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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,
September 14, 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. Steve Houpe, Pastor, Harvest Church, Kansas City, MO, offered the following prayer:

Heavenly Father, in the name of my resurrected Saviour, I come before Your presence to thank You and praise You for Your goodness, mercy, grace, and love that You extend to us every day.

Thank You for the honor and privilege of living in this great country. Thank You for our freedom, for the ability to worship and serve You freely. Allow us to always honor You and Your ways. I pray for the mothers, the fathers, and children of this Nation. I pray for the schools, the government agencies, and businesses.

God, I beseech Your throne this day on behalf of these prominent leaders of our Nation. Give them Your truth, direction, Your wisdom and power. I pray for each of these Congressmen, their families, and the people they represent.

Lord God, I give You praise for what You have done, for what You are doing, and for what You are going to do. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CLEAVER 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1613. An act to amend that Livestock Mandatory Reporting Act of 1999 to extend the termination date for mandatory price reporting.

WELCOMING AND HONORING REVEREND STEVE HOUPE

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

Mr. CLEAVER. Mr. Speaker, I am pleased to rise today in recognition of our guest Chaplain, Dr. Steve Houpe, founder and Pastor of the Harvest Church in Kansas City, Missouri.

Soon after his graduation and ordination from Rhema Bible Training Center in 1986, Dr. Houpe began his ministry and founded Harvest Church, one of the fastest-growing congregations in our community.

But this was just the beginning. Dr. Houpe had a strong calling to education; and, in 1990, he founded Harvest Christian Schools, now Faith Academy, to educate children in a Christian environment with a strong academic emphasis. And, in 1996, he founded Harvest Bible Institute to teach men and women to give of themselves for service in the ministry. Dr. Houpe has also been called to bring the word of God into the homes of people beyond his congregation through his authorship of four inspirational books.

Pastor Houpe further devotes himself to his wife Donna and their six beautiful children.

Pastor Houpe has touched countless lives in our community and across this Nation, and we are pleased to have him here today.

ONGOING EFFORTS IN THE AFTERMATH OF HURRICANE KATRINA

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

Mr. DELAY. Mr. Speaker, 2 weeks ago, Congress reconvened early to pass an emergency funding bill to meet the immediate relief and recovery needs of the Gulf Coast communities ravaged by Hurricane Katrina.

Last week, we met the growing humanitarian and economic needs by passing an additional $51.8 billion in emergency relief.

This week, Mr. Speaker, with the levee repaired, the flood waters receding, and the immediate funding needs met, the House's focus must shift to the broader policy implications of the Katrina disaster.

Millions of our countrymen, men, women, and children, have been displaced all around our Nation. That means communities taking on larger populations, schools seating more students, hospitals seeing more patients, businesses serving more customers, roads and public transportation accommodating more travelers.

The first responders and emergency managers on the ground in the affected

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region from all levels of government are in charge of the national response in the coming days.

Congress must look at the coming months and years.

Toward that end, last week, the Speaker and Senator FRIST announced their intention to create a bipartisan, bicameral, select committee of senior Members and Senators to review and report findings about the preparations for and response to Hurricane Katrina. Isolated partisan attacks of the bipartisan committee notwithstanding, it will allow and require the Congress to do its constitutional duty to review the recovery and the policies that govern it.

The joint select committee will work, as even its shrillest critics must know.

Meanwhile, this week, the House is at work developing targeted policies for the ongoing national response, from a bill to protect Katrina's good Samaritans from predatory trial lawyers, to a bill to encourage more charitable giving to the Katrina private relief effort by providing targeted tax relief for the contributors to the recovery.

These and other policies will be brought to the floor as they are ready so that the House can respond as quickly and as effectively as possible.

Our entire Nation has its work cut out for it, recovering from this tragedy. The House will meet its responsibility, in the aftermath of this emergency, to lead.

CREATING A CABINET-LEVEL DEPARTMENT OF PEACE AND NONVIOLENCE

(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, from our deepest silence, from that place within each of us that knows peace, from our heart of hearts which connects us to the world and to the heart of the world, we know that fear leads to violence, that violence leads to war, that war leads to total destruction. Yet we do not want to fear, we do not want violence, we do not want war, we want peace. We desire peace so intensely that we are willing to do almost anything to achieve it, including spending half of our resources for arms to help feel secure.

We know we cannot continue on this perilous path of seeking peace through violence. We know that this approach offers our children no future at all.

