming and shouting about it, nor were there threats made, nor were there threats that we might someday filibuster her if she did not agree with the results we wanted her to rule on in advance.

That is what is going on, and it has been going on ever since the Rehnquist nomination for Chief Justice of the U.S. Supreme Court. It has only gone on on one side, and that is the Democrat side, in a series of very embarrassing Supreme Court nomination proceedings, starting with Justice Rehnquist. Why, some even violated the law and put out some of his medical records that were highly confidential.

When Bob Bork came up, it was unmitigated the way they treated him. Even Justice Souter was mistreated because they thought he might possibly be pro-life. Justice Kennedy was not as mistreated as the others, but they were very concerned because they thought he might be pro-life. In fact, even Justice O'Connor when she came to the floor had her critics on both sides because they were afraid she might be one way or the other on Roe v. Wade. The fact is, we now know where Justice O'Connor, Justice Kennedy, and Justice Souter are on these issues, but we

did not know at the time, nor do we know where to-be Justice Roberts is on these issues as well. Nobody has asked him those questions and nobody should because those questions are all hot-button issues that may come before the Supreme Court.

If there has ever been anybody qualified to go on the Supreme Court, one would have to say John Roberts meets every requisite standard to be confirmed as a Justice on the Supreme Court. This is a brilliant man. This is an honest man with a sense of humor. This is a leading appellate advocate. He has held responsible positions in Government. He has risen to the top of the legal profession. He has the highest recommendation of the American Bar Association for the circuit court of appeals seat. He is one of the great legal thinkers of America. How he will rule on various issues I, frankly, do not know. I believe him to be conservative. The President said he would appoint only conservatives, which is his right. That is what one gets when they vote for President.

If I have ever seen anybody who deserves being on the Court more than John Roberts, I have to think pretty hard. John Roberts is a fine man. I hope he will be treated with great respect and deference, and I hope these very partisan, very nasty groups from the left and maybe even the right pack up their tents and go home because they do not belong in this process the way they are acting, though in a free country they can act that way, and I would fight for their right to do so. We should not be influenced by that type of inappropriate, prejudgmental approach to Supreme Court nominees.

I believe John Roberts will become a Justice on the U.S. Supreme Court, I hope expeditiously, certainly before the first Monday in October so that the Court can have a full complement. I believe the Senate will overwhelmingly support him, and I hope that is the case. If it is not, then we are going to have to reexamine the way things go around here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I rise today to briefly discuss the nomination of Judge John Roberts and commend the President for submitting for our consideration a superbly qualified nominee who has the requisite background and experience to serve the Nation well as the next Justice of the Supreme Court. Indeed, I think the President, after hearing advice from a whole host of different areas, simply decided to appoint the best person he found in America. That is what he did. I am proud of him. I think it is the right thing to do, and I believe this will be proven out as time goes by.

I don't know John Roberts personally, but I do know his record. I studied it 2 years ago when this Senate provided its unanimous advice and consent to place him in his current position on the District of Columbia Circuit Court of Appeals. We did so with the knowledge that the D.C. Circuit in many instances has served as the launching pad for Supreme Court nominees. So I hope this process will be conducted with dignity and respect and that we will be able to have him in place before the Supreme Court convenes in October.

We considered his record then in great detail. People were heard from; people submitted information. In fact, 152 lawyers wrote in support of him. But he was looked at hard then. Only three people voted against him in the committee, and he was unanimously confirmed in this Chamber.

A Supreme Court Jurist should have high standards. He or she should be committed to the rule of law and to resist the temptation to legislate from the bench. He or she should believe in the Constitution and adhere to the provisions provided in that great document regardless of whether he or she believes personally that those are correct. They do not have to agree with the provisions. They didn't write the provisions. They were written by ''we the people'' of the United States of America.

I participated in that hearing 2 years ago, and he gave the committee a commitment that he would not carry a political agenda to the D.C. Circuit, that he would adhere to the law rather than follow politics. And over the last 2 years as a judge on the D.C. Circuit he has fulfilled that commitment. So I think and hope that he is off to a good start in this process.

Make no mistake about it, Senators will have some questions, and having witnessed Mr. Roberts' eloquent testimony and principled approach to jurisprudence during his last hearing, I know he will have the answers to those questions. He very simply won Senators over during his last hearing, and this is why I believe he was confirmed with a strong vote. I am sure the results will be the same this year.

The Senate must treat the nominee fairly and have a fair and dignified process. Converting legal disagreements into personal attacks on the nominees as we have seen in the past in recent years is not appropriate. It is beneath the dignity of the Senate. It is not proper, and it should not be done. In many instances nominees have been unfairly personally attacked for simply following the law as they saw it.

So I am concerned about a fair process, not so much from the Members of our Senate—hopefully, that will not occur this time—but from some of the hard left attack groups.

A few weeks ago this cartoon appeared in the paper, and I would like to refer to it. I think it is a bit humorous, but I agree it raised a lot of money. It says: Don't let Bush nominate this rightwing extremist nut to the Supreme Court. And then leaves blank the name. So he hasn't nominated anybody yet, but they have already raised their money and laid the game plan to attack whoever comes up as being some extremist rightwing nut. I think that is pretty interesting. They say here we will plug the photo in as soon as we find out who it is.

I believe we have another one that I think is also humorous, but it has a lot of truth in it. It says: We're here to voice our strongest opposition to the Bush Supreme Court nominee—whoever he may be.

That is where we are. A lot of money has been raised by groups. For the first time I think, Mr. President, conservative groups, or groups that tend to support the President's nominees raise money, too, so we might have activity on both sides. That has not been the case in the past.

We laugh at these little cartoons and they are not a perfect truth, but they have some truth in them. But last night the NOW group announced right after the nomination that the President had nominated an anti-Roe judge and that the lives of women in America were at stake. The People for the American Way contend that Judge Roberts' record does not demonstrate a fundamental commitment to civil and constitutional rights. And other complaints have been raised about him before the ink was dry on the nomination. So I hope that instead of buying into these groups' broken records—the same charges that are paraded out every time a Bush nominee is submitted—we will study Judge Roberts' record and have a fair process and consider what scholars in this country are saying—practicing lawyers, judges with whom he practiced and before whom he practiced. These are objective observers. Many of them are Democrats. They will provide far more valid insight than hard left groups such as MoveOn.Org or People for the American Way.

This is what we know about Judge Roberts so far. He has a keen intellect, sound legal judgment, and the highest level of integrity. He graduated from Harvard college in 3 years summa cum laude and the Harvard Law School where he served as managing editor of the Harvard Law Review. And, of course, serving on the law review at a law school is a great honor, and to be an editor or managing editor of that law review is one of the highest honors any graduating senior can be given by his peers who elect him to that position.

After graduating from law school, he clerked for one of the most esteemed and respected jurists in the country, Judge Henry J. Friendly on the Second Circuit Court of Appeals in New York, and then went on to clerk with Chief Justice William Rehnquist on the U.S.

Supreme Court, the very Court he has now been nominated to serve on. He has clerked for the Chief Justice of the United States. He sat there at his right hand. He has helped him develop and write the opinions and do the research that goes into rendering an opinion. As a result, he has had very good experience for that position. I am sure there are perhaps many, hundreds perhaps, lawyers who would love to serve as Judge Henry Friendly's law clerk. There would be thousands that apply before the few are selected to clerk on the U.S. Supreme Court. Why? Because they select only the best. They select candidates who have high academic records and proven public integrity. So he served in the White House counsel's office, served as the Principal Deputy Solicitor General to the United States Department of Justice. The Solicitor General is the Government's lawyer to the courts of America, the appellate courts.

The Solicitor General's office sends the lawyers into the U.S. Supreme Court to stand up in that Court and represent the United States. I was a U.S. attorney, and in the U.S. district court in Mobile, AL, it was my honor and pleasure on a regular basis to stand before the U.S. district judge and say, ''The United States is ready, Your Honor.'' To represent the United States of America in court is a great honor. To represent the United States of America in the greatest Court in the history of the world, the U.S. Supreme Court, is a great honor. As the Principal Deputy Solicitor General, that is what he did on a regular basis.

Prior to assuming his current position, he was known as probably the most respected appellate lawyer in the United States, having argued 39 cases before the U.S. Supreme Court. When you have an important case, you want the best lawyer in America to represent you in the Supreme Court, and he was selected time and again by people to represent them in this highest Court, which is, indeed, a high compliment. His experience goes beyond what I have described here. He practiced in one of the Nation's top law firms and has extensive government experience. The American Bar Association, which rates judge nominees—they go out and interview people who have litigated for them, litigated against them, judges before whom they practice, and they evaluate how fine that nominee is. They have just a few levels of recommendation, but the best one, ''well-qualified,'' is reserved for a small number. Judge Roberts was given the highest rating of the American Bar Association to serve in his current position, and I would not be surprised if he doesn't get it for the Supreme Court.

So I hope we will give him a fair process, that we will avoid establishing a litmus test. However, it does concern me that one Member has already said, ''We need to know where John Roberts is on the issues, whose side he's on.''

Well, you can't demand that a judge be on your side as a price for confirmation. What do we mean, whose side they are on? What do we mean? Whose side are they are on? By definition, a judge is a person who is unbiased, a neutral referee, a person who treats everyone respectfully and then follows the law in a dispassionate, disinterested manner. That is why we give them a lifetime appointment.

We cannot go down this road asking judges, nominees, to commit to a specific decision or to promise to be favorable to one view or another that a certain Senator may have. What kind of disaster would that be? It would invade the independence of the judiciary. Judges have to be neutral arbiters. They are not to call the balls and strikes before the pitches are thrown, for Heaven's sake. We must not require him or demand of him that he state how he expects to decide cases. That violates the independence of the judiciary.

What I will ask him to do is to demonstrate a fidelity to the law, a commitment not to legislate from the bench, and to leave the legislation to the Congress and the State. He has demonstrated that over time.

The President has made a very wise decision. This nominee, from his past performance in the Judiciary Committee, has shown poise, good judgment, and a clear ability to articulate important issues to the Senators in an effective way that has won their respect. I am excited for him.

I also am pleased to note he was chosen to be captain of his high school football team. I will say this: They do not elect flakes to be captain of the football team. These are people who players have seen and worked with under difficult circumstances, and they respected him enough to choose him. He will be an outstanding member of the U.S. Supreme Court.

This Senate will be tested. Will we be objective? Will we be fair? Will we give this incredibly superb nominee the fair and just hearing to which he is entitled?

ORDERS FOR THURSDAY, JULY 21, 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 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin 1 hour of debate on the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development, with the time equally divided between the majority leader or his designee and Senator HARKIN or his designee.

I further ask consent that following the use or yielding back of time, the Senate proceed to a vote on the motion to invoke cloture on the Dorr nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow, at approximately 10:30 a.m., the Senate will vote on the motion to invoke cloture on the nomination of Thomas Dorr. This will be the first vote of the day. It is the majority leader's hope and expectation that cloture will be invoked on the nomination and the Senate can then expedite the vote on confirmation.

Following the disposition of the Dorr nomination, the Senate will resume consideration of the Department of Defense authorization bill. Chairman WARNER and Senator LEVIN have been on the Senate floor this afternoon and have made real progress in disposing of a number of amendments. We anticipate a full day of debate and voting on amendments to the Defense bill. I encourage Senators to contact the bill managers if they have amendments they wish to have considered.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. 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 following the remarks of Senator AKAKA, for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. AKAKA. Mr. President, I rise today in support of the National Defense Authorization Act for fiscal year 2006. Under the leadership of Chairman WARNER and Senator LEVIN, the ranking member, who have continued their tradition of strong and bipartisan leadership, the Senate Armed Services Committee was able to produce a very workable piece of bipartisan legislation. I would also like to thank my friend, colleague, and subcommittee chairman, Senator ENSIGN, for his cooperation and leadership throughout the process this year.

I think the bill before us goes a long way to supporting the needs of our service men and women. In addition to highlighting some positive areas the committee focused on, I do want to highlight a few concerns.

First, I am pleased that an additional $50 billion has been authorized for ongoing military operations in Iraq and Afghanistan for the first few months of fiscal year 2006. I am disappointed that the administration's request did not include any funding to support our troops in their ongoing operations in Iraq and Afghanistan for 2006, and that they have not yet done enough to provide the needed accountability for how funds in Iraq and Afghanistan have been used so far. I think Congress has done the right thing by taking the initiative to provide funding now for these ongoing operations, rather than

making the Army and the other services absorb these enormous expenses until next spring. It is imperative that we include an authorization of additional funding in this bill.

But in the long term, we cannot continue to rely on supplemental funding. The President should start submitting budgets that recognize these enormous costs. The continued use of emergency authorizations to fund the global war on terrorism, and the administration's continued failure to include the true cost of the war in the annual authorization request are bad for our military and are bad fiscal policy. For this reason, in the fiscal year 2005 emergency supplemental, we requested that the Secretary of Defense provide a report to the Speaker of the House of Representatives, the majority leader of the Senate, and the congressional Defense Committees that identifies such things as security, economic, and Iraqi security force training performance standards and goals. The report must also include an assessment of US. military requirements, including planned force rotations, through the end of calendar year 2006. Once the process needed to identify these requirements has been established, it should be possible for the Department of Defense to be able to identify funds needed for the global war on terrorism, and these costs should be able to be included in the fiscal year 2007 President's budget in February.

On the positive side, I am extremely pleased with the provisions supporting the compensation and quality of life for the men and women in uniform. The budget includes funding for child care of military families and for increased death gratuity to service members' survivors as well as increased service members' group life insurance.

But these increases do not go far enough to improve the quality of life for our members of the military. The budget request did not include funding for the Citizen-Soldier Support Program, which improves and augments family readiness programs for families of the Reserve and Guard. The committee recommends an increase in operations and maintenance, O&M, funds to expand the services of this program. The budget did not include funding for the Parents as Teachers Program. The committee believes this program can provide a valuable service to military families by providing instructional assistance to parents of preschool children.

In the O&M accounts, the Readiness Subcommittee did our best to support the readiness of our forces. Part of ensuring readiness is funding it. As then-Secretary of the Navy Gordon England wrote to our committee earlier this year:

Readiness is a direct function of Operation and Maintenance dollars available. Underfunding O&M adversely affects readiness.

I am encouraged by the support for O&M funding in this bill, because that translates directly into support for our men and women in uniform. The subcommittee also took actions designed to improve the Army's training and get them to produce a strategy for both training and for the basing of their forces as they convert to a modular brigade format.

I am pleased about our continued support for military construction and family housing needs that are so critical to quality of life for our service men and women. I also support many of the provisions we have included that will further improve the management of the Department. I particularly appreciate the bipartisan effort that the committee made to address a wide range of procurement issues, environmental issues, and some longstanding DOD financial management problems.

I share with the committee a great concern over the impact of the global war on terrorism on recruitment and retention. In order to address this impact, the committee has recommended the payment of an incentive bonus not to exceed $2,500 to military members of the Active and Reserve components who transfer from the Regular or Reserve component of one service to the Regular or Reserve component of another service. The committee also recommends increasing the amount of selective reenlistment bonus for certain enlisted personnel and a retention incentive bonus for members of the selected Reserve qualified in a critical military skill or specialty.

With regard to the end strength of the services, the committee recommends increases for the Army and the Marine Corps. As the conflict continues in Iraq, the Army and the Marine Corps are suffering the greatest impact of prolonged tours of duty as well as multiple tours of duty. By increasing the end strength, the committee believes that the use of the stop-loss practice will be significantly reduced. While we are already seeing a reduction in recruitment numbers, these increases are meant to alleviate some of the strain currently placed on the service members deployed in the global war on terrorism.

Mr. President, this bill will provide needed funding for our service men and women and the future of our national defense.

Thank you, Mr. President. I yield back my time.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:15 p.m., adjourned until Thursday, July 21, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 2005:

DEPARTMENT OF STATE

WILLIAM ROBERT TIMKEN, JR., OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK G. KLOTZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID A. DEPTULA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE THE SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

LT. GEN. VICTOR E. RENUART, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN L. HUDSON, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM E. WARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID H. PETRAEUS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARTIN E. DEMPSEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM E. MORTENSEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CLAUDE V. CHRISTIANSON, 0000

EXTENSIONS OF REMARKS

HONORING MIKHAIL VOLYNETS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. WELDON of Pennsylvania. Mr. Speaker, Mr. Mikhail Volynets, recipient of the AFL–CIO's 2004 George Meany-Lane Kirkland Human Rights Award, was elected Chairperson of the Independent Trade Union of Miners of Ukraine in 1995, and became its president in 1997. Having previously worked as a miner, and then as a mining engineer, Mr. Volynets participated in the Ukraine's first miner's strikes in 1989, later leading a series of successful mass protests in 1991. Using his leadership position, Mr. Volynets organized the Trade Union of Miners to become an instrumental part of Ukraine's Orange Revolution, which resulted in Viktor Yuschenko's rise to the Presidency in the fall of 2004. Having first been elected to the Ukrainian Parliament (Rada) in 2002, Mr. Volynets is currently a Deputy in the Rada, working to further secure democracy in Ukraine. I congratulate Mr. Volynets for his courage and determination in the face of fear and uncertainty.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

Mr. DEFAZIO. Mr. Chairman, I rise in strong support of both the Kennedy/Hooley/Osbourne/Souder and the Hooley/Souder/Kennedy/Baird amendments. The methamphetamine scourge that has suddenly gained national attention has unfortunately been going on far too long in countless rural communities, including in southwest Oregon, which I represent.

Almost 12.5 million Americans have tried meth at least once during their lifetime. White House Deputy Drug Czar Scott Burns recently was quoted as saying, "I think we would all agree methamphetamine is the most destructive, dangerous, terrible drug that's come along in a long time." That is very true, especially in Oregon. Unfortunately, law enforcement is struggling to stem the spread of meth.

The Kennedy/Hooley/Osbourne/Souder amendment would require that the State Department annually certify the five biggest exporters and the five biggest importers of the meth precursor pseudoephedrine are cooperating with the U.S. We can quickly help law enforcement organizations ensure that precursor chemicals are not suddenly "lost," and then used in the production of meth at international super-labs. These labs account for 80 percent of the meth used in the U.S.

This amendment will allow the State Department to use its existing power, that it currently uses related to heroin and cocaine, to suspend bilateral and multilateral assistance under the Foreign Assistance Act to countries that cannot account for the pseudoephedrine that enters and leaves their borders.

Also, recent efforts by Oregon's statehouse have helped to curb the manufacture of meth in the state, but abuse is still on the rise. States can restrict the sale of pseudoephedrine products to try to stem the proliferation, but until we stop meth from spilling into the U.S. from Mexico, meth will continue to wreak havoc on families, neighbors, communities, and numerous local, state, and federal resources.

Meth super-labs south of the border that are producing the bulk of meth that feeds the addiction of 600,000 current meth addicts, or tweakers. There are Mexican drug cartels smuggling meth across the border daily, even as I stand before you. It is imperative that the U.S. clamp down on illegal border crossings that ultimately result in the deaths of thousands of Americans, while lining the pockets of a handful of Mexican smugglers. The border must be secure.

The Hooley/Souder/Kennedy/Baird amendment will increase the amount of coordination between the State Department and the Mexican government, and between American law enforcement and their Mexican counterparts can only help us defeat the meth scourge.

I urge my colleagues to support both the Kennedy/Hooley/Osbourne/Souder and the Hooley/Souder/Kennedy/Baird amendments.

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

SPEECH OF

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. MANZULLO. Madam Speaker, I wish to express my strong support for H.R. 739, the Occupational Safety and Health Small Business Day in Court Act; H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act; H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act; and H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act. As Chairman of the Small Business Committee, I see daily the immense regulatory burden placed upon our small businesses. The Office of Advocacy at the Small Business Administration (SBA) estimates that the average small business is burdened with almost $7,000 per employee in regulatory compliance costs. I am pleased that the House has taken action to relieve small businesses of some of this burden.

H.R. 739 provides small businesses with additional flexibility by allowing certain exceptions to the arbitrary 15-day deadline for employers to file responses to citations by the Occupational Safety and Health Administration (OSHA). This commonsense measure allows an extension of the 15-day deadline in narrowly tailored circumstances, namely when a small business inadvertently misses this deadline by mistake. H.R. 739 helps ensure that disputes between OSHA and small businesses would be resolved based on the merits of the situation as opposed to legal technicalities. No small business should be foreclosed from a remedy simply because of an arbitrary deadline.

H.R. 740 helps ensure that OSHA reviews cases in a timely and more efficient manner by adding two additional commissioners to the Occupational Safety and Health Review Commission (OSHRC). This change ensures that small businesses do not have long, drawn-out proceedings that monopolize their limited resources.

H.R. 741 is designed to restore the review process that was originally intended by Congress when it enacted the OSHA law. Congress's original intent was to form a separate, independent, and unbiased entity, OSHRC, that presided over OSHA hearings. However, the lines between OSHA and OSHRC have become blurred. This bill restores the original system contemplated by Congress and ensures that OSHRC, and not OSHA, would be the party who interprets the law and provides an independent review of OSHA citations.

Finally, H.R. 742 will assist small businesses by giving these businesses an opportunity to recover attorney fees if successful in challenging an OSHA citation.

In all, this common-sense legislation allows OSHA to continue protecting workers at their place of employment, while giving small businesses the ability to be competitive, create jobs, and to be protected from frivolous lawsuits.

TRIBUTE TO SUBHASHREE MADHAVAN AND THE REMBRANDT PROJECT TEAM

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend one of my constituents, Subhashree Madhavan, and her Rembrandt Project Team at the National Institutes of Health. Ms. Madhavan and her colleagues were recently named among thirty finalists for the 2005 Service to America medals awarded by the Partnership for Public Service.

The Service to America award program recognizes career Federal employees for their significant contributions to the Nation. Recipients of the ''Sammies'' are among the best and brightest of our public servants. While we seldom give public recognition to their efforts, they devote their lives and careers to the cause of our national welfare. They are models to the rest of the Federal workforce and inspirations to us all.

Since joining the National Cancer Institute Center for Bioinformatics at NIH, Ms. Madhavan has overseen the development of the Rembrandt Project. Rembrandt (REpository for Molecular BRAin Neoplasia DaTa) is a database that brings together data from an NCI clinical study with a vast store of existing data on brain tumors. By bridging the gap between clinical and biological information, Rembrandt will facilitate the diagnosis and treatment of individual patients and will assist brain cancer researchers in their search for a cure.

Mr. Speaker, I offer my warmest congratulations to Ms. Madhavan and her team.

MEDICAL MALPRACTICE AND INSURANCE REFORM ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. CONYERS, Mr. Speaker, I am pleased to introduce the Medical Malpractice Insurance and Litigation Reform Act of 2005. In response to the issue of frivolous lawsuits, Title I of the bill provides for a series of measures designed to insure that the lawsuit itself is not frivolous and that the pleadings filed in connection with the suit are accurate and meritorious. Title I also provides for alternative dispute resolution designed to encourage resolution of medical malpractice actions outside of court.

The bill also responds to the real problems in the medical malpractice insurance market, namely higher prices driven by lack of competition and investment losses by insurers leading to a boom/bust cycle. In response to these issues, Title II insures that the antitrust laws apply to medical malpractice insurers, price comparisons can be easily obtained, and procedural checks are in place to insure that premium increases are warranted and can be challenged by health care providers.

Above and beyond these requirements, Title III of the legislation responds to concerns that medical malpractice is not available in certain parts of the country. As a result, this title would create monetary grants dispensed through the Health Resources and Services Administration to health care providers who choose to work in geographic areas with a shortage of one or more types of health providers.

In addition, the bill responds to the need to fully examine the recent and dramatic increases in medical malpractice insurance premiums. Title IV creates an Independent Advisory Commission on Medical Malpractice Insurance to evaluate the cause of the recent premium increase. Title V authorizes the Department of Health and Human Services to collect the data necessary to examine the medical malpractice insurance industry. The following is a more detailed description of the legislation:

''THE MEDICAL MALPRACTICE AND INSURANCE REFORM ACT OF 2005'' SECTION-BY-SECTION ANALYSIS

Scope. The legislation narrowly defines ''medical malpractice action'' to cover ''licensed physicians and health professionals'' for only cases involving medical malpractice. These definitions are intended to include doctors, hospitals, nurses, and other health professionals who pay medical malpractice insurance premiums. See, Sec. 107(8).

The Republican legislation is broadly drafted to include HMOs, insurance companies, nursing homes, and drug and device manufacturers for a broad range of liabilities including suits by physicians against those companies. The full extent to which H.R. 534 protects the wrongdoings of these companies is still unknown.

TITLE I—REDUCING FRIVOLOUS LAWSUITS

Sec. 101—Statute of Limitations. This section limits the amount of time during which a patient can file a medical malpractice action to the later of three years from the date of injury or three years from the date the patient discovers (or through the use of reasonable diligence should have discovered) the injury. Children under the age of 18 have the later of three years from their eighteenth birthday or three years from the date the patient discovers (or through the use of reasonable diligence should have discovered) the injury.

The Republican legislation limits it to the earlier of three years from the date an injury ''manifests'' itself or one year from the date discovered, but in no event can it exceed three years. This makes it more akin to a statute of repose than a statute of limitations. H.R. 534 also establishes a statute of repose for children injured under the age of six that is the later of three years from the date of manifestation or prior to the minor's eighth birthday.

Sec. 102—Health Care Specialist Affidavit. This section requires an affidavit by a qualified specialist before any medical malpractice action may be filed. An extension may be granted for such an affidavit if at the time the claim is brought, the claimant has not been able to obtain medical records or other information necessary for the affidavit. A ''Qualified Specialist'' is a health care professional with knowledge of the relevant facts of the case, expertise in the specific area of practice, and in the case of an action against a physician, board certification in a speciality relating to the area of practice.

Although the Republicans claim their legislation would limit frivolous claims, H.R. 534 does nothing to ensure that the claims filed by plaintiffs are legitimate. H.R. 534 has no certification process prior to the filing of a medical malpractice lawsuit. H.R. 534 only restricts the rights of injured patients and physicians in meritorious lawsuits.

Sec. 103—Sanctions for Frivolous Actions and Pleadings. This section reduces the frivolous lawsuits by requiring that every document in a medical malpractice action be signed by at least one attorney of record. Any unsigned paper is stricken. Second, all plaintiff attorneys who file a medical malpractice action are required to certify that the case is meritorious. Attorneys who erroneously file such a certificate are subject to strict civil penalties. First time violators, the court shall require the attorney to pay costs and attorneys fees or administer other appropriate sanctions. Second time violators, the court shall also require the attorney to pay a monetary fine. Third time violators, the court shall also refer the attorney to the appropriate State bar association for disciplinary proceedings.

The Republican legislation does not have a provision that directly addresses the filing of frivolous lawsuits. H.R. 534 only restricts the rights of injured patients and physicians in meritorious lawsuits.

Sec. 104—Mandatory Mediation. This section establishes a mandatory alternative dispute resolution (ADR) system for medical malpractice cases. Participation in mediation shall be in lieu of any other ADR method required by law or by contractual arrangements by the parties. States also have the option to allow arbitration. Any party dissatisfied with the result reached through ADR will not be bound by this result and all statements, offers and communication made as part of ADR would be inadmissible as part of an adjudication. A similar approach is recommended by the Committee for Economic Development (CED), which suggests that defendants make and victims accept ''early offers.'' The effect of the ''early offer'' program, according to the CED, is that defendants will reduce the likelihood of incurring litigation costs, and victims would obtain fair compensation without the delay, expense, or trauma of litigation.

The Republican legislation does not address alternative dispute resolution methods to reduce the number of medical malpractice actions that are litigated. The sole remedy of the Republican legislation is tort reform that will restrict the rights of those who have been legitimately wronged.

Sec. 105—Punitive Damages. This section limits the circumstances under which a claimant can seek punitive damages in a medical malpractice action. It also allocates 50% of any punitive damages that are awarded to a trust fund managed by the Department of Health and Human Services (HHS) through the Agency for Healthcare Research and Quality. The money in the trust fund must be used for activities that reduce medial errors and improve patient safety. The Secretary will promulgate regulations that will establish programs and procedures to carry out this objective. See also, Sec. 221–223.

The Republican legislation raises the evidentiary standard, provides an exemption for FDA approved drugs or devices, and caps punitive damages at the greater of twice the economic damages or $250,000.

Sec. 106—Reduction in Premiums. This section requires medical malpractice insurance companies to annually project the savings that will result from Title I of the bill. Insurance companies must then develop and implement a plan to annually dedicate at least 50% of those savings to reduce the insurance premiums that medical professionals pay. Insurance companies must report these activities to HHS annually. The section provides for civil penalties for the noncompliance of insurance companies.

TITLE II—MEDICAL MALPRACTICE INSURANCE REFORM

Sec. 201—Prohibition on Anti-competitive Activities by Medical Malpractice Insurers. This section would repeal McCarran-Ferguson Act to ensure that insurers do not engage in price fixing. The Act, enacted in 1945, exempts all anti-competitive insurance industry practices, except boycotts, from the Federal antitrust laws. Over the years, uneven oversight of the insurance industry by the States, coupled with no possibility of Federal antitrust enforcement, have created an environment that fosters a wide range of anti-competitive practices.

Sec. 202—Medical Malpractice Insurance Price Comparison. This section creates an internet site at which health care providers could obtain the price charged for the type of coverage the provider seeks from any malpractice insurer licensed in the doctor's

state. This section specifies the availability of online forms and that all information will remain confidential.

The Republican bill does nothing to address the flaws apparent in the medical malpractice insurance marketplace and the regulation of that market. The sole remedy of the Republican legislation is tort reform that will restrict the rights of those who have been legitimately wronged.

Sec. 203—Procedural Requirements for Proposed Rate Increases. This section allows any health care professional to challenge a proposed rate increase of medical malpractice insurance in a State administrative proceeding. It also requires that before it implements any rate increase, an insurance provider submit to the appropriate state agency a description of and justification for the rate increase.

TITLE III—ENHANCING PATIENT ACCESS TO CARE THROUGH DIRECT ASSISTANCE

Sec. 301—Grants and Contracts Regarding Health Provider Shortages. This section authorizes the Secretary of Health and Human Services to award grants or contracts through the Health Resources and Services Administration (HRSA) to health care providers who choose to work in geographic areas that have a shortage of one or more types of health providers as a result of dramatic increases in malpractice insurance premiums.

Sec. 302—Health Professional Assignments to Trauma Centers. This section amends the Public Health Service Act to authorize the Secretary to send physicians from the National Health Service Corps to trauma centers that are in danger of closing (or losing their trauma center status) due to dramatic increases in malpractice premiums.

The Republican legislation does not directly address the access to care issue caused by rising malpractice premiums. The sole remedy of the Republican legislation is tort reform that will restrict the rights of those who have been legitimately wronged.

TITLE IV—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE

Sec. 401–402—Independent Advisory Commission on Medical Malpractice Insurance. This section establishes the national Independent Advisory Commission on Medical Malpractice Insurance. The Commission must evaluate the causes and scope of the recent and dramatic increases in medical malpractice insurance premiums, formulate additional proposals to reduce those premiums, and make recommendations to avoid any such increases in the future. In formulating its proposals, the Commission must, at a minimum, consider a variety of enumerated factors.

The Republican legislation only addresses tort reform and does not examine other causes of malpractice premium costs.

Sec. 403—Report. This section requires the Commission to file an initial report with Congress within 180 days of enactment and to file annual reports until the Commission terminates.

Sec. 404—Membership. This section specifically establishes the number and type of commissioners that the Comptroller General of the United States must appoint to the Commission. Generally, the membership of the Commission will include individuals with national recognition for their expertise in health finance and economics, actuarial science, medical malpractice insurance, insurance regulation, health care law, health care policy, health care access, allopathic and osteopathic physicians, other providers of health care services, patient advocacy, and other related fields, who provide a mix of different professionals, broad geographic representations, and a balance between urban and rural representatives. Members of the commission will be appointed for three year staggered terms.

Sec. 405—Director and Staff, Experts and Consultants. This section allows the Commission to hire personnel and contract services necessary to perform its duties.

Sec. 406—Powers. This section allows the Commission to secure from any department or agency information necessary to carry out its purpose. It also requires that the Commission be subject to a periodic audit by the Comptroller General.

Sec. 407—Authorization of Appropriations. This section authorizes that such sums be appropriated to the Commission for five fiscal years.

TITLE V—MEDICAL MALPRACTICE INSURANCE INFORMATION ADMINISTRATION

Sec. 501—Establishment. This section creates within the Department of Health and Human Services an administration that will collect and evaluate information on the medical malpractice insurance market. Such information includes the frequency of medical malpractice claims paid, the severity of such claims, the portion of claims paid as settlements, the portion of claims paid as a result of a trial, and the division in claims between economic and non-economic damages. The section also requires that insurance companies submit the above data to the administration. The administrator may compel submittal and there will be a civil money penalty for not submitting the data.

Sec. 502—Authorization of Appropriations. This section authorizes appropriations for the administration.

RECOGNIZING THE 25TH ANNIVERSARY OF THE POLISH SOLIDARITY MOVEMENT

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 2005

Mr. DINGELL. Mr. Speaker, I rise today in recognition of the 25th anniversary of the Workers' Strikes in Poland. In commemorating these strikes, we are remembering the birth of a movement which led to the fall of communism in Poland and, later, Europe.

The strikes began as workers across Poland protested the nearly 80% rise in meat prices. In the northern city of Gdansk, workers protested in response to the dismissal of two workers on the grounds of political agitation. The Lenin Shipyard workers staged a sit-in and demanded the reinstatement of electrician Lech Walesa and crane operator Anna Walentynowich. The workers realized the power of their unity and chose to name their strike bulletin Solidarność or Solidarity. Soon after, the first independent trade-union faction emerged and the Solidarity movement was born.

In cooperation with intellectuals, the Gdansk Shipyard strikers created the famed list of 21 demands. The Solidarity Movement boasted members from almost all groups and social classes—all of whom opposed the Moscow-backed regime. This unity was a first in the history of Poland. In December of 1981 the Communist government of Poland implemented martial law in hopes of combating the Solidarity Movement's vast popularity.

Despite the best efforts of the communist government, another strike wave occurred in 1988. The regime decided it must try to share its power with the opposition. The elections of June of 1989 brought the Solidarity Movement to power and Poland was able to set up a non-communist government. The victory of the Poles served as an example to the rest of Europe and is credited with leading to the historic fall of the Berlin wall five months later.

When the Solidarity Party took power in 1989, the basic political transition and the implementation of a market economy posed many challenges. Furthermore, they faced the daunting task of overcoming the social mindset resulting from years of communist rule. Nonetheless, in January of 1990, the government sought to realize substantial reform goals. The conversion was not easy and the market-economy caused an economic crisis in 1992. However, true to their history, the Poles overcame this obstacle. We should all look to our great ally as a model of determination, resilience and loyalty.

Over 11 million Americans claim Polish ancestry, nearly 900,000 of whom live in my home state of Michigan. Polish-Americans, like me, are proud of our heritage and Poland has shown itself to be a true ally of the U.S., most recently in Iraq. They have supported us in our struggle against global terrorism, in Afghanistan and assumed a leading role in Iraq. Two-hundred Polish troops are currently serving in Bagram, Afghanistan and our alliance with Poland remains one of our vital relationships. Mr. Speaker, I ask that you and my colleagues join me in recognizing the 25th anniversary of a momentous event in the history of one of our strongest allies and greatest friends. The strikes in Poland will always be remembered for their important role in Polish democratization and, consequently, the end of the Cold War.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. GALLEGLY. Mr. Speaker, on Thursday, July 14, 2005 I was unable to vote on several matters because I was testifying before the Los Angeles regional BRAC hearing on behalf of Naval Base Ventura County. Had I been present, I would have voted: "no" on the motion to instruct conferees on H.R. 6, the Energy Policy Act of 2005 (rollcall vote 373); "yes" on the motion to suspend the rules and pass H.R. 3100, the East Asia Security Act of 2005 (rollcall vote 374); "yes" on motion to suspend the rules and agree to H. Res. 356, Condemning in the strongest terms the terrorist attacks in London, England on July 7, 2005 (rollcall vote 375); "no" on Rohrabacher amendment to H.R. 2864, the Water Resources Development Act of 2005 (rollcall vote 376); "no" on the Flake amendment to H.R. 2864, the Water Resources Development Act of 2005 (rollcall vote 377); "yes" on passage of H.R. 2864, the Water Resources Development Act of 2005 (rollcall 378); and "yes" on motion to suspend the rules and agree to H. Con. Res. 191, Commemorating the 60th Anniversary of the conclusion of the War in the Pacific and honoring the veterans of both the Pacific and Atlantic theaters of the Second World War (rollcall 379).

IN REMEMBRANCE OF J.J. JAKE PICKLE

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, my dear friend, Jake Pickle, has left us but he will be remembered for both his accomplishments as a great Congressman and his ability to make everyone laugh.

He was a special man—a man who prided himself in his sense of justice and a man who could tell a ''hell of a good story.''

Jake Pickle and I joined the Ways and Means Committee together in the 94th Congress. It was after Rep. Helstoski was defeated in the next election, that I got the privilege of sitting next to Jake for the remainder of his career in the House of Representatives. What an experience it was.

He squeaked green plastic pickles at me (from deep in his pocket) and taught me how to de-shell two pecans with one hand and a single squeeze (and then eat them and throw the hulls under our desks with no one knowing). Over time, we became a team and sent juicy pecans to Members sitting down the row from us. Jake always thought that ''everyone should have a little something in their tummies to do good work.''

Jake Pickle and I became close personal friends over the years (as did our wives, Beryl and Alma). We could not have come from more different backgrounds—the inner-city of New York and the rolling hills of Texas. Yet, he became one of the Members I respected most for his sheer determination, unending zeal, and ability to truly develop bipartisan relationships.

J.J. Pickle served in the Congress for 31 years representing the Texas 10th Congressional District—from December 1963–January 1995. All agree that Jake was a class act, a star, and someone to love because he loved back.

I am one of the special few who signed his red pump organ—a treasure of his that he took home with him to Austin upon retirement and kept in his house. Signing the organ meant that you meant something to him.

J.J. Pickle was very, very proud of his Congressional record. He would be the first to tell you that he did not seek to be famous, to be a Senator, to be Governor, or to be President. What Jake Pickle wanted to be was ''The Darn Best Congressman'' for his Congressional District and even a better one for his country. That he was, and more.

Jake became Chairman of the Ways and Means Committee's Social Security Subcommittee in the early 1980s and led the charge for solving the system's financial problems. (It is too bad he is not with us now to do it again—on a bipartisan basis and in a prudent way.) The picture of Pickle standing next to President Reagan signing the ''Social Security Amendments of 1983'' is a classic of the decade.

Jake moved on and became Chairman of the Ways and Means Committee's Oversight Subcommittee for 10 years. One of his proudest accomplishments was reforming the tax code penalties so that they were fair to taxpayers. His face adorned the cover of a major tax publication titled, ''Congress At Its Best.''

Pickle was relentless in many ways. Once he drafted a ''Taxpayer Bill of Rights;'' it was his personal goal to see it enacted into law—and it was.

Once he learned that some TV evangelists were stealing from the public, it was his personal goal that they visit the Committee and change—and they did.

Once he learned that tax-exempt organizations were being used as fronts for illegal activities; it was his goal that the Justice Department intervene—and they did.

Once he learned that workers' pension plans were not funded properly; it was his goal to change the law to protect retirees—and he succeeded.

Even to the end, he was counseling us (Members and staff) about the issues Congress needed to ''get a rope around and move it.''

So I will close with the following: I missed Jake when he retired from Congress in 1995. But now I miss him more. He was a good man and he will not be forgotten.

IN REMEMBRANCE OF J.J. JAKE PICKLE

SPEECH OF

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. EDWARDS. Mr. Speaker, I did not just like Jake Pickle; I loved Jake Pickle. Congressman Pickle was one of the finest public servants to have ever served in this House, and he was a true Texas treasure. He was a kind, decent, caring human being who spent his entire life making life better for others. Whether it was helping a veteran receive health care, bringing research dollars, and he brought many of them, to his beloved University of Texas or saving the Social Security system in 1983, Jake was always dedicated to helping others.

Jake Pickle's faith was shown time and time again as he lived the commandment to love thy neighbor. Jake Pickle lived every day with another biblical verse, ''This is the day the Lord hath made. Let us rejoice and be glad in it.'' Jake lived every day joyfully. He lit up a room when he walked into it because of his joyful, positive approach to life. His positive approach has enlightened the lives of all of us blessed to have known him.

Jake Pickle exemplified courage when he voted as a freshman Congressman from I Texas to pass the Civil Rights Act which brought to reality the promise of equal opportunity to millions of African-Americans. He did it because it was the right thing to do, even though it could have ended his political career.

I want to tell one story about my friend Jake Pickle. In June of 1994, he and I were part of a U.S. congressional delegation on the 50th anniversary of D-Day. After the ceremony on June 4 of 1994, our bus was about to leave to go back to a hotel an hour to 2 hours away. I noticed Jake getting off the bus by himself. I stopped, walked up to him and said, ''Jake, what are you doing? And he said, Why don't you come with me, Chet?''

So I followed Jake Pickle off that bus. We walked several hundred yards. We went to Point du Hoc, that monument to American GI courage on D-Day when Colonel Earl Rudder led Rudder's Army Rangers up that stiff cliff against murderous fire by the Germans above them. It turned out that Jake Pickle and Earl Rudder roomed together after the death of Jake's first wife when then General Rudder was serving as land commissioner in Austin, Texas.

So that June day in 1994, Jake Pickle got off the bus, not knowing how he would get back to his hotel in France, to go pay his respects to his personal friend and fellow Texan and American, Earl Rudder, the hero along with America's Rangers at Point du Hoc. That was the character of Jake Pickle. Our Nation will miss Jake Pickle, but the world is a better place today because of his life of dedicated public service.

Mr. Speaker, Winston Churchill once said that we make a living by what we get, we make a life by what we give. By that high standard, Jake Pickle led a rich life, a life that enriched everyone of us blessed to have known him.

Goodbye, my friend, until we meet another day. Thank you for the memories. Thank you for your friendship. Thank you for making America and the world a better place.

IN REMEMBRANCE OF J.J. JAKE PICKLE

SPEECH OF

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. MCCAUL of Texas. Mr. Speaker, Texas and our Nation has lost one of its most genuine and gracious public servants. Last Saturday morning, James Jarell Pickle, ''Jake,'' passed away on Saturday, with his wife by his side. For 31 years, Congressman Jake Pickle represented my hometown in this esteemed body as a Representative to the 10th Congressional District of Texas. And he did so with integrity, humility, honor, and a sense of humor that we should all attempt to mirror.

As a current holder of Congressman Pickle's seat, I work hard every day to provide the same kind of service to my constituents that Jake Pickle did to those he served. He was not just good at what he did, he was the best.

His family talks about the proudest vote he ever cast was in 1964 when he voted for the Civil Rights Act. He was one of only six southern Representatives to vote for that important piece of legislation. In the 1980s, he worked hours on end to protect Social Security and keep it solvent. He worked even harder in the 1990s to turn Austin into the high-tech society that it is today.