So today we make a new beginning with House bill 3760, legislation to create a Cabinet-level department of peace and nonviolence. In doing so, dozens of Members of this Congress announced that we choose courage over fear and hope over despair. We announce our desire to create a new America and a new world.

CHILDREN'S SAFETY ACT

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

Ms. FOXX. Mr. Speaker, sexual predators lurk in the shadows of our neighborhoods and prey on those who are innocent and defenseless. Many sex offenders are living under the radar of local law enforcement and continue to elude the criminal justice system.

But we are bringing forth legislation that strengthens the critical need of protecting the safety of our children. H.R. 3132, the Children's Safety Act, addresses the growing epidemic of violence against children and enhances their safety from convicted sex offenders through coordinated State sex offender registration and notification programs.

One of the most crucial problems is that over 100,000 sex offenders are ''missing.'' They have not complied with sex offender registration requirements. This legislation remedies this crisis by ensuring compliance and enforcement.

Child exploitation and sexual abuse are a growing predicament. This bill tightens mandatory minimums for crimes of violence against children. It expands the category of crimes to include juvenile sex offenses, possession of child pornography, and a new definition of sex offense.

It is time to shed light on this most egregious crime and tighten the outlets sex offenders use to desecrate our world.

HURRICANE KATRINA ACCELERATED TAX BENEFITS ACT

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

Mr. EMANUEL. Mr. Speaker, as we consider tax incentives for businesses that have been affected by Hurricane Katrina and help them get up and running, we must also help the affected families get up and running. Both are essential endeavors.

Americans have lost their homes and incomes through no fault of their own.

In the coming days, I will introduce the Hurricane Katrina Accelerated Tax Benefits Act. This bill will fast-track the Earned Income Tax Credit, the Child Tax Credit, and educational incentives such as the Hope and Lifetime Learning Credits to the people in the Gulf Coast, providing these hard-working Americans with much-needed resources. It will stimulate the economy and help rebuild the lives of affected Americans.

These Americans who have lost so much should receive their tax refunds now. They have worked for it, and they have earned it.

There is a precedent for fast-tracking tax refunds during times of crisis. Following the tragic events of September 11, 2001, Congress passed legislation to fast-track the Child Tax Credit refunds.

Mr. Speaker, we cannot undo the damage wrought by Hurricane Katrina, but we can begin to restore lives. By taking these steps, we can quickly deliver the funds to these families who have worked hard and paid taxes.

I hope my colleagues will join me in advancing this important legislation.

HOMELAND SECURITY VERSUS FOREIGN AID

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

Mr. POE. Mr. Speaker, it is the desire to be frugal that led the Base Closure Commission to recommend the retirement of the 147th Fighter Wing from Ellington Field in Houston, Texas.

The removal of these aircraft would severely weaken the military's ability to protect the City of Houston, NASA, the Port of Houston, the Port of Beaumont, and Port Arthur. It is for that reason that I have introduced House Resolution 412 which calls for the President to work with the Secretary of Homeland Security to ensure that any base closings do not affect homeland security inadvertently.

Mr. Speaker, we should reevaluate our foreign giveaway programs if we want to save money. When homeland security is at stake and the energy capital of the world is potentially without fighter protection, the penny pinchers need to reevaluate their priorities.

Like every mother tells her child, ''safety first.'' So we need to keep the F–16s flying over Southeast Texas and the energy capital of the world.

GAMING INDUSTRY'S RESPONSE TO HURRICANE KATRINA

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

Ms. BERKLEY. Mr. Speaker, as millions of people lost their homes and their jobs, the casino and gaming industry in the Gulf Coast region is helping them in the aftermath of Hurricane Katrina.

I applaud the American Gaming Association for setting up the Gaming Industry Katrina Relief Fund to raise money to provide disaster relief and assistance to gaming employees in Mississippi and Louisiana.

Gaming companies have created programs to help their employees after the devastation of the hurricane. Among other relief efforts, Harrah's Entertainment has established a $1 million Employee Recovery Fund and is paying employee wages for 90 days, Boyd Gaming is paying employees for 8 weeks, and the MGM Mirage has established a call center and paycheck distribution center in Biloxi.

The gaming industry is taking care of their employees in the areas ravaged by the hurricane. As usual, the industry has stepped up to the plate to help their employees weather the storm and

their communities to rebuild. I applaud the gaming industry for all they do.