It is because of Jake Pickle that Austin continues to see new high-tech businesses locate to Texas's capital city. The University of Texas has also benefited greatly because of Jake Pickle. UT would not be churning out the latest in technology and new patents, as it now does every year, without the help that Congressman Pickle provided. It is also my honor to represent the research arm of the University of Texas which bears the name J.J. Pickle Research Campus.

But even as good and as smart a politician as he was, he is known today not for his ability to influence legislation or to help bring new

business to his district, but rather for being a good and decent man. It is for this reason his nickname was Gentleman Jake. This gentleman served in the Navy during World War II, and worked his way through college by delivering milk to Austin homeowners. During his first congressional campaign and every time after when he was out in public, he was shaking the hands of those he served. He enjoyed hearing about their lives and telling stories about his. He listened to their problems and sometimes used his own money to fix whatever problems they were having.

Representative Jake Pickle was a good man who will be terribly missed by all who knew him.

So tonight as I stand in the well of this esteemed body, a place so loved and respected by Jake, I am comforted in the thought that the Lord above is thankful to have this great servant back home in heaven where I am sure he is telling stories and shaking the hands of everyone that he meets.

COMMENDING THE CONTINUING IMPROVEMENT IN RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF INDIA

SPEECH OF

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 2005

Mr. BROWN of Ohio. Mr. Speaker, I rise today to commemorate the historic state visit of Prime Minister Manmohan Singh of India. This visit comes at a time of ever-warming relations between the United States and India as these two great nations build partnerships in commerce, security, science, health, and technology. At a time of great global unease and change, our proud country has found a fast friend in India.

In this chamber tomorrow, the Prime Minister will deliver a momentous address to our Joint Session of Congress. His presence in this house will send an unequivocal message to the government and the people of India. That message is that the United States stands in full support of the Indian commitment to democracy, peace, and prosperity. This address will show Indian and American citizens the significance of the enduring relationship between our two great nations.

The United States and India have been partners in the birth of freedom, in 1776 and 1947, from which we grew to be the world's oldest and largest democracies. Let us now be partners in the war against terror as we fight for a more secure existence. Let us be partners in trade and economic growth that benefits all citizens. Let us be partners in scientific and technological advances that promote the collective well-being. Let us be partners in expanding access to first-class health care and quality education. Let us be partners in our strong values, our commitment to our families, and our belief in humanity.

Let the occasion of Prime Minister Singh's address also highlight the advances and contributions of Indian-Americans. The pioneers of this community first settled in California in the mid–1800s and worked as farmers. This tiny minority was not granted the right to American citizenship until 1947 and faced severe visa restrictions until 1965. From such humble beginnings, Indian-Americans have grown dramatically to a national population of 1.9 million. They are now the fastest growing Asian-American group in our great Nation. My district in Ohio is home to 2,480 Indian-Americans, who make vital contributions to our economy, culture, and society.

Mr. Speaker, from my first visit to India in 1977 to having an Indian-American intern in my office every year since 1994, I have grown to appreciate and value the gifts of this nation to the world. I am thankful and proud to host Prime Minister Manmohan Singh in the United States. I call on my colleagues to work tirelessly to strengthen our growing relationship and forge new ties with the great nation of India.

SPECIAL TRIBUTE IN MEMORY OF BRENDA PILLORS, PHD (JULY 20, 1952–JUNE 12, 2005)

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. TOWNS. Mr. Speaker, God's whisper to come on home to Brenda [Brenda Pillors], our sister in service and life, on the frontlines in the battles and opportunities to improve life and health for all, came on June 12, 2005.

It is with honor that I present this special tribute in memory of our outstanding colleague and dear friend, Brenda Pillors, Chief of Staff to Congressman ED TOWNS. Today, July 20th marks what would have been a celebration of Brenda's earthly birthday. Colleagues, family and friends know personally that Brenda did so very, very much to improve the lives and the quality thereof for people everywhere and across all walks of life.

Brenda's impact on health legislation, policy and all other aspects thereof remains from that on minority health and health disparities, to health professions, to children's and women's health; from Medicare and Medicaid, to healthcare reform, to health commissions and agency advisory councils, to the National Health Service Corps; from NIH, to FDA, to SAMHSA, to CDC, to HRSA, to AHRQ, to OMH, to OCR, to IOM; for HIV/AIDS, to diabetes, to obesity, to sickle cell disease, to cancer, to heart disease; from clinical trials, to life trials; from bioengineering, to health technology, to alternative medicine; from behavioral health, to workforce diversity, to affirmative action.

Brenda Pillors was always there—from pharmacology, to immunology, to vaccines; from hospitals, to community health centers, to men's health; from environmental health, to health justice, to nutrition, to birth defects; from the uninsured and underinsured, to urban and rural health; from infant mortality, to head start, to mental health; from nurses, to doctors, to specialists, to community health workers, to researchers; to private and public sector officials; from you to me. Her impact goes on and on—you know Brenda's tremendous heart, impact and reach.

We will always remember you Brenda—your dedication, your commitment, your leadership, your expertise and your understanding, and indeed your smile, your laughter and your voice. Brenda Pillors—truly a leader in public service and servant in God's army of service and love.

My "Sister," we will miss you always—your legacy of achievements is written in the hearts of the lives of those you have helped and touched in oh so many, many ways. Your presence and legacy is embedded in the walls and along the halls of the U.S. Congress, and is written in legislation, Congressional hearing questions and transcripts, hearing reports, committee and conference reports, agency reports and justifications, and throughout the CONGRESSIONAL RECORD.

Brenda was and truly lived the "purpose driven life." Thousands, upon thousands, upon thousands, upon thousands of lives have been improved and in fact many saved, and futures are much brighter because of Brenda's life and works. The majority of the people who have and will benefit from her works will never know her. Even the lives of generations to come will benefit from her work. We have always been proud of Brenda.

Dear Brenda, we thank you, and we salute you and we honor you—our "sister in service striving throughout her life to ensure justice and equality for all—Brenda Pillors, PhD."

Reflections of our love, appreciation and respect for Brenda Pillors, on this day which would have marked her 53rd birthday. From me to you, we thank God and your family for sharing you with us, the Nation and the world—Fredette (Fredette West).

THE 31ST ANNIVERSARY OF THE ILLEGAL TURKISH INVASION AND OCCUPATION OF CYPRUS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today to acknowledge and bring attention to the illegal Turkish invasion and occupation of Cyprus. It was 31 years ago today that Turkey invaded Cyprus. During the invasion they expelled 200,000 Greek-Cypriots from their homes and neighborhoods, making them refugees overnight. Turkish troops killed 5,000 Greek-Cypriots, of which 1,500 are still missing. There have been 30,000 Turkish troops occupying the island nation of Cyprus ever since.

It is the proper role of the Members of the United States Congress to not only condemn the brutal Turkish invasion of 1974, but also to urge the next step in addressing the issues of the past. We must promote a plan for reunification that addresses the serious concerns of all Cypriots. We must encourage Turkish-Cypriot leaders and their Greek-Cypriot counterparts to negotiate in good faith. We must show the world that the reunification of Cyprus is a priority for the United States.

On the 31st anniversary of the Turkish invasion of Cyprus, we grieve for those killed during the invasion, and we lament the lost opportunities for reunification over the years. We urge both parties to continue to work toward a reunited and peaceful Cyprus.

ACKNOWLEDGING AFRICAN DESCENDANTS OF THE TRANSATLANTIC SLAVE TRADE IN ALL OF THE AMERICAS

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H. Con. Res. 175, a resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean.

The early history of the Americas is plagued with immeasurable acts of violence and inhumane cruelties. The establishment of the transatlantic slave trade is merely one of numerous blemishes that remain a part of our troubled past. From the late fifteenth through nineteenth centuries, an estimated ten million Africans were abducted, bound and shipped as human cargo to the Americas.

These men, women and children were used to build the foundation of nations spanning Latin America, North America and the Caribbean. Words can hardly do justice to the struggle these individuals faced on a daily basis. Working endless hours through unbearable conditions, African slaves constantly fought a losing battle to survive. Though disbanded several hundred years ago, the legacy of this institution remains imbedded in our societies even today.

African descendants throughout the Americas have historically suffered from societal and governmental marginalization. In the United States, African descendants experience disproportionately high infant mortality, illiteracy and poverty rates. As a nation, we have worked to fight against these racial disparities, yet they continue to persist.

Only recently have similar trends been analyzed and acknowledged in Latin American and Caribbean countries. This fight is ongoing both at home and abroad. We must extend our reach beyond domestic policy to advance an international discussion of racial issues.

Though America aspires to lead the world in the realm of economic policies and technological innovation, it constantly falls short of promoting racial equality. As pioneers in all other industries, it is our duty to be at the forefront of all efforts geared towards amending the social and economic disparities that continue to haunt African descendants in the Americas.

The largest number of Afro-descendants living outside of Africa can be found in Latin America and the Caribbean. These individuals share in our early history and suffer from the residual effects that are evidenced in our own communities. It is equally our responsibility to aid and assist Latin American and Caribbean nations' efforts to overcome their institutionalized racial disparities. Our common past will forever link our futures.

Mr. Speaker, this resolution serves as a reminder of the history shared amongst the Americas. The emancipation of all men, though boldly declared by many nations throughout the nineteenth century, remains to be realized. I urge my colleagues to support this resolution as a necessary step in addressing the racial inequities that persist in North America, Latin America and the Caribbean.

HONORING HOSPICE & PALLIATIVE CARE OF CENTRAL KENTUCKY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, in 1979, a small group of health care professionals and lay volunteers in Elizabethtown began meeting to explore the idea of establishing a hospice in Hardin County. On April 24, 1980, the Elizabethtown Area Hospice (EAH) served its first patient. The agency was staffed entirely by volunteers who provided care for patients and families living in and around Elizabethtown. In 1986, EAR became fully certified by Medicaid and Medicare. The next year EAH changed its name to the Hospice of Central Kentucky (HCK) and expanded its services to include five counties: Hardin, LaRue, Grayson, Meade, and Breckinridge. In 1989, HCK also began offering its services to patients living in Marion and Washington counties. In the spring of 1990, Taylor, Green and Adair counties became a part of HCK's service area.

As the organization has grown and expanded its services, its base of operations has also changed. EHA was first headquartered in a small office in Hardin Memorial Hospital. Over the years, HCK has moved to different locations around Elizabethtown as the agency grew. After a successful capital campaign in 1993, HCK moved into its new main office building located on Diecks Drive in Elizabethtown. Since expanding its services to Taylor County in 1990, HCK has operated a satellite office in Campbellsville.

A significant milestone in HCK's history occurred in 1996 when HCK joined with Hospice of Louisville to form the Alliance of Community Hospices, Inc. The following year HCK received its first certification from the Joint Commission on Accreditation of Healthcare Organizations.

During its 25 years of existence, Hospice & Palliative Care has provided high-quality end-of-life care services to thousands of patients and their families living in the Central Kentucky area. In 2004, HCK provided almost 30,000 patient days of care to 625 patients and their families. These services include pain and symptom control, medication management, personal care, emotional and spiritual support, volunteer assistance and bereavement care. In addition to providing core hospice services, HCK also employs a children's counselor to provide children and adolescents with specialized counseling and support. HCK also sponsors a grief camp, Camp Evergreen, for grieving children and their families.

Licensed by the state of Kentucky, HCK accepts Medicare, Medicaid and many forms of private insurance. With the help of donations from the community, HCK provides care for seriously ill patients and their families living in the Central Kentucky area regardless of their ability to pay for services.

While HCK has grown and changed in many ways over the years, one thing has always remained constant and that is the agency's commitment to providing the highest quality, most compassionate care possible to patients with terminal illnesses and their families. HCK dedicates its 25th anniversary to its patients and families. Their courage and their faith, in the midst of illness and loss, is a source of inspiration to others.

KELLY'S BODY SHOP, ONE OF THE WINNERS OF THE 2005 CALIFORNIA SMALL BUSINESS AWARD

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to congratulate Mr. Benjamin Mendoza, Sr., owner of Kelly's Body Shop in Santa Ana, California.

Kelly's Body Shop was opened in 1978 by three separate owners but was then bought in 1994 by Mr. Mendoza who consolidated its ownership.

Over the past 12 years, under Mr. Mendoza's ownership and strong management skills, Kelly's Body Shop has become one of the most successful businesses in Santa Ana, almost tripling its production and revenue in 2001.

Mr. Mendoza considers it the mission of Kelly's Body Shop to provide quality, timely and satisfactory repairs and services to all of its customers and the people of Santa Ana, California.

It is for these reasons that on June 15, 2005, the California Small Business Association awarded Mr. Mendoza a Small Business Award for his contribution and dedication to the city and people of Santa Ana.

Kelly's Body Shop is an example of a successful business in California that continues to give back to its community. I believe that Mr. Benjamin Mendoza, Sr., will continue to expand his commitment to the communities he serves.

LOUISVILLE YOUTH CHOIR TO TOUR AUSTRIA IN JUNE 2006

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mrs. NORTHUP. Mr. Speaker, I would like to recognize the recent selection of the Louisville Youth and Children's Choir to represent Kentucky and perform in the 2006 Mozart Youth Choral Festival in Salzburg and Vienna, Austria, in celebration of the 250th anniversary of Amadeus Mozart's birth. Receiving the opportunity to perform in Austria, home of the musical capital of the world, is a great honor and wonderful experience for these young musicians.

Founded in 1967 by Italio Taranta, a former Professor of Music and Choral Conductor at the University of Louisville School of Music, the Louisville Youth and Children's Choir is the city's premier children's and youth choral training program, composed of young talent throughout metropolitan Louisville representing

grades 4–12. Its repertoire has as much diversity as it has breadth, incorporating music from a broad range of cultural styles, from key classical and modern works to voice and instrumental soloist performances.

Invitation to this international music festival is a testament to the Louisville Youth and Children's Choir's passion for excellence in singing and choral performance, which has captivated audiences for nearly thirty years. Thanks in no small measure to Mr. Don Scott Carpenter, Executive Director, and Mrs. Terri E. Foster, Director of Operations, the Louisville Youth and Children's Choir will be sharing their talents with their European peers and perhaps, new musical friendships will form as a result.

Next summer, the hills will indeed be alive with the sound of music. The Louisville Youth and Children's Choir will be performing in two of the original venues where Amadeus Mozart himself performed: the Salzburg Dom (or Cathedral) and the Votivkirche (Votiv Church) in Vienna. In fact, not only did Mozart perform here but he was also employed as the Cathedral's Choral Director. In addition to visiting the many historical, artistic and cultural sites in Austria, the Louisville Youth and Children's Choir will have the great honor of performing under the co-directorship of Janos Czifra, who is the Cathedral's present Choral Director, and Dr. Z. Randall Stroope, one of America's foremost conductors and composers. I can only imagine the thrill this must be for a group of young music performers and enthusiasts.

I am incredibly proud of such a talented group of artists which, next year, will find itself immersed with the sights and sounds that inspired some of the world's greatest musical geniuses such as Haydn, Beethoven, Schubert, and Strauss. Mozart mastered his first piece when he was five years old and, in time, performed before French and English royal courts. In their own special way, these young artists will be following in Mozart's footsteps when they perform in the great halls of history.

Mr. Speaker, I join the state of Kentucky in praising the Louisville Youth and Children's Choir for their persistence and hard work. I would like to offer heartfelt congratulations for this most recent honor and I wish them the very best in Austria.

A TRIBUTE TO MR. ALBERT R. ROBBINS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Albert R. Robbins. Known to most of his friends as Al or "Abbie," he has been a well respected pillar of the community and a man of many accomplishments since his early years.

Mr. Robbins has been a life long resident of Philadelphia. A product of the Abington Public School System, Abbie served our country with honor as a member of the US Army's 5th Division in Europe. He resumed his education after completing his tour of duty, earning a Bachelor of Science Degree from Cheyney State Teachers College in 1959. Sports and music have always been an important part of his life. While at Cheyney, he sang with the traveling choir for four years and was a member of the football team. While beginning his career as an Industrial Arts teacher in the Pottstown School District, he enrolled in graduate courses at Temple University and Penn State for his Masters degree in education. In 1964, during the Civil rights movement, Al broke through color barriers by becoming the first African American bus driver hired by Eastern Greyhound Lines where he worked part time until 1980.

Mr. Robbins has been a member of countless public service organizations, including the Sanctuary Choir of the St. Paul's Baptist Church of Philadelphia, LAAP, ALAA, NEA, PABA, NAACP, Pottstown Education Assoc., and the Montgomery County Industrial Arts Association. He is also a past commander of V.F.W. Post 3389 and a lifetime member of Omega Psi Phi Fraternity.

Mr. Robbins is retiring after 34 years of service in the field of Technology and Education with many great accomplishments. In recognition of his years of service I ask that you and my other distinguished colleagues rise to congratulate him on his retirement.

A TRIBUTE TO REAR ADMIRAL MICHAEL L. HOLMES

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. McINTYRE. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Rear Admiral Michael L. Holmes. Admiral Holmes is a member of the Lumbee Indian Tribe and hails from Lumberton, North Carolina. After graduating from Pembroke State University in 1972, he was commissioned as a Naval Officer and designated a Naval Aviator. Admiral Holmes has served with distinction for nearly 32 years in the Navy, including several tours in command of operational forces and several important staff positions. Admiral Holmes is a person of tremendous talent, determined drive, and rich personality. His record of achievement is among the most remarkable on a long and distinguished list of military officers hailing from the Tar Heel State. He displays leadership that inspires others to give their all and puts them at ease as they strive to excel. He embodies the core values of honor, courage, and commitment. This great North Carolinian continues to bring great credit and honor to his native state, to his people, and to his family. As a nation, we are indeed honored by his long, faithful, and productive service to our country.

Admiral Holmes will retire from the United States Navy on October 1st, 2005. Mr. Speaker, Mike Holmes and his wife, Vee, have made many sacrifices during his long and illustrious career, and I offer a profound thanks to him from the citizens of North Carolina's Seventh Congressional District for his service. As they embark on the next great adventure beyond their beloved Navy, may God's strength, joy, and peace be with them both.

RECOGNIZING MS. MELISSA FYE AND MR. JIM JENKINS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. WOLF. Mr. Speaker, I rise today to honor two outstanding constituents and educators from the 10th Congressional District of Virginia. Melissa Fye and Jim Jenkins are to be commended for their extraordinary efforts to bring real scientific research to the classroom.

Melissa Fye, elementary school teacher at Ashburn Elementary School in Ashburn, VA, and Jim Jenkins, elementary school teacher at Mountain View Elementary School in Purcellville, VA, were chosen by the National Oceanic and Atmospheric Administration (NOAA) to participate in the Teacher at Sea Program. This three-week-long research program involved a trip to sea in the Pacific Ocean this spring. As Teachers at Sea, Ms. Fye participated in coral reef research and Mr. Jenkins participated in fisheries and ocean current research.

Ms. Fye embarked on NOAA Ship HI'IALAKAI in Honolulu, Hawaii, and cruised in the waters of the south Pacific. Mr. Jenkins's cruise, on the other hand, explored cold Alaskan waters, where he embarked on NOAA Ship MILLER FREEMAN in Kodiak, Alaska, and disembarked in Dutch Harbor, Alaska. While onboard, Ms. Fye and Mr. Jenkins wrote lesson plans, maintained daily logs, took photographs, interviewed scientists, and engaged in dialogue with their students, other teachers and students, and the general public. Ms. Fye and Mr. Jenkins participated in the Teacher at Sea experience in order to enrich their curriculum and excite their students about the sciences.

In her final log, Ms. Fye wrote that she ". . . wants [her] students to know that life is not a collection of things, but a collection of experiences . . . [and hopes] this trip—the resources and anecdotal stories [she] brings back to the classroom—encourages them to explore opportunities as they arise in their own lives."

Mr. Jenkins engaged his students each day in daily e-mail messages. In one message, Mr. Jenkins told his students that he has ". . . been impressed by the cooperative spirit of everyone on [NOAA ship] MILLER FREEMAN," and, in turn, encouraged his students to work together as a team while he was at sea.

Both Ms. Fye and Mr. Jenkins were supported by a partnership between the Loudoun Education Foundation and the NOAA Teacher at Sea Program. I commend the Loudoun Education Foundation, and also the Loudoun County school district, for supporting the efforts of these two teachers to promote scientific education in the classroom.

I congratulate Ms. Fye and Mr. Jenkins on their spirit of adventure in the name of education, their willingness to try new things, and their ability to bring this experience back into the classroom.

ROBERT W ''BOBBY'' HARRELL, SPEAKER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to pay tribute to an extraordinary South Carolinian by congratulating the Honorable Robert W. ''Bobby'' Harrell, Jr. of Charleston on his recent election to Speaker of the South Carolina House of Representatives.

Bobby Harrell was first elected to the South Carolina House of Representatives in 1992 and quickly earned the respect of his fellow members. Bobby is a man of diligence, integrity, and ability. In 1994, he was appointed to the Ways and Means Committee, where he served as chairman of the Economic Development Subcommittee and the Public Education Subcommittee. He was elected chairman of the full committee in 1999.

Mr. Speaker, Bobby Harrell has always been a steadfast advocate for tax relief, educational opportunities, and economic development. As he begins his tenure as Speaker, I know he will continue to strive to assist all South Carolinians.

Bobby has excelled in every endeavor he has pursued, and his private life is no exception. He is a devoted family man with deep convictions. Bobby is married to Cathy Smith Harrell and is the proud father of two fine children, Trey and Charlotte. He and his family are members of the First Baptist Church of Charleston, where Bobby served as a deacon for many years. He is a successful entrepreneur, recently celebrating a quarter of a century operating a State Farm Insurance Agency and Oak Haven of Charleston, an assisted-living community. Additionally, Bobby has served as a leader in many national, State, and local civic and business organizations.

Mr. Speaker, Bobby Harrell is a good friend and I am proud to have the Speaker of the South Carolina House as a constituent. I ask my colleagues in the 109th Congress to join me in congratulating him on his recent election to Speaker and wishing him the best of luck in all his future endeavors.

COMMENDING THE CONTINUING IMPROVEMENT IN RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF INDIA

SPEECH OF

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 2005

Mr. DELAY. Mr. Speaker, tomorrow, the United States Congress will welcome His Excellency Dr. Manmohan Singh, Prime Minister of the Republic of India.

His visit to the United States, and to this House in particular, is a symbol of the strong and vibrant relations between our two nations, the oldest and largest democracies on earth.

But the relationship between the United States and India is more than symbolic.

It is the natural alliance between democratic nations who value freedom, and will defend their people from tyranny and terror.

Since the Indian people achieved their independence from the British crown in 1947, their nation has become an example of political freedom and stability in a region that desperately needs it.

India's economy has become a global leader in trade, science, and health, and its education system annually produces some of the brightest and most innovative minds in the world.

India has become a valued trading partner with the United States, and a trusted ally in the global war on terror.

Internationally, the Indian people—together with Pakistan—in recent years have sought peaceful solutions to their differences, setting aside decades of open hostility.

And here at home, Indian-Americans have enriched our national culture by introducing generations of Americans to the philosophical, religious, and social traditions of their homeland.

My own district in the Houston region is home to tens of thousands of Indian-Americans, who have become an indelible part of our community in recent decades, a fact for which I and my fellow Texans are most grateful.

I am proud to sponsor this resolution commending Prime Minister Singh and his nation, and welcoming him to address the House and Senate tomorrow.

TRIBUTE TO MR. ROBERT R. MANNINGS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the lifelong service of Mr. Robert R. Mannings. Serving in the armed service during the Korean War, Mannings selflessly devoted his life to his country and was honorably discharged in 1953. Thereafter, Mr. Mannings began his exemplary career in Philadelphia in 1958 as an employee of both North Carolina Mutual Life Insurance Company and Yellow Cab Company. Subsequently, he joined the Iron Workers Local 401 and served as a journeyman worker until his retirement in 1992.

As the president of the Dewey and Race Street Civic Organization for over 20 years, he improved the quality of his Philadelphia community and consequently was awarded the Philadelphia Most Beautiful Block award. Mannings' civic engagement extends to countless organizations including his active membership in the West Philadelphia New Life Development Association and the Mount Carmel Baptist Church for over 38 years.

A survivor of two bouts of severe cancer, Mannings loyalty to the American Cancer Society compelled him to create an educational video portraying the success of cancer survivors. This video is widely shown at medical conventions, in physician offices and seminars.

Robert Mannings' devotion to his community never distracted him from his role as a loving husband to Frances E. Thomas, father of two children, grandfather of five, and great grandfather of seven. In recognition of Mr. Robert R. Mannings' years of service to the city of Philadelphia, I ask that you and my other distinguished colleagues rise to congratulate him on his retirement.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. MCINTYRE. Mr. Speaker, on Tuesday, July 19, 2005, I was unavoidably detained and therefore absent for rollcall vote 384, on agreeing to House Resolution 365. Had I been present I would have voted ''no'' on rollcall vote 384.

SOUTH CAUCASUS OPEN RAIL LINK ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. KNOLLENBERG. Mr. Speaker, United States foreign policy toward the South Caucasus nations is one of fostering regional stability and enhanced cooperation. I rise today to bring attention to the great injustice in relations in this region.

I speak today to stress my opposition and to move forward with legislation contesting the proposed railroad connecting Tbilisi, Georgia and Kars, Turkey. The proposed railroad would systematically bypass Armenia, and push them further into isolation.

As we all know, Turkey and Armenia have their differences. Although it is counterproductive to list those differences, instead I want to highlight the fact that it goes against United States policy to be in a position that further advances the turmoil in this region, The proposed legislation would bar U.S. support and funding for a rail link connecting Georgia and Turkey, but which directly averts Armenia.

Eight years ago, the former Turkish president and the former Georgian president meant to discuss the railroad that would ''open a third frontier crossing between the two countries,'' providing further commerce and economic opportunity for the South Caucasus region. Both countries would benefit immensely from this railroad.

While I will always support commerce-based proposals that spawn economic development around the world, this proposal initiates commerce at the cost of another country's economic development. This is unacceptable.

This railroad would cost between $400–$800 million to construct, while a perfectly workable and capable rail link already exists. It is evident to all that this new rail system is being proposed for the specific reason of diverting commerce around Armenia.

The construction of the proposed railroad would be equivalent to the people of Ohio building a new bridge to Canada just to avoid traveling through Michigan. The United States government would never condone this action, and we should not be in the practice of condoning the actions set forth by the Turkish government.

The existing rail would be available for use within weeks of an agreement between Armenia, Turkey, and Georgia. Furthermore, the Armenian people are willing to forego using the rail until normal relations with Turkey are established. Mr. Speaker, although normal relations may still take some time, there is no reason to further shut Armenia out of the equation.

Moreover, the building of this railroad also highlights the ongoing struggle between Armenia and Azerbaijan. Known by all, Azerbaijan's main goal is to strangle Armenia into submission of Nagorno-Karabakh. This railroad does just that.

The United States and other countries around the world, including Turkey, need to allow these two countries to agree upon a solution regarding Nagorno-Karabakh. It is necessary that third parties remain neutral. The proposed railroad not only stunts the diplomatic progress between Armenia, Turkey and Azerbaijan, it unnecessarily blocks Armenia's economic and political progress.

I encourage my colleagues to look at the facts of this situation. The existing rail link would be available essentially as soon as possible and it would take a minimal amount of funding in order to get it usable again. Whereas, a new rail link would take months if not years to build, and would cost an estimated $400–$800 million. There should be no question as to which plan the United States supports.

PRAIRIE HORIZONS TRAIL OFFICIALLY OPENS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the groups and individuals who made the Prairie Horizons Trail a reality for Southeastern Colorado. It has been an extremely long process, but the hard work has come to fruition with the official opening of the Prairie Horizons Trail. This trail is a part of the Trans-America Bicycle Trail.

This trail crosses the United States from Yorktown, VA to Astoria, OR and it passes through the beautiful Eastern Plains of Colorado's 4th Congressional District, with more than 100 miles of Highway 96.

Eastern Colorado communities and counties have come together to work on a plan for the trail corridor in the region, which has been named the Prairie Horizons Trail.

On July 1,2005 Joy Lujan with the National Parks Service and Janet Frederick, Executive Director for the Kiowa County Economic Development Foundation, were met in Sugar City, Ordway, Crowley, and Olney Springs by county commissioners, mayors and community activists as the Prairie Horizons trail was officially opened.

Lujan and Frederick presented business owners with commemorative ''Cyclists Welcome'' signs and spoke briefly about the new brochures about the trail.

I am proud to represent Crowley County Commissioners Dwight Gardner and Matt Heimerich along with Sugar City Councilwoman Eleanor Neiffert, Ordway Mayor Nancy Moore, Wendy Pettit with the Colorado Department of Transportation, Crowley County School Superintendent John McCleary, Olney Springs Mayor Deb DeVore, and the many other citizens who assisted in making this project possible. This is a wonderful addition to the Eastern Plains and to the communities in which this trail passes. It is my great honor to recognize the opening of the Prairie Horizons Trail.

CONGRESSIONAL COMMENDATION FOR THE LIFE OF MRS. IRENE LOCKETT

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Ms. CORRINE BROWN of Florida. Mr. Speaker, this communication is forwarded on behalf of the constituents of Congressional District Three and myself as we pay tribute to the life of Irene Lockett.

We are all deeply and profoundly saddened by the loss of this gentle and loving spirit. Irene was a true believer in God and family. She encouraged us to be our very best in all we do, at all times. Throughout her life, her loving spirit was unshakeable, her will undaunted, her stature in the church she loved and in the community she cherished remained strong and led Pat, her daughter, and my sister, to pledge her life to public service. She was the wife of Walter Lockett, mother of Pat Lockett-Felder, a member of the Jacksonville, Florida City Council, a grandmother, a great-grandmother and a Matriarch to all, family and friends alike. She absorbed our fears and our tears with her gentle embrace. When I think of Irene Lockett, I am reminded of the words of Paul in the Book of 2nd Timothy, ''For I am now ready to be offered, and the time of my departure is at hand. I have fought a good fight, I have finished my course, I have kept my faith''.

Though our hearts ache, our tears of pain are mixed with loving memories of her smile, her touch, and that gleam in her eyes telling each of us how much she loved us, even when words would not flow. She kept her promise—to love us, nurture us, guide us, and in her own way, she prepared us for this day. Weep not in mournful pain, shed tears of joy for Irene—no more pain, no more hurt—rest now in the arms of the Father who welcomes her home and whispers gently, ''well done my child''.

RECOGNIZING THE 25TH ANNIVERSARY OF THE SOLIDARITY MOVEMENT IN POLAND

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 2005

Mr. EMANUEL. Mr. Speaker, I am proud to be an original cosponsor of H. Res. 328, and I rise on behalf of the more than 111,000 of my constituents who are of Polish descent to recognize the 25th anniversary of the workers' strikes in Poland in 1980. These strikes pressured the government to recognize the Solidarity Trade Union and, eventually, to enact fundamental changes in the government in Poland. It is my privilege to join with Poland, friends of Poland and people of Polish descent around the world in honoring this historic date.

The summer of 1980 was a turbulent time in Poland. Soviet domination resulted not only in political oppression but in deep economic crisis. In response to these conditions, workers were striking in several cities across the country. In 1979, the visit by Pope John II added to the hope and desire of all Polish people for change and demonstrated the possibility of mass independent movements.

The Independent and Self-Governing Solidarity Trade Union was established as a result of the Gdansk Accords signed on August 31, 1980 between striking workers and the communist government. In this agreement the government conceded to striking workers' requests and allowed them to form free trade unions, independent from the government and communist party, an unprecedented situation under the Iron Curtain.

By signing the accords the communist government hoped to appease workers while entrenching their power. To the government's great disappointment, the Solidarity Trade Union grew rapidly. By 1981, Solidarity boasted an unparalleled membership of nearly 10 million workers or more than a half of the Polish labor force and almost one third of the entire population. Employees from all sectors of economy and positions joined en masse, including workers, professionals, intellectuals, students and members of political opposition. The Solidarity Trade Union became a huge social and political movement, representing the Polish nation's aspirations for freedom, democracy and better living conditions after more than thirty-five years of communism and Soviet control.

However, the road to freedom was not easy. Seeing how popular and powerful the union was becoming, the communist government of Poland imposed Martial Law in 1981, followed by persecution, imprisonment and forced emigration of many Solidarity members, including Lech Walesa. Nonetheless, the banned Solidarity Trade Union kept aggravating both within Poland and abroad with the instrumental support of Pope John Paul II.

In 1989, the will of millions prevailed: the communist government gave in and held talks with the Solidarity Trade Union. These ''round table negotiations'' resulted in free elections to the National Assembly, won almost completely by candidates supported by the Solidarity Trade Union. Subsequently, the noncommunist prime minister was elected later that year, and in 1990, Lech Walesa, a former worker-electrician and the leader of the Solidarity Trade Union who had been instrumental in workers' strikes of 1980 and in the Gdansk Accords, became the first elected president of the newly non-communist Poland. Communism was peacefully overthrown.

Within a year, following the Polish example, the regimes in the Czech Republic, Hungary and East Germany had fallen. By 1991, communism was overthrown throughout Europe thanks to the inspiration of the Solidarity Trade Union.

With its long and rich history and traditions, Poland regained its rightful place among free and independent nations, first as a contributing partner in the North Atlantic Treaty Organization, NATO, and last year, as a full member of the European Union. Today, Poland

continues to be our staunch ally and steadfast friend in Europe in our fight against terrorism.

Mr. Speaker, on behalf of my 111,000 Polish American constituents, I am honored to recognize this important anniversary and honor the events in Poland 25 years ago that helped restore freedom and democracy in Poland and throughout Europe.

TRIBUTE TO MR. ELMER M. EVANS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate Mr. Elmer M. Evans on his retirement from Wyeth Pharmaceuticals. Mr. Evans' 24 years of contributions to the success of Wyeth has been recognized by many.

Mr. Evans began his climb up the Wyeth ladder as a Medical Sales Representative scouting Philadelphia as his territory. During his career, Elmer has been promoted nine times, each with increased responsibility. In July 2003, Elmer was appointed to the position of Executive Product Director. In this position, Elmer directed the global marketing strategy for one of the company's specialty products. During his career, Elmer has received numerous awards for sales performance and leadership in including the company's coveted Gold Cup and President's Golden Circle Awards, given only to the top 5 percent and 1 percent of sales personnel respectively.

Mr. Evans has been married to his college sweetheart, formerly Tanya M. Allen, for 20 years. Elmer and Tanya are the proud parents of two boys, Darren, 15, and Colin, 13.

Through Mr. Evans's hard work and dedication to his career and family, he retires with many great accomplishments. In recognition of his years of service to Wyeth, I ask that you and my other distinguished colleagues rise to congratulate him on his retirement.

RANGEL FELLOWS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. RANGEL. Mr. Speaker, I rise to share an important and exciting program with my colleagues today. The Charles B. Rangel International Affairs Program was initiated from my desire that the State Department's Diplomatic Corps abroad would reflect the rich diversity represented by its people at home. The program presents young adults from diverse backgrounds the opportunity to learn, participate, and become a part of the United States' diplomatic relations.

The Honorable Gentleman from New York, Mr. SERRANO, has provided immeasurable support and commitment to this program and was of extraordinary service in commencing the program in 2001. I want to again thank him for his valuable contributions to the program.

Earlier this week, I met with the ten extremely talented Rangel Fellows who are enrolled in various graduate programs across the country with a focus on international relations and related academic programs. It was tremendously rewarding to speak to and hear from these extraordinarily intelligent, enthusiastic, well-prepared, and committed young people; many of whom have already completed Overseas State Department Summer Internships through the program. These ten fellows are currently serving in the congressional offices of Representatives ENI F.H. FALEOMAVAEGA (Fellows Melanie Bonner and Natalie Waugh), HAROLD E. FORD, Jr. (Fellow Rachel Hawkins), BARBARA LEE (Fellow Fonta Gilliam), ROBERT MENENDEZ (Fellow Breanna Green), GREGORY MEEKS (Fellow Zainab Zaid), DONALD M. PAYNE (Fellow Jared Yancey), JOSÉ E. SERRANO (Fellow David Lewis), as well as my own office (Fellow Andrea Corey). Fellow Candace Bates is completing an internship at the State Department's Bureau of Political-Military Affairs.

I want to take this opportunity to thank my colleagues and friends for the invaluable experiences that they are providing and for personally hosting a Rangel Fellow in their offices. The experiences to be obtained in here in the House of Representatives will provide insight that is a special and unique part of this program. This Capitol Hill exposure and experience will be particularly useful as they enter the State Department as junior Foreign Service Officers. Thank you for the wonderful opportunities that you are providing this summer.

It is with gratitude that I also thank Representatives BERKLEY, CHRISTENSEN, CONYERS, HYDE, KILPATRICK, MENENDEZ, MILLENDER-MCDONALD, and SERRANO for hosting fellows last year, the inaugural session of the 2004 Rangel Fellows Congressional Program.

I am extremely proud that there are currently 22 Rangel Fellows enrolled in graduate schools across the country, with a current intake of ten graduate students per year. Nine of these students are serving in internships in U.S embassies in locations around the world, including Pretoria, Luanda, Nairobi, Maseru, Dakar, Vientiane, Tegucigalpa, and Singapore. The diverse body of fellows includes Afro-Americans, Cambodian-Americans, Hispanic-Americans, Asian-Americans, and Caucasian Americans and draws on a variety of backgrounds and experiences.

Earlier this month, I was extremely grateful and proud to be greeted in Singapore by two Rangel Fellows, Chelsa Wheeler who was assigned to the U.S. Embassy in Singapore and Christen Rhodes, who was assigned to Vientiane. I met and chatted with these two amazing young women while I was awaiting the report from the Olympics Site Selection Committee.

This program is a successful collaboration between the Congress, the State Department, and Howard University, which administers the program with a cross-section of colleges and universities across the country. Former Secretary of State Colin L. Powell introduced the program on May 17, 2002 at a State Department ceremony and most recently, Secretary of State Condoleezza Rice expressed her profound support for continuing and expanding this initiative.

Although the program has several components, the two key components are the Fellows Program and the Summer Enrichment Program, SEP, a six-week program designed to expose students to foreign affairs careers and stimulate stronger interest in the Foreign Service. Approximately thirty students participate in the SEP each year and earn nine semester hours upon successful completion. Since 2003, over 53 undergraduate students have participated in the SEP, with a number being motivated to apply for Graduate Rangel Fellowships.

In the last 2 years, the components of the Rangel Program were reviewed and evaluated by the State Department and were found to satisfy the stringent requirements for inclusion in the Department's prestigious Diplomacy Fellows Program. This milestone achievement has included the program in the distinguished ranks of such programs as the Presidential Management Interns, the American Association for the Advancement of Science, and the Boren, Fascell, and Pickering Fellows Programs. As a result, fellows who successfully complete the Rangel Program and the State Department requirements will automatically receive employment offers and appointments to the Foreign Service.

I am extremely proud of this program and its contributions to this country. Not only does it expose youth from various backgrounds and experiences to the importance and significance of international relations, it creates the opportunity to diversify our diplomatic corps and to assist in their employment and service to our country. We cannot afford to overlook or underutilize any of our valuable human resources here. In America, diversity is our strength. We have so much to offer in sharing our experience and creating a harmonious society. With our Nation's growing international involvement, there could be no better time than now to attract the very best, the brightest, and the most diverse talent available to represent the American people and champion our interests in every corner of the globe.

I submit the following article from today's Roll Call on the program and the Fellows' recent visit to my office. It was indeed an honor to meet this talented group of America's future.

FELLOWSHIP FOSTERS DIVERSITY: RANGEL FELLOWSHIP FOCUSES ON FOREIGN SERVICE

Since 2003, Rep. Charlie Rangel (D–N.Y.) has been the impetus behind a program at Howard University designed to increase diversity in the State Department Foreign Service.

''Ever since I've been in Congress,'' Rangel explained in an interview, ''the absence of minorities in our embassies and official offices has been astounding.'' Every time he brought it up to a Secretary of State, however, he was told that the problem was lack of interest in the minority community.

''They said the kids couldn't pass the test, and that kids weren't interested,'' Rangel said. ''Everyone of them would have a meeting with me talking about change, and then leave office.''

That cycle changed with Madeleine Albright, President Bill Clinton's (D) final Secretary of State.

''She agreed that she would entertain a proposal, so I went to my first administrative assistant, Patrick Swygert, who had become president of Howard University.'' Along with former Secretary of State Colin Powell, a member of Howard's Board of Trustees,

Swygert drafted a proposal to create the Rangel Fellowship.

The fellowship, which pays students $28,000 a year to cover tuition and room and board, requires participants get a two-year master's

degree in a field of interest to the foreign service. International affairs is the most obvious choice, but a whole range of subjects, including foreign languages and political science, are options.

In addition to their studies, Rangel fellows are provided with two internships. One of those internships takes place on Capitol Hill in Congressional offices. Rangel is very proud of the bipartisan support he has received; participants in the program include Reps. José Serrano (D-N.Y.) and Henry Hyde (R-Ill.).

''It's a great program,'' Serrano spokesman Ben Allen said. ''It gives students a chance to see the Congressional side of government up close. The key thing is that it gives them experiences that will help them in the foreign service. The lessons that they learn here are invaluable.''

The most recent class of Charles B. Rangel International Affairs Program fellows graduated 20 participants at the end of May.

The second internship takes place in a U.S. embassy. When Rangel traveled to Singapore to make New York's case for hosting the 2012 Olympics, he was pleasantly surprised to find himself greeted by two Rangel fellows, Chelsia Wheeler and Christen Rhodes.

The fellows also participate in a summer enrichment program, a six-week program ''designed to stimulate stronger student interest in international affairs and to generate a deeper understanding and appreciation for career opportunities in international affairs.'' That program recently wrapped up and is not just for Rangel fellows; any college student who has completed his or her sophomore year can apply.

Upon graduation, students are contractually committed to at least three years of service as a Foreign Service Officer. After a training period in Washington, officers are sent out around the globe to perform consular work.

The program is directed by Kevin McGuire, formerly the ambassador to Namibia. He said that initially, the fellowship ''was designed to bring people to Washington for the summer enrichment program. This grew into the idea of a fellowship program. While we continue the SEP, the central focus right now is the fellowship program.''

The current Secretary of State, Condoleezza Rice, has also expressed her support for the program, even stating that she thinks it should be expanded, Rangel said. ''About a month ago I met with Condoleezza Rice, and she recommended I get this program going in every historically black college.'' Rangel has been thrilled by the level of participation thus far. ''It's been a smashing success. Their enthusiasm rejuvenates me. Retired black ambassadors who had to break new ground to get in the door, they are mentors for students today. A lot of mentoring goes on, and there's a lot of cooperation from the U.S. State Department.''

The Congressman believes that in a time of increased involvement with the rest of the world, the United States must make a special effort to increase the number of people in the diplomatic corps. ''We are recruiting people to keep the peace and keep the diplomacy,'' Rangel said. ''We need to reach out to people to show them how exciting the opportunity can be. We need to show them that there are different people all over the world.''

THE 31ST ANNIVERSARY OF TURKISH ILLEGAL INVASION AND OCCUPATION OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise again today, as I have for more than 2 decades, to voice intense objection to the illegal occupation of Cyprus by Turkish troops and to declare my grave concern for the future of the island. The Turkish incursion into Cyprus, 30-plus years ago, has rendered a legacy of internal division, and should worry those in this Chamber who cherish freedom and espouse the virtues of democracy.

In July 1974, Turkish troops invaded and captured the northern part of Cyprus, seizing more than a third of the island. The Turkish strategy included ethnic cleansing. Not only did the Turks expel 200,000 Greek-Cypriots from their homes, but Turkish troops were also responsible for the systematic killing of 5,000 innocent civilians. In the process, Turkey installed 40,000 military personnel on Cyprus. Today, these troops, in conjunction with United Nations (U.N.) peacekeeping forces, make the small, once peaceful island of Cyprus one of the most militarized areas in the world. Well over a quarter of a century later, approximately 1,500 Greek-Cypriots remain missing, including four Americans.

The Greek-Cypriot and Turkish-Cypriot communities are separated by a 113-mile barbed wire fence, called the Green Line. Until 2003, the Turkish Republic of Northern Cyprus (TRNC), a government formally recognized only by Turkey, prohibited Greek-Cypriots from freely crossing the Green Line to visit the towns and communities of their families. Controlling 37 percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek-Cypriot population and the resulting refugees.

More than thirty years later, despite efforts by G–8 countries and the U.N. generally, the forced separation of these two communities persists. The U.N., with the explicit support of the United States, has sponsored several rounds of proximity talks between the Greek-Cypriots in the South and the Turkish-controlled north.

The U.N. Secretary General Kofi Annan took a lead role in brokering a reunification proposal. On several occasions, my colleagues and I strongly voiced our serious concerns with the Annan plan through letters, meetings, and floor statements. We warned that the plan, as written, was not viable and did not assuage the Greek-Cypriots' security fears. Without a doubt, greater efforts should have been made to address these legitimate security concerns.

By ignoring these concerns, Greek-Cypriot voters were put in the adverse position of having to oppose the plan. On April 24, 2004, they made clear that the suggested settlement failed because it did not provide certain guarantees, nor did it ensure complete compliance by Turkey once the plan was implemented. Had their concerns been addressed, I have no doubt that the Annan plan would have received an overwhelming positive vote.

The Annan plan did not include a thorough removal of foreign troops from Cyprus. Although previous versions of the Annan plan called for the complete withdrawal of Greek and Turkish forces once Turkey joined the European Union, the final version of the Annan plan provided for an indefinite presence of Turkish troops in Cyprus. According to the plan, the number of troops would gradually decrease to 650 over a period of fourteen years.

The plan also provided for the continuation of the Treaty of Guarantee, maintaining the guarantor powers (Turkey, Greece, and the United Kingdom) the right to unilaterally intervene in order to preserve the ''constitutional order'' of the United Cyprus Republic and its constituent states. The Annan plan failed to clarify that this treaty would not authorize military intervention.

This is a critical point, because Turkey insist that it continues to have the right to intervene militarily in Cyprus.

Additionally, the Annan plan did not provide for a property recovery system that would recognize the rights and interests of displaced Greek-Cypriots, nor did it include a satisfactory property compensation system. Specifically, the plan allowed for one-third restitution and two-thirds compensation for Greek-Cypriots who would lose the use of their northern properties. The Federal Government of Cyprus would be responsible for disbursing the restitutive funds. Nine-tenths of the Federal State's resources, however, derive from Greek-Cypriots. Therefore, the plan essentially called for Greek-Cypriots to pay for the loss of their property.

In addition, the plan required constituent states to pay the compensation for property transfers. This meant that Greek-Cypriot refugees would have to request compensation from the Greek-Cypriot Constituent State. Again, Greek-Cypriot taxpayers, who were the victims of the invasion, would be paying for their own losses.

The Annan plan failed to institute policies that could have engendered cohesion between the two communities. The plan failed to provide a viable government free of built-in deadlocks and voting restrictions, establishing instead a system based on permanent ethnic division and the denial of democratic rights to a segment of the population. The plan ignored the right of all Cypriots to buy property and to live wherever they choose without being limited by ethnic quotas. Furthermore, the plan set complicated and restrictive provisions regarding the right of Greek-Cypriot refugees to return to their homes in the north. In fact, the plan mandated that no more than 33.3 percent of the TRNC population could be Greek-Cypriot. This restriction would have been permanent. In addition, under the plan, Greek-Cypriots permanently living in the TRNC and possessing its internal citizenship status would not have the right to participate in elections for its 24 representatives in the federal Senate.

Since the vote on the referenda, Greek-Cypriots have been criticized for allegedly rejecting peace and the ''only chance'' for reunification. Many people—including the Greek-Cypriots themselves—regret that the presented plan did not allow both communities to respond positively. Criticism and anger, however, will only further divide the island precisely when the Cypriot people need the support of the international community to continue on the path toward lasting peace.

Greek-Cypriots should not be blamed for voting against a plan that they believed did not

meet the interests of their country and their futures. It is one thing for others to comment on the terms and conditions for settlement, but it is the Cypriots who must live with whatever plan is adopted.

The Government of Cyprus continues to emphasize that it remains committed to reunify Cyprus as a bi-zonal, bi-communal federation with democratic and human rights for all Cypriots. The Cypriot Government has announced a series of measures aimed at assisting those Turkish Cypriots residing under the control of the occupying Turkish army. The package included a wide range of political, social, humanitarian, educational and economic measures that would enhance the Turkish-Cypriots' ability to enjoy many of the benefits that the Republic of Cyprus offers to its citizens—including benefits which result from its European Union membership. Far beyond a merely symbolic gesture, the package is a substantive program to integrate the Turkish-Cypriot community into the larger Cypriot society.

The Republic of Cyprus and Greek-Cypriots have provided the Turkish-Cypriot community more than $700 million dollars in aid. In the past two years, the government of Cyprus has paid more than $43 million dollars in social insurance pensions to Turkish-Cypriots, and Turkish-Cypriots working outside the Green Line made $7 million dollars in wages last year. Since April 2003, more than 24,000 Turkish-Cypriots have received free treatment in hospitals and medical centers inside the Republic of Cyprus, the combined cost of which totals more than $9 million dollars.

Since the invasion more than three decades ago, Turkish occupied areas have received free electricity from the Cyprus Electricity Authority at a cost of nearly $343 million dollars. Together, more than 150,000 birth certificates, identity cards and passports have been provided to Turkish-Cypriots by the Republic of Cyprus, so that Turkish-Cypriots could travel and acquire work more efficiently. The Republic of Cyprus has begun a program where it pays the full tuition fees of Turkish-Cypriot pupils in secondary education private schools in the government controlled areas. The program to date has promised more than 5.4 million in tuition fees, and the program added five times as many students this year than it did in its first year, 2003.

The occupying Turkish regime partially relaxed restrictions that limited travel across the Green Line. Since then, there have been more than five million incident-free border crossings by Turkish and Greek Cypriots to visit areas and homes that were inaccessible to them for over 30 years. As a result, Greek-Cypriots have infused more than $57 million dollars into the impoverished, Turkish-occupied economy in the North. It isn't clear whether opening the border was just a tactic to ease frustrations, or a sign that Turkey has had a fundamental change of heart. Nevertheless, it has produced rare displays of human kinship, exchanges of flowers and pastries, and emotional visits to homes abandoned in the mid–1970s.

Still, neither the Government's incomplete, albeit well-intentioned, benefit package for Turkish-Cypriots, nor the limited lifting of restrictions by Turkey's occupying regime, substitutes for a comprehensive resolution to end Cyprus' divide. I urge the Bush Administration, the United Nations the European Union, and this honorable body to respect the democratic decision of the Cypriot people, to remain engaged in efforts to resolve the Cyprus problem, and to work toward a fair and lasting reunification of Cyprus.

As Cyprus works toward reunification it is imperative that leaders and diplomats from the United States and other nations respect and observe Cypriot law and international law in their dealings with Cyprus. Recently, Members of Congress traveled directly into the northern airport of Cyprus in Tymbou. Direct flights into occupied Cyprus are inconsistent with principles of international law and in tension with domestic law of the United States. In particular, it is indisputable that international law mandates that flights cannot enter a country's airspace without the consent of the sovereign government. Indeed, the Convention on International Civil Aviation, signed in Chicago on December 7, 1944, provides that "the contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory." The Republic of Cyprus' sovereignty over the entire territory of Cyprus has been recognized and reaffirmed by numerous U.N. Security Council Resolutions, as well as long-standing U.S. policy.

Section 620C of the Foreign Assistance Act of 1961, amended in 1979, separately establishes that the United States' foreign policy towards Cyprus is to support the withdrawal of all Turkish forces from Cyprus and the reunification of the island. Any government or congressional trip will not only derail and discourage reunification efforts, but to the contrary, will be exploited as an implicit recognition of the so-called "Turkish Republic of Northern Cyprus" by the United States, thus further reinforcing the island's division.

It is my understanding that at no time has the Republic of Cyprus authorized flights into the illegal airports situated in the occupied area of Cyprus. Moreover, flights into these airports are not necessary; the Republic of Cyprus encourages visits to the occupied area in a manner that does not create insurmountable legal issues and reinforce the existing division of the island.

What is surprising and disappointing is that our own State Department encouraged these Members to fly directly to the airport in the TRNC under the guise of easing the isolation of Turkish-Cypriots. The State Department has authorized U.S. government personnel to travel directly to northern Cyprus, but they require that they must use their tourist passports. I don't understand why they are not instructed to use their official passports since they are visiting the TRNC on official business. I believe that if the legality of direct travel to TRNC were not in dispute, requiring U.S. government personnel to use their tourist passports would be pointless.

The State Department maintains that this policy is consistent with U.S. and international law and that neither U.S. nor international law prohibits U.S. citizens from traveling directly to the TRNC. While the State Department is technically correct that nothing precludes U.S. leaders, diplomats, staff, or citizens from entering the airport in the north of Cyprus, such actions do contravene the Chicago Convention and contradict established U.S. foreign policy.

I have sent letters to President George W. Bush and U.S. Secretary of State Condoleezza Rice expressing concern regarding the legality of U.S. citizens, U.S. government personnel, and Members of Congress flying directly from Turkey to the airport at Tymbou in the occupied northern part of Cyprus. The letters also requested legal clarification on direct flights to TRNC by U.S. citizens, U.S. government personnel, and Members of Congress. These letters were signed by more than thirty of my colleagues.

I think they need to be reminded that the United States recognizes the Republic of Cyprus as the only government of Cyprus, the Republic of Cyprus has not authorized flights into the northern airport, and the Republic of Cyprus and the United States are signatories to the Chicago Convention. Therefore, when U.S. citizens travel to Cyprus through the northern airport they not only undermine an ally of the United States, but they also flout U.S. foreign policy, which has been in place for ten consecutive presidential terms. As the U.S. government never would allow members of the Cypriot House of Representatives to enter the United States through an airport that is not designated as a legal port of entry, it also should discourage U.S. citizens, U.S. government personnel, and Members of Congress from doing the same in Cyprus.

Such actions do little more than undercut the reunification efforts. The Turkish invasion of Cyprus is responsible for the destabilization of the Republic of Cyprus. Likewise, unauthorized travel into the northern airport, especially by American leaders, belittles the Republic of Cyprus' authority and destroys its credibility. Cyprus' sovereignty deserves no less reverence from the United States than any other nation with which the U.S. deals and considers an ally.

American leaders should set an example for the rest of the world to follow, and in all our dealings with Cyprus, our utmost concern ought to be reunification. We should look to correct the wrong that occurred more than thirty years ago. We should work to bring about a just resolution to the situation. And, at the very least, we must act to halt the continuing injustice which the world community allows to continue in Cyprus.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, because my airline flight was delayed, on July 18th I was unable to be present for the vote on H. Res. 328, Recognizing the 25th anniversary of the workers' strikes in Poland in 1980 that led to the establishment of the Solidarity Trade Union. (rollcall number 380). Had I been present, I would have voted "yes."

PROVIDING FOR CONSIDERATION OF H.R. 2601, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 2005

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule, which prevents the House

from considering several very important amendments to the State Department Authorization Act. Among them is one that I offered that would have made the Navy's Marine One helicopter program subject to existing export control laws—that would also have limited the ability of foreign companies working on the Marine One program to sell the technology used in the President's helicopter to countries like Iran and other threats to our national security.

Unfortunately, this is a very real possibility. In January, the Marine One contract was awarded to a European consortium led by Finmeccanica Italy and its British subsidiary, Agusta Westland, and only a month later, both companies appeared at an aerospace tradeshow—in Iran. The American president of Finmeccanica's U.S. division explained his company's presence in Iran by saying ''I think they're our enemy,'' going on to explain, quote, ''In Europe, they don't call [Iran] the enemy''—as if that somehow makes it acceptable to sell them our most advanced aerospace technology.

The notion that the companies building the president's helicopter, working with sensitive American technology, may be doing business with a member of what the president himself called the ''Axis of Evil'' should give us all very serious concern. Do we want these companies to be able to easily transfer Marine One technology to Iran or other countries? Because that is a very real possibility given the contract the Navy has signed.

Mr. Speaker, few images capture the U.S. Presidency like that of the Marine One helicopter landing on the White House lawn, the president emerging from under the blades—it is ingrained in our collective national consciousness. Even 7 months after this decision was made, I still find it hard to believe that the next generation of the president's helicopters will be largely built not by American but foreign workers, with 36 percent of the work on the Marine One program performed in England and Italy. Indeed, the Navy expects to procure 32 aircraft, the first seven of which will be constructed almost entirely in England. Only the final assembly will be done in the United States. This ought to be a matter of our national pride.

While I believe that all of this work should be done in the United States, my amendment would have at least ensured that the work on this program—funded by the U.S. taxpayer, but done outside the United States—will not fall into the hands of state sponsors of terrorism.

To be clear, I have no quarrel with Lockheed-Martin or Bell Helicopters, who are partners with Finmeccanica and Agusta Westland in this program. Like Sikorsky, they make many fine products upon which our troops rely, and they employ thousands of hard-working men and women whose love of country is unrivaled. But, Mr. Speaker, the decision to award a large portion of this contract to European companies is deeply misguided and could have an adverse impact on our national security.

Mr. Speaker, the Marine One helicopter is expected to have the most advanced parts, security features, communications equipment and survivalibity of any rotorcraft in our military's arsenal. And to allow that technology and equipment to fall into the hands of threats to our national security is a risk that none of use should take. Yet that is exactly what the House Republican leadership has forced us into doing.

I urge my colleagues to reject this rule so that the House may have the opportunity to consider this critically important issue.

IN MEMORY OF BRENDA E. PILLORS, PH.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Brenda E. Pillors on behalf of Ms. Fredette West.

Mr. Speaker, on June 12, 2005, God's whisper to ''come home'' came to Brenda Pillors (Chief of Staff to Congressman Ed Towns), our sister in service and life on the frontlines in the battles and opportunities to improve life and health for all.

It is with honor that I present this special tribute in memory of our outstanding colleague and dear friend, Brenda. Today, July 20th marks what would have been a celebration of Brenda's earthly birthday. Colleagues, family and friends know that Brenda did so much to improve the quality of life for all people.

Brenda developed health policy and legislation that positively impacted public health domestically and internationally. Her expertise and outstanding contributions abound in the area of eliminating health disparities among communities of color, women and children, as well as the indigent and marginalized in society. She tirelessly worked on a broad range of social policy issues including Medicare and Medicaid, healthcare reform, HIV/AIDS, diabetes, obesity, sickle cell disease, cancer, heart disease, clinical life trials, bioengineering, health technology, alternative medicine, behavioral health, workforce diversity, and affirmative action. Likewise, she worked collaboratively with various health commissions, agencies, advisory councils, and programs including NIH, FDA, SAMHSA, CDC, HRSA, AHRQ, OMH, OCR, 10M, and the National Health Service Corps.

Brenda Pillors was always present to advocate on a range of public health issues from pharmacology, immunology, vaccines, hospitals and community health centers, men's health, environmental health, nutrition, birth defects, the uninsured and underinsured, to urban and rural health, infant mortality, head start, mental health, primary care practitioners and community health workers, researchers, private and public sector officials, and on behalf of everyday citizens like you and me. Her presence and tremendous heart still have far-reaching impact.

We will always remember you Brenda. Your dedication, commitment, leadership, expertise, understanding, voice, smile, and laughter will forever live in our hearts. Brenda Pillors was a true leader in the area of public service and an exemplary servant in God's army of love.

My ''sister'' we'll miss you always. Your legacy of achievements is written in the hearts of those you touched. Your presence and legacy is embedded in the walls and along the halls of the U.S. Congress, and is also written throughout the CONGRESSIONAL RECORD and in legislation, Congressional hearing questions, transcripts, committee, conference, and agency reports.

Brenda truly lived a purpose driven life. Thousands of lives have been improved and saved because of her life's works. The majority of the people who have and will benefit from her work will never know her. The lives and bright futures of generations to come will benefit from her work. We have always been proud of Brenda.

Dear Brenda, we thank, salute, and honor you. Our ''sister in service'' who endeavored throughout her life to ensure justice and equality for all—Brenda Pillors, PhD.

Mr. Speaker, on this day that would have marked Brenda's 53rd birthday we reflect on our love, appreciation and respect for Brenda Pillors. We thank God and her family for sharing her with the nation, the world and us.

IN MEMORY OF CONGRESSMAN JAKE PICKLE

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I submit this statement for the RECORD.

EULOGY FOR J.J. PICKLE

(By Dr. William H. Cunningham)

Jake Pickle always referred to The University of Texas at Austin as ''my University,'' and no one ever had a greater right to that claim. When Jake said that, it was an expression not of what The University owed to him, but of his abiding love for it and all that he wanted to do to benefit it.

And benefit The University he did. Across all the generations, since The University was only a dream in the heart of Dr. Ashbel Smith, no one has ever loved The University of Texas more than Jake Pickle.

No one ever stood by The University with greater loyalty in its time of need.

No one has ever worked harder to help it realize its vision of greatness.

No one has ever given it wiser counsel or embraced it with greater love.

And The University never had a greater friend.

So today we remember and celebrate a man in whose heart The University held a central place. And we remember and celebrate also the fact that Jake Pickle was central to the rise of The University as an internationally prominent institution.

The story of The University's development and flourishing since the mid-20th century is a complex one, with many chapters and versus and many personalities. But no one should ever underestimate the crucial importance of the fact that during much of that time The University was represented in Congress by Jake Pickle.

I had the good fortune to talk with Jake on many occasions about his experiences at The University, and he often said that his decision to enroll at U. T. was one of the most important decisions he ever made.

To a large extent, we can thank the Great Depression for that decision. Jake's older brother and sisters had gone to Baylor, and everybody was assuming that Jake would follow them, but the Depression intervened and changed his plans dramatically.

By the time Jake graduated from high school in his home town of Big Spring in 1932, the family could no longer afford to send him to Baylor, so Jake decided to enroll at The University.

Jake's father had saved a grand total of $65 to get Jake started as a freshman in September of 1932. Tuition was $25 a semester, and Jake's room at the Little Campus Dormitory was another $25, so that left him with $15 for books and everything else.

He soon got a job delivering milk to the other residents of the dormitory and made as much as twenty five cents a day—enough to buy a full meal.

But even more important than the money, Jake told me that his milk route enabled him to get to know the other 140 students in the dormitory, and those friendships later became the foundation of his success in campus politics—which, in turn, laid the groundwork for his success in politics in the wider world.

Like Jake, those boys were from relatively poor families, drawn to the university from all over Texas by the opportunity it offered for an affordable education, which in turn provided a lifetime of additional social, economic, and political opportunities.

With those 140 friends from Little Campus spread out across the university, Jake found that he had a strong base of support when he ran for the Student Assembly and the Texas Union Board.

He later combined that base with the growing circle of campus friends and supporters that he and fellow student John Connally attracted when each of them ran for president of the Student Government. By the way, each of them served as the other's campaign manager in those elections.

Jake served as president of the student body after he entered law school in 1937, and Connally was elected the next year. They both ran as ''independents,'' rather than as representatives of the powerful fraternity and sorority cliques, but they also had a lot of support through the Delta Theta Phi fraternity—a group that Jake said went by the nickname of the ''Dollar Thirty-Fives.''

Campus politics was a serious contact sport in those days, and more than one political rival learned that Jake Pickle and John Connally were formidable politicians.

As Jake told me: ''At first Connally and I went in with the fraternities and sororities and other groups in what we called the People's Political Party, but the fraternities decided that the Little Campus men were becoming too powerful so they kicked us out. So then John and I joined together and organized all the independents, all the dorms and boarding houses, and everything else on the campus. We divided the campus into precincts and had a chairman for every one. We found that there were more have-nots than haves.''

Jake called the experience ''the best political training anybody could have.''

He told me another great story about his campaign for student body president. There were three candidates—Bob Eckhardt, who was another independent like Jake, and Ramsey Moore, who was the candidate put forward by the fraternities and sororities. Jake and John Connally were worried that the independent vote would be split, thus giving the election to the Greek candidate.

First they tried to persuade Bob Eckhardt to drop out, but when that didn't work Connally came up with the idea of having a runoff election if no one won a majority. They researched the matter and found that it was permitted by the student constitution although, apparently, student body presidents had always been elected with just a plurality of the votes. Whether to have a runoff became a major issue across the campus, and Jake and John stirred up student opinion and circulated a runoff petition, so the Greeks finally had to accept the idea or appear to be undemocratic.

Well, the runoff plan backfired, because, to everyone's surprise, Jake came out on top in the first round of voting! If they hadn't sold everybody on the runoff, Jake would have been elected that night.

Jake told me he went to see Dean Shorty Nowotny to ask him what he should do—have a runoff or not—and Shorty told Jake it was up to him. Jake wrestled with the idea of ignoring his own runoff petition, but he finally decided that going ahead with the runoff was the right thing to do.

Jake went on to win the runoff election and take office as president!

That campaign was also notable for Jake's use of his now famous ''Pickle Pins.'' He got the idea from the H.J. Heinz Co., which had given away the green pickle-shaped pins at a World's Fair. Jake said he wrote to Heinz and asked to have any of their old pins, and they sent him five thousand of them. He and his volunteers covered up the Heinz name and wrote ''Jake'' across every one of them!

Jake never forgot the way The University brought together people from all walks of life, from every station in society and from all economic backgrounds, and gave them all a chance to achieve and excel.

He never forgot the friends that he made during his student days and the hardships and triumphs that they shared. And, of course, he never forgot The University itself.

When Jake first ran for Congress he campaigned on the idea of strengthening the Balcones Research Center and developing it into a truly world-class research and development facility. Building on the work of Lyndon Johnson and others through the years, Jake helped The University finally gain title to the Balcones site in 1971, and he contributed in many ways to advancing the status of research facilities at the site. Much of this work was accomplished through Jake's chairmanship of the House Science, Space, and Technology Committee.

In 1994, The University of Texas System Board of Regents renamed the Balcones Research Center as the J. J. Pickle Research Campus in honor of Jake's noble work in support of this outstanding educational enterprise.

Jake's tireless labors on behalf of The University frequently encompassed the arcane nuts and bolts of federal tax policy, and he got things done that nobody else could have. For example, he helped get University oil revenues excluded from the windfall profits tax of the 1970s. And another time, he was instrumental in passing a tax credit that helped direct private-sector resources into university research and development—not just at U.T. but at universities across the nation.

And he was a genius at finding ways to get the federal budget to come to The University's rescue in a time of crisis.

I know that Provost Gerry Fonken, Vice Provost Steve Monti, and Dean of Engineering Herb Woodson will never forget the day back in 1991 when we met with Jake at the Willard Hotel in Washington to try to save our microelectronics building from disaster. Somehow, The University had ''value engineered'' enough money out of the project so that upon its completion it was nothing more than a shell of a building. This $10 million problem was presented to the Board of Regents by U.T. System Chancellor Hans Mark and Executive Vice Chancellor Jim Duncan. I was called in to explain how I was going to solve the problem. I turned to the Regents and said I have a plan. Fortunately for me, they accepted my brash confidence and proceeded to the next item of business. Unfortunately for me, I had no plan.

However, I did know how to call my Congressman, our Congressman, the Congressman Jake Pickle.

Within two weeks of the Regent's meeting, Gerry, Steve, Herb and I were nervously waiting in the dining room of the Willard Hotel to meet with Jake. He and Beryl came charging into the dining room.

Jake was running his hands through his hair, and he announced before he even sat down, ''I don't know what the problem is, but I will solve it!'' Within one hour he laid out a strategy that involved Jim Wright, Lloyd Bentsen, and Phil Gramm. With a little luck and lots of hard work, in less than two years Congress implemented the Pickle plan and The University was able to successfully ''compete'' for a special $10 million package to support microelectronics and material science.

Now that's the kind of Congressman everybody ought to have!

When I think back across the years and recall all those times that I had the good fortune to meet with Jake, two over-riding impressions stand out.

First, it was clear that he was a man who combined the qualities of uncommon vision, boundless energy, and enviable political skill—and that he was always instantly ready and will to bring those talents to bear for the benefit of his University and its succeeding generations of students.

And second, it was always clear that underlying everything Jake did was his great love of people, the immense joy that he felt just by being in the company of other people—listening to them, caring about them, sharing stories and memories, and, yes, sharing with them the dream for a better future.

In all these ways, Jake embodied the spirit of American democracy at its best—a spirit of optimism and hope and good cheer; a spirit of inclusiveness and opportunity; and a spirit of public service that embraced honesty, hard work, practical problem solving, and faithfulness to the fundamental values and principles of representative government.

We all loved Jake, and we will always treasure his memory—a memory that will last for as long as the lights on the U.T. tower orange and for as long as young Texans continue to come to Austin seeking education and opportunity at Their University.

Jake, we love you, and HookEm' Horns!

IN REMEMBRANCE OF J.J. JAKE PICKLE

SPEECH OF

HON. LLOYD DOGGETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. DOGGETT. Mr. Speaker, I submit the following eulogies honoring, J.J. Jake Pickle the Doggett Special Order.

(By Peggy Pickle)

AUSTIN, TX, June 22.—Good afternoon! Hot tamale!!! This is not going to be a sad funeral. This is a celebration of a remarkable life. I'm Jake and Beryl's daughter, Peggy. My father asked me to speak on behalf of our family at his memorial service.

Everyone in this sanctuary knows what kind of man Jake Pickle was. Most of you are familiar with his life and career: born in West Texas in 1913, attended the University of Texas, served in the Navy during World War II, had a lifetime love affair with politics which included 31 years representing the 10th Congressional District of Texas in the United States House of Representatives. He had two wives, three children, six grandchildren, and four great-grandchildren.

He was a tolerant and demanding man. Tolerant because he didn't believe in forcing

his opinions on others. Demanding because he had high standards for himself and those close to him.

It is trite to say that a person left this world a better place, but in his case it is true. Hardly a day goes by without my being stopped and told, ''Your father helped me when my Social Security benefits dried up,'' or ''When my son was injured in Vietnam, Jake Pickle cut through the red tape and got him home.'' What Daddy loved about serving in Congress was the clout he used to get things done. He considered his staff family. Together they accomplished great things.

But my assignment today is to talk about Jake Pickle from the standpoint of his family. He was the fourth child in a tight-knit family of seven whose values and work ethic defined the rest of his life. Jake's sister Judith and brother Joe and their families are in this audience, along with the families of deceased sisters Janice and Jeanette. The familial bonds which sustained Jake as a child taught him to treat people and relationships with respect.

Jake and Beryl both endured the loss of their first spouse—my mother, Sugar, in 1952, and Beryl's husband, Graham McCarroll, in 1948. In 1960, Beryl and Jake married and began their own family: Jake, Beryl, Dick, Peggy, Graham and a goofy collie dog named Ike. It was a semi-normal life for two years—and then Jake up and announced he was running for the U.S. Congress!

Having Jake Pickle for a husband and father was an interesting experience. He was gone a lot. Except in cases of family emergency, work came first. He was ''On Duty'' every day except Christmas, and even then if a constituent had trouble. He believed that public officials are answerable to The People 24-hours-a-day, so our telephone number was listed in the phone book. The phone rang all the time, sometimes at 3 a.m., when the constituent was drunk or had an ax to grind.

Jake loved to work the crowd. One of his favorite places to eat was Luby's Cafeteria because there was that long line of people whose hands he could shake. We all know Jake was tight with a buck. Once he said to me, ''If you've got some money, I'll take you to Luby's.''

Sometimes Daddy worked the crowd when I least expected it. One morning 20 years ago, I drove out to Dillards in Barton Creek Mall to buy, of all things, a Weed Whacker. I got there early so I could cut my grass before it got hot, so I was there when the doors opened. I rode the escalator up to the second floor, picked out a Weed Whacker, and took it to the register.

By now it was maybe 10:05 a.m., there were few people in the store, and nobody but me in the appliance department. When I wrote the check and gave it to the clerk, he looked at my name on the check and said, ''Pickle? Are you related to Jake Pickle?'' I said I was.

''Well by golly,'' the guy said. ''Mr. Pickle was here this morning, you just missed him.''

''But how?'' I stammered. ''The store just opened!''

''Oh, he addressed our employee meeting at 8 a.m.,'' the clerk said. ''Everybody ate in the lounge. That man sure seems to like his job!''

So I paid for my Weed Whacker and left. It was funny, but it also gave me an eerie feeling that Daddy could be anywhere, and probably was. He was always ten steps ahead, with the rest of us scrambling to catch up.

Jake was quick to make friends and quick to forgive. It was a wonderful trait for a politician because he made few enemies and nursed no grudges. Both Democrats and Republicans voted for him and worked with him; Jake wasn't partisan, he just wanted to get things done. If at times it was hard to have a legend in the family, it also made us proud. We knew that he was the Gold Standard. The usual temptations like money, women, alcohol and power were no match for Jake's addiction: work. Growing up surrounded by politics, I cannot describe the comfort of knowing that no matter what nastiness was abroad, I would not open the newspaper and read my father's name tainted by scandal.

Daddy was a great motivator, and not only about Congressional business, but about Jake Pickle business: his bees, his garden, his pear relish, his longhorns, his stumps that needed rooting at Niederwald. He rallied people with such enthusiasm that it was only later, when you went home, that you realized your aching back and calloused hands were all you had to show for his project.

Two of Daddy's other projects concerned Christmas. For years our family had a ''Hats Off to Christmas'' tradition on Christmas morning, as Jake and Beryl distributed hats they had gathered during the year while on junkets—oops!, I mean ''fact finding tours.'' During the 1990s, Daddy, dressed as Santa, arrived in increasingly outrageous ways: in Don Cook's Model A Ford, in a fire truck, on a donkey, in a sidecar motorcycle. He always claimed he wanted to arrive by climbing down a rope ladder from a hovering helicopter, but thank God, he never tried it.

Jake didn't care much about stuff—life's fancy trappings—and looking ridiculous never occurred to him. In 1961, when Jake had just been appointed Texas Employment Commissioner, he often drove Dick's used car to work at the fine new TEC office in the Capitol Complex. Dick's '52 Ford was rusty gold, with a '55 front grill, '53 headlights and two bent antennas, but to the new TEC commissioner, it was damn fine transportation.

Years ago in Washington, Daddy had a vivid dream in which he was being chased by a bear. In his sleep, he hollered and flew out of bed, cracking his head on the bedside table. Beryl woke to find him holding his bleeding nose, but happy he had outrun the bear. For weeks, my father went to work on Capitol Hill with black eyes that faded to green and yellow. Cheerfully, he told everybody about his dream—and his narrow escape. I always wondered what people thought. Probably oh, that's just Jake!

He was a stickler for details, always carrying around a piece of paper and a pen in his coat pocket so he could make notes. It will surprise no one that he helped plan this funeral. He was habitually late because he was always coming from another event—and on his way to the next one. His memory was phenomenal. When he ran into a constituent, he remembered their name, their spouse or where they worked.

He loved his family and friends, ice cream, a good story, playing the harmonica, Christmas, the University of Texas, this church, the principles of Democracy, banging on the piano, the hymns of his childhood, dominoes. . . . and a thousand other things. He was innately curious and asked questions constantly. He was a very tough old bird. He endured treatment for cancer which at his age should have killed him, but he hunkered down and got through it. He won remission from cancer an incredible five times. Being weakened irritated him; it cut into his schedule! Right up to the end, he found life interesting. Mom and Pop Pickle whispered in his ear: he always tried to do the right thing.

After my father retired from Congress, and during the years of his decline, many of the people in this Sanctuary—and others not present today—came to visit Jake and Beryl. If he worried that once out of the public eye, he would be forgotten, he needn't have. On behalf of our family, we thank you. Your visits, laughter, advice and friendship meant the world to them.

My father's legacy is considerable. There are buildings, schools, research facilities, an airport runway and children named after him. Legislation he helped pass changed this country for the better. He counted the mighty among his friends, but treated no person better than another.

But of all his legacies, the one I'm most grateful for is his allowing me to be my own person. He raised me with easy affection instead of a preconceived idea of how a little girl should act. As an adult I have come to understand that the worst thing you can do to any person, especially a child, is to stifle their spirit. Jake Pickle made you want to do your best. I can think of no greater accolade for any person.

I enjoyed a 59-year relationship with my father. Because he was ill for a long time and I witnessed his suffering, I've already grieved for him. I do not grieve for him today. Instead, I am proud of the person that he was and the life he tried to live, right up to the end.

We have other speakers today. As Daddy would say, ''Keep it short. People need to get back to work!''

Thank you for being here to help us say goodbye.

EULOGY FOR CONGRESSMAN J.J. PICKLE

(By Paul Hilgers)

AUSTIN, TX, June 22.—Surely you would all know that it is a great honor to be asked to represent the people who worked on Mr. Pickle's staff.

Once you were on the staff, it was a lifetime appointment. Whether you were on the payroll or not, it did not matter. We work for him because we love and respect him.

Like all Pickle staffers, I never knew how hard I could work in one day, or how many people I could help in one day until I started working with Jake Pickle.

We are a proud bunch, those of us who worked in the ''Pickle Factory'' as we called it. I would like to ask all of you who served on Mr. Pickle's staff to stand. There are many more who could not be here today and a few were already doing advance work in heaven.

Those who worked in his office understood the importance of their job. Whether it was the District Director, the Administrative Assistant who ran the office in Washington, the legislative assistant, the caseworker, or the person who was on the real front line answering the phone and greeting people, he made you feel that what you were doing was critical. He knew that it all had to work together to properly serve the public. He valued the role we each played.

We have a bond that will never be broken, built upon his singular dedication to public service. It is a bond built upon the common experience of knowing this very uncommon man who was so proud of the service we provided together.

We are also bound together by the great Pickle stories. Now, Dr. Cunningham, I need to mention just a couple that escaped your remarks about his time at the University. Like the time he got caught stealing turnips from one of his professor's garden. And, while he did love being in Little Campus, there were stories about nailing their roommates furniture upside down to the ceiling. There are so many stories, way too many stories to tell.

So, when the staffers get together, only a word or a phrase is needed to spark memories of the experiences we shared: squeaky pickles, the county black books, 1000 acres of beautiful topsoil, the Pickle Float, full tank

of gas and an empty bladder, retrieving that Stetson, the dry run, the Virgil Conn story, playing the harmonica and the piano, the pump organ.

There were the annual episodes of serving Venison Chili to the entire House of Representatives every Texas Independence Day, or feeding catfish from the Inks Lake Fish Hatchery to the Interior Appropriations Subcommittee.

And stories about parades! Parades with and without squeaky pickles, cars that worked, and cars that did not. Once, there was a car with a stick shift that Ms. Pickle had to drive.

Always a convertible so he could be seen and so he could throw his pickles. Parades where he was the Grand Marshall and the first car in the parade, and the one where he followed the horses, after his third parade of the day.

At the end of the parade route—Mr. Pickle would stop the car, get out and walk both sides of the route personally shaking every hand and handing out more squeaky pickles.

Most of all he was fun—he was fun to be with.

Our stories are his lasting legacy to us—which is fitting because he was the master storyteller. He knew how to use humor to communicate his message. He would make people laugh, just before he would make them think about a serious issue facing our Nation or our community.

Staffers who took Mr. Pickle to an event were asked two questions just as we arrived: (1) ''what is my key message'', and (2) ''tell me something funny to say.'' We had the old regulars—the Claude Pepper story, the Round Rock story, Dollars for Democrats, but not a Nickel for Pickle story. Many times he would turn to Mrs. Pickle for some of his best material.

We worked hard but his sense of humor made the job enjoyable. But, no one worked harder than he did.

He would start the week with a 6:20 a.m. flight to Washington on Monday mornings. He would put in 15 hour days in Committee hearings, holding meetings with people from the District or from associations and businesses, casting countless votes on the floor of the House, working the phones, signing the mail, reviewing legislation, and then attending 2–4 receptions before going home to Ms. Beryl.

He would keep that schedule everyday until Friday about 12:00 noon when he would fly back to Austin at 5:00 p.m. We would go immediately to the office where he would sign all the mail that had been prepared by the District staff that week. He signed virtually every piece of mail that went out of his Office. This is how he kept up with what was happening to his constituents.

We would often sign the mail on Friday and see one of those constituents at an event that weekend. He would tell them how their case was going, or that we had just sent off the letter. That made an impression on people—they knew that he cared.

He would go to Church on Sunday and we would have some event that evening before I had to get him back to the Airport on Monday mornings. No matter how tired I would get, spending the weekend with Mr. Pickle would re-energize you. His love of public service and his energy was contagious.

He campaigned even harder! He was relentless. On weekends, we would have to have three shifts of staff just to keep up!

So many times people would say . . . he is the only Democrat I ever voted for . . . or, I don't always agree with him, but I always voted for him. He wanted every vote. He earned every vote.

Just one example: a person came to him and asked for help in finding a job—just one of thousands who asked for help. Mr. Pickle sent out the man's resume a number of times who always seemed to be a finalist for the job, but without success. After several months of writing letters and requesting interviews, I asked Mr. Pickle one day while I was driving him home if he had not done enough and why he was trying so hard to help this man?

He looked at me and said simply, ''Paul, the man asked me for help. Is there any other reason that I need to try and help him?'' He loved helping people.

Mr. Pickle represented the people of Central Texas to the Federal government, but he was also a representative of the Federal government to the people of Central Texas. He loved welcoming people from the District to Washington. No one gave a tour of the Capital like a Jake Pickle tour of the Capital. He took people in places where you just are not supposed to go. He made the Capital come alive with its history.

He had a vision and a love for Central Texas that no one could match. He was our strongest lobbyist and he lobbied for so many things in addition to UT and SEMATECH. Boggy Creek, a Wildlife Refuge, airports (big ones and small ones), the right of way for MoKan. He worked on behalf of the Austin Housing Authority, the Boy Scouts, Veterans Outpatient Clinic, IRS Service Center, the LCRA, Bergstrom Air Force Base, Flood Control on the Upper San Marcos Watershed, the Visitors Center at the LBJ National Park, the Gary Job Corps, and literally a thousand other things for Central Texans.

Yes, Mr. Pickle worked hard for Central Texas, but he was one of Washington's most respected members of Congress. He believed in having personal relationships with other members of Congress . . . on both sides of the aisle. This is evident by those in attendance today.

Integrity, Honesty, Loyalty, Courage, Determination, Tenacity—these are the qualities that he relied upon to become a trusted legislator. These are the qualities that defined Jake Pickle.

Of all of the legislative work and votes over 31 years, he took the greatest pride in one of his first: the Civil Rights Act. He would get tears in his eyes every time he told the story when President Johnson called him the night the Civil Rights Act passed. The President demanded that Mr. Pickle call him no matter what time of night so he could tell him how proud he was of his vote.

He was also proud of his work as Chairman of the Ways and Means Subcommittees of Social Security and Oversight. His most important legislative accomplishment was in maintaining solvency of the Social Security system in 1983. He worked closely with Senator Bob Dole on legislation that represented a bi-partisan approach to the problem. He told me many times that providing a sense of security to tens of millions of Americans gave him a deep sense of pride and meaning.

Third, was his work in the area of pensions and pension reform. He could see problems in the system long before they became the crisis they are today. In fact, if not for some of the reforms he put into place, the crisis would be much greater today. He would say pensions are not a very newsworthy subject, but it was damned important to families counting on them.

The J. J. Pickle formula for success in government was really very simple: a dedication to public service plus a love of helping people, multiplied by a deep faith in our system of government.

He placed the highest priority on constituent service because he thought the highest calling of government was to help people with their problems. He was committed to being responsive and accessible.

Mr. Pickle often referred to the Congressional Office as ''the big buffer'' between the individual and ''big government.'' It was the place where any citizen, rich or poor, democrat or republican, could come for help when there was nowhere else to turn.

Finally, Mr. Pickle had a truly unique ability to balance a short-term immediate focus with his long-term vision. He taught us that the best public policy always made the best politics.

Social Security legislation was to be based upon solvency of the system, pension policy based on protecting the pension holders not big business, civil rights legislation based on justice and equal protection.

Locally, his long-term vision included the need for inter-modal transportation systems, two runways at Bergstrom Airport, flood control systems, public power, solar energy, habitat for endangered species and protection of water quality, a first class research facility at UT's Balcones Research Center that bears his name.

There is a phrase he used in some of his later speeches, ''In the Shadows of Greatness''. Referring to the portion of MoPac north of U.S. Hwy 183 that runs between MCC and the J.J. Pickle Research Campus—he talked about how people would drive through that corridor not realizing that they were actually traveling ''in the shadows of greatness'' because of the world class research being conducted in the buildings they were passing by.

Those of us on the Pickle staff understand a different meaning for this phrase. We worked in the Shadows of Greatness every day we were with him. He had an impact on this world and particularly on this community that is—as he predicted—already being forgotten by most.

But, his fingerprints are everywhere. His legacy of public service, of loyalty to his University, of his commitment to good and responsive government has been recognized through the naming of the Federal Building, the Research Center, the Elementary School, the Pickle Runway at Bergstrom Airport, and even a peach orchard on Town Lake.

So, on behalf of your eternal staff . . . we will never forget what you taught us. We will always celebrate and treasure our time with you. My prayer is that you are already—cheating at dominoes with all of your friends—friends who have been waiting so long for you. I am confident that the quality of life in heaven just got better.

God Bless You, Great Leader, for your service, for your legacy, for giving us the opportunity work in your great shadow!

We had a great ride!!

MR. JOHN L. PROCOPE, PUBLISHER, ENTREPRENEUR, AND EXEMPLAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor an outstanding newspaper publisher and business entrepreneur who pursued a successful career in business while remaining rooted in the community and opening many doors of opportunity for others. Mr. John L. Procope was an important voice in Harlem politics, society, and education and his influence and impact was felt beyond his home community in the City of New York and the nation. He passed away on July 15, 2005.

In 1971, John and a group of five co-owners bought the Amsterdam News in Harlem and

kept an important black newspaper alive and running in a community that needed and wanted to be kept abreast of events in Black America. Through his work as the paper's publisher, he ensured that the community was aware of issues of importance to them and knowledgeable on the events of the day.

Through his ownership of the Amsterdam News, he worked to inform, educate, and activate a community which had suffered through difficult times and knew that to improve their stake in society they would have to be diligent on the issues. He did not stray from controversial topics or fail to express his opinions in the best interest of his community.

Following the riots in reaction to the 1977 blackout in New York, John was outraged by the reaction of the black community and readily expressed his criticism of young alienated Blacks and the lack of black leadership in properly addressing the situation and providing hope for future generations. John would later head up the Emergency Aid Commission to provide grants to local businesses harmed by the looting that ensued from the blackout. He impressed upon the community and its political and social leadership the importance of building up and supporting local businesses, rather than tearing them down and destroying their economic ability.

John Procope saw the value of investing in local businesses in our communities. He encouraged entrepreneurs to not only provide jobs to young people and the poor, but to provide opportunities to develop their skills and nurture their talents within the community. John and Ernesta, his wife, were strong advocates of the Fair Access to Insurance Requirements plan in 1968 and have continued to work in highly visible ways to address critical issues and to support humanitarian and cultural causes within the community.

Though John passed away at the age of 82, he led a full and rewarding life. He championed the good causes, fought the right fights, and demanded the most of himself and others. I knew him as an exceptional individual and a trusted friend. The attached obituary from the New York Times (July 18, 2005) highlights the life story and accomplishments of Mr. Procope.

JOHN L. PROCOPE, 82, PUBLISHER OF BLACK NEWSPAPER IN HARLEM, DIES

JULY 18, 2005.—John L. Procope, an entrepreneur and former publisher of The New York Amsterdam News, died on Friday. He was 82 and lived in Queens.

The cause was complications from pneumonia, according to E. G. Bowman Co., where he had served as chairman.

Mr. Procope, a graduate of Morgan State University, was a marketing and advertising executive at several companies before he joined a consortium that bought The Amsterdam News, a black newspaper based in Harlem, in 1971. He was one of six co-owners of the newspaper when he succeeded Clarence B. Jones as publisher in 1974.

After the 1977 blackout and the resultant looting, Mr. Procope broke the traditional restraint of vocal criticism against other prominent blacks.

He published a blistering front-page editorial that contended that there was a ''massive vacuum of leadership in the black communities across the city.''

The editorial said that since black leaders ''hadn't exercised real leadership prior to the blackout, there was no established communication with our young people to use as a base for communication when the looters began.''

He was appointed chairman of the seven-member Emergency Aid Commission, which disbursed about $3 million in grants to businesses hurt by the looting.

In the late 1970's, two co-owners of The Amsterdam News tried to remove Mr. Procope as publisher, saying that business contracts his wife, Ernesta G. Procope, had with the city resulted in a conflict of interest—a contention the Procopes denied.

Mr. Procope left the newspaper in 1982 to focus on E. G. Bowman, an insurance company that had been founded by his wife that was one of the first major African-American-owned businesses on Wall Street. The company's client list started with underserved Brooklyn homeowners but grew to include Fortune 500 companies.

Mr. Procope and his wife were a driving force behind the creation of the Fair Access to Insurance Requirements plan in 1968 to help make insurance available to all residents of New York State. He and his wife were also highly visible in political and philanthropic circles.

In addition to his wife, he is survived by two sisters, Dr. Jean Martin of Bloomfield, Conn.; and Jonelle Terrell of Manhattan.

CONGRATULATIONS TO SPECIAL OLYMPICS ON 37TH ANNIVERSARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take this opportunity to congratulate the Special Olympics on the celebration of their 37th anniversary. When the Special Olympics was founded in 1968, individuals with developmental disabilities were all too often separated from their families, as well as segregated from their communities. My aunt, Eunice Shriver, was able to see the potential of individuals with intellectual disabilities through her sister, and my Aunt, Rosemary. She was confident in her, and other disabled individuals', ability to participate in a meaningful way in their communities. By using sport as a vehicle and stage for demonstrating the dignity and capability of people with intellectual disabilities, Mrs. Shriver recognized the impact not only on the athletes themselves, but on the nation, as well. When the first International Special Olympic Games were held in 1968, 1,000 athletes participated from 26 states and Canada. Today, the Special Olympics serves more than 1.73 million athletes in 150 countries around the world.

The Special Olympics goes far beyond serving the athletic needs of their participants, and has recently developed an initiative to provide much needed medical health services titled ''Healthy Athletes.'' Special Olympics ''Healthy Athletes'' improves access and health care for athletes at event-based health screenings, as well as makes referrals to local health practitioners when necessary. The data collected during these screenings also provides valuable information on the specific health needs of individuals with intellectual disabilities. In fact, data from the 2003 Summer games showed that 30 percent of all athletes reported never having an eye exam and also referred 23 percent of athletes for follow-up by a physical therapist.

The benefit of the Special Olympics to athletes, families, volunteers, and coaches cannot be adequately measured by statistics and numbers, but can be best represented by the recognition of the potential of individuals with intellectual disabilities by our society. Congratulations to the Special Olympics on 37 years of extraordinary service.

THE 31ST BLACK ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. CROWLEY. Mr. Speaker, I rise today to recognize the 31st Anniversary of the Turkish Invasion of Cyprus. First, I would like to acknowledge Representative BILIRAKIS and Representative MALONEY for their efforts in bringing this issue to Congress.

Today, as you well know marks the Anniversary of a day 31 years ago when the people of Cyprus's lives changed. In 1974, Turkish forces invaded Northern Cyprus and seized control of more than one-third of the Island. Cyprus has for the past 31 years been divided by a 113 mile barbed wire fence that runs across the island. Therefore, Greek Cypriotes are prohibited from visiting the towns and communities where their families have lived for generations. In 1983, illegal occupiers of the island declared the territory to be an independent state and called it the ''Turkish Republic of Northern Cyprus,'' a country which today remains shunned by the International Community and is not recognized by anyone besides Turkey. Currently there are over 35,000 Turkish troops illegally stationed and it continues to be one of the most militarized areas in the world.

I commend the United States Government, the European Union and the United Nations for encouraging a solution to the problem plaguing Cyprus. I sincerely hope that by taking a stance today, we can promote a renewed effort for direct negotiations and help the Greek Cypriotes get back what is rightfully theirs.

I would like to express my support of the Greek Cypriotes who have been disenfranchised for generations and continue to be mistreated today.

HONORING THE PLEASANT GREEN BAPTIST CHURCH

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. BOUSTANY. Mr. Speaker, I want to acknowledge the contributions of a very special church in Louisiana's 7th Congressional District.

The Pleasant Green Baptist Church has been an important part of the Sulphur community and on July 31, 2005, Pleasant Green will be celebrating its 100th anniversary.

The church's current leader, Rev. James Gatewood, is a dedicated servant. His success and the church's strong presence are directly attributable to the faith, generosity, and contributions of the congregation. The church

has been an important part of the moral fabric of Southwest Louisiana for 100 years and I am confident Pleasant Green Baptist Church will continue to be a valuable community member for many years to come.

Today I want to recognize and congratulate the church and its congregation, for reaching this historic milestone.

PROVIDING FOR CONSIDERATION OF H.R. 739, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005; H.R. 740, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005; H.R. 741, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005; H.R. 742, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to H.R. 739, H.R. 740, H.R. 741, and H.R. 742.

Today, America's workers need the protections provided under the Occupational Safety and Health Act more than ever. Each year, 6,000 workers die in workplace-related accidents, and 50,000–60,000 people die from illnesses caused by their jobs. The protections in OSHA ensure what our Nation's workforce has fought for and deserves—a safe and healthy workplace.

Instead of strengthening these worker protections, the bills before us today are an attack on the very intent of these important safeguards.

The first bill, H.R. 739, excuses employers that fail to respond to OSHA citations within the 15-day deadline. The Occupational Safety and Health Review Commission (OSHRC) already has the authority to review missed deadlines on a case-by-case basis. This change removes the incentive for employers to quickly respond to hazards. Meanwhile, the safety and health of workers hang in the balance.

H.R. 740 seeks to expand OSHRC to five members and require that all members be lawyers. Since the Comnission was established in 1970, it has been composed of three members and has benefited from the expertise of those not holding law degrees. This change inaccurately reflects the workload and responsibilities of OSHRC and unfairly excludes the contributions of members with strong backgrounds in safety and health.

H.R. 741 transfers the authority to bring cases to the Court of Appeals and the Supreme Court from the Secretary of Labor to OSHRC. This modification overturns a 1991 Supreme Court decision and undermines the Secretary's responsibility to enforce OSHA policies.

The biggest blow delivered by H.R. 742 requires OSHA to pay attorney's fees for every case it does not win, regardless of why the case lost or how well-justified it was. This places the burden of these cases squarely on the taxpayer and leaves America's workforce more vulnerable than ever.

The substitute amendment offered by Congressman GEORGE MILLER to raise the minimum wage has my full support. It is unacceptable that employees working 40 hours a week, 52 weeks a year, for minimum wage earn only $10,700 a year—$3,400 below the poverty line for a family of three. American full-time, full-year workers should not be forced to raise their families in poverty. It is unfortunate that this amendment was not made in order by the Republican leadership, as this raise would have benefited over 11 million American workers and their families.

The hard-working men and women of this country deserve to be protected and safe in the workplace, Mr. Speaker. That is why I urge my colleagues to vote against these ill-conceived bills.

TRIBUTE TO BEN BALL OF MOREHEAD CITY, NORTH CAROLINA

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 2005

Mr. JONES of North Carolina. Mr. Speaker, I rise today in sadness to note the recent passing of a dear friend and great American, Ben Ball of Morehead City, North Carolina.

Born on October 14, 1956, Ben died too soon at the age of 48. Yet in those 48 years, he led a remarkable life.

After attending Wake Forest University, Ben went on to graduate from East Carolina University and then began a successful 25-year career in the real estate business. He was a member of the Carteret County Association of Realtors where he was named Realtor of the Year in 1981, 1992, and in 2002. The North Carolina Association of Realtors named him State Realtor of the Year in 2003, and he served as President of the North Carolina Association in 1992. From 1991 through this year he served as a State Director of the North Carolina Association of Realtors, and was active in the governmental and political process both in Raleigh and in Washington, DC.

In addition to his professional activities, Ben was a pillar of his community. He was a lifetime member of First United Methodist Church in Morehead City, NC. He was a past President of the Rotary Club of Morehead City, and in 1997 was named Rotarian of the Year. Additionally, he had served for 5 years as Sponsorship Chairman of the Crystal Coast Habitat for Humanity Golf Tournament, served as Past President of the Carteret County Division of the American Heart Association, Past President of the Morehead City Planning Board, and as Past Chairman of the Carteret County Republican Party. Further, he was a volunteer at West Carteret High School, and assisted "Toys for Tots" for the past 5 years to help secure over 500 bicycles for local needy children.

Mr. Speaker, I first met Ben many years ago, and knew him as a friend ever since. While Ben was prominent in the community, most importantly—like everyone else who first became acquainted with him through politics, or business, or through community activities—I came to know him not as a political friend, but just as a friend. Period.

He was unfailing supportive, uplifting, and caring toward the many people in his life. His being here on this earth made a difference in ways that we all know, and—I am positive—in countless ways that we will never know.

In times such as this, there are no words that can fill the void in the hearts of his friends and loved ones. While he is now in the loving arms of God, we who are still here miss him.

Ben is survived by his wife, Debbie Carpenter Ball, by his sister Anne Roberts Ball, and by his daughters Debra Kreth Ball and Laura Ryan Ball. They are all in my thoughts and prayers.

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 21, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 22

10 a.m.
Foreign Relations
To hold hearings to examine the nominations of Karen P. Hughes, of Texas, to be Under Secretary of State for Public Diplomacy, with the rank of Ambassador, Josette Sheeran Shiner, of Virginia, to be Under Secretary of State for Economic, Business, and Agricultural Affairs, Kristen Silverberg, of Texas, to be Assistant Secretary of State for International Organization Affairs, and Jendayi Elizabeth Frazer, of Virginia, to be Assistant Secretary of State for African Affairs.
SD–419

JULY 25

12 noon
Judiciary
To hold hearings to examine the nomination of Timothy Elliott Flanigan, of Virginia, to be Deputy Attorney General, Department of Justice.
SD–226

JULY 26

9:30 a.m.
Judiciary
To hold hearings to examine comprehensive immigration reform.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine pending nominations.
SD–538

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

Indian Affairs
To hold oversight hearings to examine legislation to resolve the lawsuit of Cobell v. Norton.
SH–216

2 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine pending nominations.
SD–538

2:15 p.m.
Foreign Relations
Business meeting to consider he nominations of Henrietta Holsman Fore, of Nevada, to be an Under Secretary of State for Management, Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Macedonia, James Cain, of North Carolina, to be Ambassador to Denmark, Inter-American Convention Against Terrorism (''Convention'') Adopted at the Thirty-Second Regular Session of the General Assembly of the Organization of American States (''OAS'') Meeting in Bridgetown, Barbados, and signed by thirty countries, including the United States, on June 3, 2002 (Treaty Doc. 107–18), Protocol of Amendment to the International Convention on Simplification and Harmonization of Customs Procedures (Treaty Doc. 108–6), Council of Europe Convention on Cybercrime (the ''Cybercrime Convention'' or the ''Convention''), which was signed by the United States on November 23, 2001 (Treaty Doc. 108–11), United Nations Convention Against Transnational Organized Crime (the ''Convention''), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy (Treaty Doc. 108–16), and S. 1129, to provide authorizations of appropriations for certain development banks.
S–116, Capitol

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine the General Services Administration.
SD–562

Judiciary
Intellectual Property Subcommittee
To hold hearings to examine certain issues relative to patents.
SH–216

Environment and Public Works
Superfund and Waste Management Subcommittee
To hold an oversight hearing to examine electronics waste.
SD–406

JULY 27

9:30 a.m.
Environment and Public Works
To hold hearings to assess the status of efforts to reduce greenhouse gases relating to the Kyoto Protocol.
SD–406

Indian Affairs
To hold oversight hearings to examine lands eligible for gaming pursuant to the Indian Gaming Regulatory Act.
SH–216

Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation.
SD–226

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

Homeland Security and Governmental Affairs
To resume hearings to examine the appropriate Federal role regarding chemical facility security.
SD–562

2:30 p.m.
Aging
To hold hearings to examine the victimization of elderly through scams.
SD–106

3 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine recent progress in hydrogen and fuel cell research sponsored by the Department of Energy and by private industry, including challenges to the development of these technologies.
SD–366

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

Veterans' Affairs
Business meeting to consider pending VA legislation.
SR–418

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine NASA passenger aircraft.
SD–562

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 584 and H.R. 432, bills to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park, S. 652, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin, S. 958, to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, S. 1154, to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, S. 1166, to extend the authorization of the Kalaupapa National Historical Park Advisory Commission, and S. 1346, to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan.
SD–366

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

HIGHLIGHTS

Senate passed H.R. 3057, Foreign Operations Appropriations.

The House passed H.R. 2601, Foreign Relations Authorization Act for Fiscal Year 2006 and 2007.

Senate

Chamber Action

Routine Proceedings, pages S8503–S8588

Measures Introduced: Thirteen bills were introduced, as follows: S. 1427–1439. **Pages S8558–59**

Measures Passed:

Foreign Operations Appropriations: By 98 yeas to 1 nay (Vote No. 197), Senate passed H.R. 3057, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2006, after taking action on the following amendments proposed thereto: **Pages S8510–36**

Adopted:

McConnell (for Lugar/Leahy) Amendment No. 1293, to promote reform of the multilateral development banks. **Pages S8510–13**

By a unanimous vote of 98 yeas (Vote No. 195), Landrieu Modified Amendment No. 1245, to express the sense of the Senate regarding the use of funds for orphans, and displaced and abandoned children. **Pages S8510, S8513–16, S8517–22, S8529**

By 86 yeas to 12 nays (Vote No. 196), Chambliss Amendment No. 1271, to prevent funds from being made available to provide assistance to a country which has refused to extradite certain individuals to the United States. **Pages S8510, S8529–30**

Schumer Amendment No. 1304, to require a report to Congress on mergers or acquisitions between certain United States and foreign companies. **Pages S8522–26, S8530**

McConnell (for Feingold/Collins) Modified Amendment No. 1255, to extend the termination date of Office of the Special Inspector General of Iraq Reconstruction, and to provide as an emergency requirement additional funds for the Office. **Pages S8530–31**

Dodd Amendment No. 1305, to require the Secretary of State to report to Congress on a plan for holding elections in Haiti in 2005 and 2006. **Pages S8526–29, S8531**

Biden/Lugar Amendment No. 1301, to provide support to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission and to provide an offset. **Pages S8529, S8531**

McConnell (for Biden) Modified Amendment No. 1252, to require a report on assistance for United States citizens who are victims of crime in foreign countries. **Pages S8531–32**

McConnell (for Byrd) Amendment No. 1306, to modify the responsibilities and authorities applicable to the United States-China Economic and Security Review Commission. **Pages S8532–33**

McConnell (for Leahy) Amendment No. 1307, to require that funds made available for the United Nations Population Fund be used for certain purposes. **Page S8533**

McConnell (for Frist) Amendment No. 1308, to provide that funds appropriated for nonproliferation, anti-terrorism, demining and related programs and made available for the Comprehensive Test Ban Treaty International Monitoring System may be made available to the Under Secretary of State for Arms Control and International Security for use in certain nonproliferation efforts and counterproliferation efforts. **Pages S8533–35**

By unanimous-consent, notwithstanding passage of the bill, Salazar Modified Amendment No. 1263, to increase the accountability and effectiveness of international police training. **Pages S8535–36**

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators McConnell, Specter, Gregg, Shelby, Bennett, Bond, DeWine, Brownback,

Cochran, Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, and Byrd. **Page S8536**

Department of Defense Authorization: Senate began consideration of S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto:

Pages S8536–45

Adopted:

Warner/Levin Amendment No. 1315, to authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy. **Pages S8542–43**

Warner/Levin Amendment No. 1318, to authorize a pilot program on expanded public-private partnerships for research and development. **Page S8543**

Warner/Levin Amendment No. 1319, to modify the requirements for reports on program to award prizes for advanced technology achievements.

Pages S8543–44

Warner Amendment No. 1320, to make a technical correction relating to the Science, Mathematics, and Research for Transformation (SMART) Defense Education Program. **Page S8544**

Warner (for McConnell) Amendment No. 1324, to authorize the construction of chemical demilitarization facilities. **Pages S8544–45**

Warner Amendment No. 1321, to establish certain qualifications for individuals who serve as Regional Directors of the TRICARE program.

Page S8544

Warner/Levin Amendment No. 1322, to make technical corrections to certain authorizations of appropriations. **Page S8544**

Levin/Collins Amendment No. 1325, to require a strategic human capital plan for civilian employees of the Department of Defense. **Page S8545**

Warner (for Graham) Amendment No. 1323, to clarify the amendment relating to the grade of the Judge Advocate General of the Army. **Page S8544**

Pending:

Warner Amendment No. 1314, to increase amounts available for the procurement of wheeled vehicles for the Army and the Marine Corps and for armor for such vehicles. **Pages S8540–42**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, July 21, 2005, following the cloture vote on the nomination of Thomas C. Dorr (listed below).

Page S8587

Dorr Nomination—Agreement: A unanimous-consent-time agreement was reached providing for further consideration of the nomination of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, at 9:30 a.m., on Thursday, July 21, 2005, with 1 hour for debate, followed by a vote on the motion to invoke cloture on the nomination. **Page S8587**

Nominations Received: Senate received the following nominations:

William Robert Timken, Jr., of Ohio, to be Ambassador to the Federal Republic of Germany.

4 Air Force nominations in the rank of general.

5 Army nominations in the rank of general.

Page S8588

Messages From the House: **Page S8549**

Measures Referred: **Page S8549**

Executive Communications: **Pages S8549–50**

Petitions and Memorials: **Pages S8550–58**

Executive Reports of Committees: **Page S8558**

Additional Cosponsors: **Pages S8559–60**

Statements on Introduced Bills/Resolutions: **Pages S8560–73**

Additional Statements: **Pages S8548–49**

Amendments Submitted: **Pages S8573–82**

Notices of Hearings/Meetings: **Page S8582**

Authority for Committees to Meet: **Pages S8582–83**

Privilege of the Floor: **Pages S8583–84**

Record Votes: Three record votes were taken today. (Total—197) **Pages S8529 S8530 S8535**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:15 p.m. until 9:30 a.m., on Thursday, July 21, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8587.)

Committee Meetings

(Committees not listed did not meet)

FOOD AND AGRICULTURE SECURITY

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine biosecurity preparedness and efforts to address agroterrorism threats, after receiving testimony from Charles F. Conner, Deputy Secretary of Agriculture; Maureen I. McCarthy, Director, Office of Research and Development, Science and Technology Directorate, Department of Homeland Security; John E. Lewis, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, Department of Justice; Robert E. Brackett, Director, Center for Food Safety

and Applied Nutrition, Food and Drug Administration, Department of Health and Human Services; John L. Sherwood, University of Georgia Department of Plant Pathology, Athens; James A. Roth, Iowa State University Center for Food Security and Public Health, Ames; James Lane, Ford County Undersheriff, Dodge City, Kansas; and Mark J. Cheviron, Archer Daniels Midland Company, Decatur, Illinois.

HEALTH INFORMATION TECHNOLOGY

Committee on the Budget: Committee concluded a hearing to examine the Federal role and budget implications relating to health information technology, which integrates the disciplines of medicine, computer technology, and business management, focusing on preventing medical errors, providing clinicians with better clinical decision-making tools, the treatment of patients, tracking health outcomes, and coordinating public health activities, after receiving testimony from Michael O. Leavitt, Secretary of Health and Human Services.

CLIMATE CHANGE POLICY

Committee on Commerce, Science, and Transportation: Subcommittee on Global Climate Change and Impacts concluded a hearing to examine the climate policy of the United States, focusing on the climate-related science and technology budget request for fiscal year 2006, after receiving testimony from James R. Mahoney, Assistant Secretary of Commerce for Oceans and Atmosphere; Daniel Reifsnyder, Director, Office of Global Climate Change, Department of State; David W. Conover, Principal Deputy Assistant Secretary, Office of Policy and International Affairs, Department of Energy; and Ralph J. Cicerone, President, National Academy of Sciences.

LANDS BILLS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing 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, after receiving testimony from Senator Ensign; Joel Holtrop, Deputy Chief, National Forest System, U.S. Forest Service, Department of Agriculture; Lawrence E. Benna, Deputy Director, Operations, Bureau of Land Management, Department of the Interior; Idaho State Controller Keith L. Johnson, Boise; and Penelope J. Boston, New Mexico Institute of Mining and Technology, Socorro.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

H.R. 1428, to authorize appropriations for the National Fish and Wildlife Foundation;

S. 1250, to reauthorize the Great Ape Conservation Act of 2000, with an amendment;

S. 1409, to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska, with an amendment in the nature of a substitute;

S. 1265, 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, with an amendment in the nature of a substitute;

S. 1400, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, with amendments;

S. 1339, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994;

S. 1340, to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment;

S. 158, to establish the Long Island Sound Stewardship Initiative;

S. 1410, to reauthorize the Neotropical Migratory Bird Conservation Act;

S. 1415, to amend the Lacey Act Amendments of 1981 to protect captive wildlife and make technical corrections;

The nominations of Marcus C. Peacock, of Minnesota, to be Deputy Administrator, Granta Y. Nakayama, of Virginia, to be an Assistant Administrator, and Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, all of the Environmental Protection Agency.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Robert M. Kimmitt, of Virginia, to be Deputy Secretary of the Treasury, Randal Quarles, of Utah, to be Under Secretary of the Treasury for Domestic Finance, Sandra L. Pack,

of Maryland, to be Assistant Secretary of the Treasury for Management, and Kevin I. Fromer, of Virginia, to be Deputy Under Secretary of the Treasury for Legislative Affairs, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Finance: Committee ordered favorably reported the nominations of Charles E. Johnson, of Utah, and Suzanne C. DeFrancis, of Maryland, both to be an Assistant Secretary of Health and Human Services, and Alex Azar II, of Maryland, to be Deputy Secretary of Health and Human Services.

IRAQ ECONOMIC PROGRESS

Committee on Foreign Relations: Committee concluded a hearing to examine economic progress in Iraq, focusing on oil production and distribution infrastructure and combating corruption in the Iraqi oil industry, after receiving testimony from Keith Crane, RAND Corporation, Arlington, Virginia; and Fareed Mohamedi, PFC Energy, and Frederick D. Barton, Center for Strategic and International Studies, both of Washington, D.C.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 1420, to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees, with an amendment in the nature of a substitute; and

S. 1418, to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States, with an amendment in the nature of a substitute; and

The nomination of Kathie L. Olsen, of Oregon, to be Deputy Director of the National Science Foundation.

REPORTERS' PRIVILEGE LEGISLATION

Committee on the Judiciary: Committee concluded a hearing to examine issues and implications relating to proposed reporters' shield legislation, focusing on freedom of the press, the use of confidential sources by journalists, and state laws that recognize the rights of reporters to those sources, after receiving testimony from Senators Lugar and Dodd; Representative Pence; Matthew Cooper, Time Magazine, Inc., and Lee Levine, Levine, Sullivan, Koch, and Schulz, LLP, both of Washington, D.C.; Norman Pearlstine, Time Inc., William Safire, New York Times Company, and Floyd Abrams, Cahill Gordon and Reindel, LLP, all of New York, New York; and Geoffrey R. Stone, University of Chicago Law School, Chicago, Illinois.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

MEDICAID

Special Committee on Aging: Committee held a hearing to examine solutions to save money in Medicaid, focusing on the government's system for purchasing prescription drugs under the Medicaid program, features of the process by which Medicaid purchases prescription drugs in the fee-for-service sector of the program, including the way it reimburses pharmacies for drug purchases and the rebate it receives from drug manufacturers, and how prices that Medicaid pays for drugs compare with the prices paid by other purchasers, receiving testimony from Douglas Holtz-Eakin, Director, Congressional Budget Office; Julie Stone-Axelrad, Analyst in Social Legislation, Domestic Social Policy Division, Congressional Research Service, Library of Congress; Vincent J. Russo, Vincent J. Russo and Associates, PC, Westbury, New York, on behalf of the National Academy of Elder Law Attorneys; Mark Gibson, Oregon Health and Science University Center for Evidence-based Policy, Portland; and Margaret A. Murray, Association for Community Affiliated Plans, Washington, D.C.

Hearings recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 3358–3370; 1 private bill, H.R. 3371; and 5 resolutions, H.J. Res. 61; H. Con. Res. 211; and H. Res. 371–373 were introduced.

Pages H6204–05

Additional Cosponsors: Pages H6205–06

Reports Filed: Reports were filed today as follows:

H.R. 3200, to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program (H. Rept. 109–177);

H. Res. 369, providing for consideration of H.R. 3199, to extend and modify authorities needed to combat terrorism (H. Rept. 109–178); and

H. Res. 370, providing for consideration of H.R. 3070, to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration (H. Rept. 109–179). **Page H6204**

Speaker: Read a letter from the Speaker wherein he appointed Representative Foley to act as Speaker Pro Tempore for today. **Page H6109**

Chaplain: The prayer was offered today by Dr. Kenneth L. Samuel, Pastor, Victory Baptist Church in Stone Mountain, Georgia. **Page H6109**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Permitting the use of the rotunda of the Capitol for a ceremony to honor Constantino Brumidi: H. Con. Res. 202, permitting the use of the rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth; and **Pages H6115–17**

Calling for free and fair parliamentary elections in the Republic of Azerbaijan: Debated on July 18: H. Res. 326, calling for free and fair parliamentary elections in the Republic of Azerbaijan, by a 2/3 yea and nay vote of 416 yeas to 1 nay, Roll No. 400. **Page H6173**

Foreign Relations Authorization Act for Fiscal Years 2006 and 2007: The House passed H.R. 2601, to authorize appropriations for the Department of State for fiscal years 2006 and 2007, by a recorded vote of 351 ayes to 78 noes, Roll No. 399. The bill was also considered yesterday, July 19. **Pages H6117–73**

Rejected the Menendez motion to recommit the bill to the Committee on International Relations with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 203 ayes to 227 noes, Roll No. 398. **Pages H6170–72**

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on International Relations, now printed in the bill and modified by the amendment printed in part A of H. Rept. 109–175, was considered as an original bill for the purpose of amendment.

Agreed to:

Issa amendment (No. 20 printed in H. Rept. 109–175) that adds provisions regarding the issuance of U.S. passports and the investigation of the illegal sale of passports; **Pages H6118–19**

Smith of New Jersey amendment (No. 21A made in order under section two of the rule) that requires the Secretary of State to submit a report on non-governmental organizations that receive funding under the President's Emergency Plan for AIDs Relief; **Pages H6119–22**

Mack amendment (No. 25 printed in H. Rept. 109–175) that authorizes the Broadcasting Board of Governors to initiate radio and television broadcasts to Venezuela for at least 30 minutes a day of balanced, objective, and comprehensive news programming; **Pages H6126–27**

Tancredo amendment (No. 27 printed in H. Rept. 109–175) that expresses the sense of Congress regarding comments made by Chinese Major General Zhu Chenghu; **Pages H6129–30**

Watson amendment (No. 29 printed in H. Rept. 109–175) that authorizes funding for the State Department to improve intellectual property law and enforcement in developing countries; **Pages H6136–37**

King of Iowa amendment (No. 22 printed in H. Rept. 109–175) that inserts the text of H. Con. Res. 144, regarding Palestinian terrorists, into the bill (by a recorded vote of 423 ayes with none voting "no", Roll No. 390); **Pages H6122–23, H6137**

Lantos amendment (No. 24 printed in H. Rept. 109–175) regarding the development of a strategy to counter perception by foreign students that the U.S. is not a welcoming place for them (by a recorded vote of 373 ayes to 56 noes, Roll No. 392); **Pages H6124–26, H6138–39**

Watson amendment (No. 28 printed in H. Rept. 109–175) that states that it be U.S. policy to seek the expeditious transfer of Charles Ghankay Taylor, former President of Liberia, to the Special Court for Sierra Leone to undergo trial (by a recorded vote of 422 ayes to 2 noes, Roll No. 394); **Pages H6130–36, H6139–40**

Eshoo amendment (No. 32 printed in H. Rept. 109–175) that expresses the sense of Congress that special attention should be paid to the welfare of ChaldoAssyrians and other indigenous Christians in Iraq; **Pages H6142–44**

Fossella amendment (No. 33 printed in H. Rept. 109–175) that authorizes the U.S. Interests Sections in Havana to disseminate the names of fugitives living in Cuba and any rewards for their capture; **Pages H6144–45**

Lantos amendment (No. 36 printed in H. Rept. 109–175) that urges the President and Secretary of State to boost efforts that would aid Mexican authorities in the effort to identify remains of murdered young women in Ciudad Juarez, Mexico; **Pages H6146–47**

Berkley amendment (No. 30 printed in H. Rept. 109–175) that contains a declaration of policy regarding the Palestinian government, and efforts to combat terrorism (by a recorded vote of 330 ayes to 100 noes, Roll No. 395); **Pages H6140–42, H6165–66**

Rohrabacher amendment (No. 37A made in order under section two of the rule) that expresses the sense of Congress regarding the capture, detention, and interrogation of international terrorists and the detainees at Guantanamo Bay, as being essential to the successful prosecution of the Global War on Terrorism (by a recorded vote of 304 ayes to 124 noes and 2 voting ''present'', Roll No. 396); and **Pages H6147–55, H6166**

Ros-Lehtinen amendment (No. 38 printed in H. Rept. 109–175) regarding the creation of U.S. policy on the transfer of responsibility to Iraqi forces and the withdrawl of U.S. troops (by a recorded vote of 291 ayes to 137 noes and 2 voting ''present'', Roll No. 397). **Pages H6155–65, H6166–67**

Rejected:

Kucinich amendment (No. 23 printed in H. Rept. 109–175) that sought to require the President to direct the U.S. representatives to the U.N. to commence negotiations for an international treaty banning space-based weapons (by a recorded vote of 124 ayes to 302 noes, Roll No. 391); **Pages H6123–24, H6137–38**

Rogers of Michigan amendment (No. 26 printed in H. Rept. 109–175) regarding management of water in the Great Lakes (by a recorded vote of 156 ayes to 273 noes, Roll No. 393); and **Pages H6127–29, H6139**

Franks amendment (No. 34 printed in H. Rept. 109–175) that sought to strike section 1019 of the bill, regarding consular and visa services in Pristina, Kosova. **Pages H6145–46**

H. Res. 365, the rule providing for consideration of the bill was agreed to yesterday, July 19.

Quorum Calls—Votes: One yea-and-nay vote and 10 recorded votes developed during the proceedings today and appear on pages H6137, H6137–38, H6138–39, H6139, H6139–40, H6165, H6166, H6166–67, H6171–72, H6172–73, H6173. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:59 p.m.

Committee Meetings

AIR FORCE'S FUTURE TOTAL FORCE PLAN

Committee on Armed Services: Held a hearing on the Air Force's Future Total Force Plan. Testimony was heard from the following officials of the Department of Defense: LTG H. Steven Blum, USA, Chief, National Guard Bureau; and the following officials of the U.S. Air Force: LTG Stephen G. Wood, Deputy Chief of Staff, Plans and Programs; LTG Daniel James, III; LTG John A. Bradley, Chief, Air Force Reserve; MG Roger P. Lemke, The Adjutant General of Nebraska; and MG Mason C. Whitney, The Adjutant General of Colorado.

DD(X) SURFACE COMBATANT SHIP

Committee on Armed Services: Subcommittee on Projection Forces concluded hearings on Department of the Navy FY06 Plans and Programs for the DD(X) Next-Generation Multi-Mission Surface Combatant Ship. Testimony was heard from Paul L. Francis, Director, Acquisition and Sourcing Management, GAO; Ronald O'Rourke, Specialist in National Defense, CRS, Library of Congress; the following officials of the National Security Division, CBO: J. Michael Gilmore, Assistant Director; and Eric J. Labs, Principal Analyst; and public witnesses.

PERFORMANCE-BASED BUDGETING

Committee on the Budget: Held a hearing on Performance-Based Budgeting. Testimony was heard from Representatives Cuellar and Conaway; and Clay S. Johnson, III, Deputy Director, Management, OMB.

COLLEGE ACCESS AND OPPORTUNITY ACT

Committee on Education and the Workforce: Began mark up of H.R. 609, College Access and Opportunity Act.

Will continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported, as amended, the following measures: H.R. 3204, State High Risk Pool Funding Extension Act of 2005; H.R. 3205, Patient Safety and Quality Improvement Act; H.R. 1132, National All Schedules Prescription Electronic Reporting Act of 2005; 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; H. Res. 261, Expressing the sense of the House of Representatives that the Centers for Medicare and Medicaid Services should be commended for implementing the Medicare demonstration project to assess the quality of care of cancer patients undergoing chemotherapy, and should extend the project, at least through 2006, subject to any appropriate modifications; and H.R. 2355, Health Care Choice Act of 2005.

ELECTRONIC WASTE

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing

entitled ''Electronic Waste: An Examination of Current Activity, Implications for Environmental Stewardship, and the Proper Federal Role.'' Testimony was heard from Benjamin Wu, Deputy Under Secretary, Office of Technology, Department of Commerce; Barry Breen, Deputy Assistant Administrator, Office of Solid Waste and Emergency Response, EPA; Kendl P. Philbrick, Secretary, Department of the Environment, State of Maryland; Dawn R. Gallagher, Commissioner, Department of Environmental Protection, State of Maine; and a public witness.

MONETARY POLICY AND THE STATE OF THE ECONOMY

Committee on Financial Services: Held a hearing on Monetary Policy and the State of the Economy. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

IMPROPER PAYMENTS INFORMATION ACT IMPLEMENTATION

Committee on Government Reform: Subcommittee on Government Management, Finance, and Accountability held a hearing entitled ''Implementing the Improper Payments Information Act Are We Making Progress?'' Testimony was heard from Linda Combs, Controller, Office of Federal Financial Management, OMB; and McCoy Williams, Director, Financial Management and Assurance, GAO.

FEDERAL GOVERNMENT INFORMATION QUALITY

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled ''Improving the Information Quality in the Federal Government.'' Testimony was heard from Kimberly T. Nelson, Assistant Administrator and Chief Information Officer, EPA; Tom Melius, Assistant Director, External Affairs, U.S. Fish and Wildlife Service, Department of the Interior; Jim Scanlon, Acting Deputy Assistant Secretary, Science and Data Policy, Department of Health and Human Services; and public witnesses.

HOMELAND SECURITY INFORMATION SHARING

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing entitled ''A Progress Report on Information Sharing for Homeland Security.'' Testimony was heard from the following officials of the Department of Homeland Security: Matthew Broderick, Director, Homeland Security Operations Center; and Joshua D. Filler, Director, Office of State and Local Government Coordination; John Cohen, Senior Homeland Security Policy Advisor, Executive Office of Public Safety, State of Massachusetts; and public witnesses.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 3070, to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes, equally divided and controlled by the Chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing two hours of general debate on H.R. 3199, to extend and modify authorities needed to combat terrorism, and for other purposes, with one hour and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in part A of the Rules Committee report shall be considered as the original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order

against the amendment in the nature of a substitute printed in part A of the Rules Committee report. The rule makes in order only those amendments printed in part B of the Rules Committee report, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in part B of the Rules Committee report. Finally, the rule provides one motion to recommit with or without instructions. Testimony has heard from Chairman Sensenbrenner, Chairman Hoekstra and Representatives Flake, Shays, Berman, Nadler, Jackson-Lee, Waters, Harman, Hastings of Florida, Ruppersberger, Lowey, Sanders, Maloney and Baldwin.

HYDROGEN ECONOMY FUTURE

Committee on Science: Subcommittee on Energy and the Subcommittee on Research held a joint hearing on Fueling the Future: On the Road to the Hydrogen Economy. Testimony was heard from the following officials of the Department of Energy: Douglas Faulkner, Acting Assistant Secretary, Office of Energy Efficiency and Renewable Energy; and George Crabtree, Director, Materials Science Division, Argonne National Laboratory; and public witnesses.

FRAUD IN INCOME TAX RETURN PREPARATION

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Fraud in Income Tax Return Preparation. Testimony was heard from the following officials of the IRS, Department of the Treasury: Nancy J. Jardini, Chief, Criminal Investigation; and Nina Olson, National Taxpayer Advocate; and pubic witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JULY 21, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to mark up an original bill regarding the reauthorization of the Commodity Futures Trading Commission, 10:30 a.m., SR–328A.

Committee on 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, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the semiannual monetary policy report to the Congress, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 1392, to reauthorize the Federal Trade Commission, proposed MarAd, S. 360, to amend the Coastal Zone Management Act, S. 1390, to reauthorize the Coral Reef Conservation Act of 2000, S. 363, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, S. 1110, to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable, and the nominations of Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner, Coast Guard officer, and Coast Guard officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff of the Coast Guard Academy, 10 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending nominations; to be followed by a hearing 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, 10 a.m., SH–216.

Committee on Finance: Subcommittee on Long-term Growth and Debt Reduction, to hold hearings to examine the Federal Tax Code's depreciation system focusing on how to amend the current depreciation system to provide simplification and updated guidance for areas such as emerging industries and technologies, and the role that depreciation should play in providing fiscal stimulus or encouraging economic growth for particular industries of the U.S. economy at large, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine United Nations reform, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of Malawi, Katherine Hubay Peterson, of California, to be Ambassador to the Republic of Botswana, and Michael Retzer, of Mississippi, to be Ambassador to the United Republic of Tanzania, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Bioterrorism and Public Health Preparedness, to hold hearings to examine S. 975, to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nominations of Richard L. Skinner, of Virginia, to be Inspector General, and Edmund S. Hawley, of California, to be Assistant Secretary, both of the Department of Homeland Security, and Brian David Miller, of Virginia, to be Inspector General, General Services Administration, 10:45 a.m., S–216, Capitol.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine U.S. financial involvement relative to the United Nations' Capital Master Plan to renovate the U.N. headquarters in New York City, 2:30 p.m., SD–562.

Committee on Indian Affairs: to hold hearings to examine S. 1003, to amend the Act of December 22, 1974, relating to Navajo-Hopi land settlement, 9:30 a.m., SR–485.

Committee on the Judiciary: business meeting to consider S. 1389, to reauthorize and improve the USA PATRIOT Act, S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, 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, a bill entitled the Personal Data Privacy and Security Act and S. 1197, to reauthorize the Violence Against Women Act of 1994, 9:30 a.m., SD–226.

Select Committee on Intelligence: to hold hearings to examine the nomination of John S. Redd, of Georgia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence, 2:30 p.m., SH–216.

House

Committee on Agriculture, hearing to Review Agriculture's Role in a Renewable Fuels Standard, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Homeland Security, hearing on U.S. Coast Guard Deepwater Program, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Terrorism, Unconventional Threats and Capabilities and the Subcommittee on Emergency Preparedness, Science and Technology of the Committee on Homeland Security, joint hearing on counter terrorism technology sharing, 2:30 p.m., 2118 Rayburn.

Committee on Education and the Workforce, to continue markup of H.R. 609, College Access and Opportunity Act, 9:30 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled "Credit Card Data Processing: How Secure Is It?" 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Controlling Restricted Airspace: An Examination of the Management and Coordination of Our National Air Defense," 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, Global Human Rights and International Operations and the Subcommittee on Oversight and Investigations, hearing on Falun Gong and China's Continuing War on Human Rights, 2 p.m., 2172 Rayburn.

Subcommittee on Africa, Global Human Rights and International Operations, to mark up H.R. 3127, Darfur Peace and Accountability Act of 2005, 5 p.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, hearing on the following bills: H.R. 1494, Electronic Duck Stamp Act of 2005; and H.R. 3179, Junior Duck Stamp Reauthorization Amendments Act of 2005, 10 a.m., 1324 Longworth.

Committee on Science,, hearing on U.S. Competitiveness: The Innovation Challenge, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, oversight hearing on Railroad Grade Crossing Safety Issues, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, oversight hearing on the amendment the Administration submitted to Congress for the Department of Veterans Affairs (VA) Fiscal Year 2006 budget, requesting an additional $1.977 billion for higher-than-expected veterans' health care needs, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on Value-Based Purchasing for Physicians under Medicare, 1 p.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, 1 p.m., 2123 RHOB.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 21

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 21

Senate Chamber

Program for Thursday: Senate will resume consideration of the nomination of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, with 1 hour for debate, followed by a vote on the motion to invoke cloture on the nomination to occur at approximately 10:30 a.m.; following which, Senate will continue consideration of S. 1042, Department of Defense Authorization.

House Chamber

Program for Thursday: Consideration of H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005 (subject to a rule). Begin consideration of H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 (subject to a rule).

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