□ 1015

THANKS TO QATAR

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

Mr. ROHRABACHER. Mr. Speaker, in the aftermath of Hurricane Katrina, we as a people should take note of those who immediately rushed forward to help. As a senior member of the International Relations Committee, I rise today to express my personal gratitude as well as that of my fellow Americans to the royal family and to the people of Qatar who once again demonstrated their generosity, friendship, and solidarity with the people of the United States at a time of our maximum suffering.

When it really counted, Qatar stepped forward with a generous gift of $100 million to the American victims of Hurricane Katrina.

Qatar is a small country, yet it must rank near the top of America's list of friends and allies. With the leadership of a thoughtful and progressive royal family, Qatar is building democratic institutions including elections, freedom of press and religion, and a recognition of the rights of women.

Furthermore, after 9/11, our military was permitted to establish its headquarters in Qatar, which is vital to the safety of our troops and the success of America's operations in Afghanistan and Iraq.

Thank you, Qatar. You have proven to be friends when we needed you the most, and we will not forget it.

HURRICANE KATRINA EVACUEES IN THE DREAM CENTER

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

Ms. SOLIS. Mr. Speaker, over the weekend I visited the Dream Center in Los Angeles, California, which is currently housing over 250 evacuees of Hurricane Katrina. The Dream Center has committed to feeding, housing and clothing these evacuees. The stories that I heard from them are gut wrenching. I met a woman who escaped with her two nephews and her 80-year-old mother, Sheila Bell.

I also visited with a father who was caring for his youngster who is 1 year old. But Mrs. Bell, unfortunately, was separated from her daughters. Her daughters are somewhere in Texas. She cannot find them. She wants to hear from them. And I want to also applaud the firemen and the first responders who risked their own lives to help those in need to leave the center.

Mrs. Bell recounted that the water level in her house came up to her neck. But there are many stories like hers. And one of the things that I have to bring forward is the fact that FEMA made a promise to give these evacuees assistance.

Now, it is 2 weeks, the assistance is not there. Political hacks have pushed aside the professionals out of FEMA. Since this President took office, 4.1 million people have slipped into poverty. The poor and underserved of the Gulf are the hardest hit. They are the ones that need our help.

Let us move forward and help those that need our assistance now.

RED TAPE AND HURRICANE RELIEF

(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, many of us were appalled at the red tape that hindered the Hurricane Katrina relief efforts. Hundreds of surgeons and paramedics were stranded in a state-of-the-art mobile hospital without patients to treat, prevented by Louisiana State officials from mobilizing their taxpayer-funded hospital closer to the disaster zone. State homeland security officials prevented the Red Cross from trucking in supplies in the immediate aftermath.

Police shut down a key bridge after the hurricane hit, preventing escape by victims of the storm. Churches in Louisiana asked by FEMA to take in victims of the hurricane have received no financial assistance from the agency, because FEMA cannot offer assistance to uncertified faith-based groups.

Survivors sleep on the floors of these churches while FEMA is storing unused cots in Louisiana warehouses. The worst thing that can come from all of these hearings, investigations, and commissions is more red tape of the sort that has slowed current relief efforts and probably cost many, many lives.

HURRICANE KATRINA TRAGEDY

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

Mr. MORAN of Virginia. Mr. Speaker, many people responded admirably and effectively in New Orleans and throughout the Gulf Coast. But the fact is that a natural disaster was turned into a human travesty because of incompetence, disorganization, and misplaced priorities.

And the answer does not lie in the firing of Michael Brown. It has been apparent to many who have watched what has happened within the Department of Homeland Security that FEMA has been unvalued within this administration, and as a result became a dumping ground for political hacks.

The fact is that 75 percent of FEMA's money has had to go to terrorism-related situations, such as paying overtime for TSA airport screeners, which means that preparation for the possibility of flooding in New Orleans or an earthquake in San Francisco get very low priority.

In fact, we are not even preparing adequately now for an earthquake in San Francisco when two out of three of FEMA's highest priorities have already occurred with New York and New Orleans.

Mr. Speaker, another natural tragedy cannot be allowed to become another human travesty. We have to get into the guts of this organization, weed out the incompetents and fund it adequately and appropriately.

THANKS TO NASHVILLE ORGANIZATIONS

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

Mrs. BLACKBURN. Mr. Speaker, you know some in Washington are choosing to score political points on the devastation caused by Hurricane Katrina. But out there in real America, real Americans are working to assist those who have been displaced.

I want to thank them for the great work that they are doing. Last week, I thanked our Memphis-area organizations who are helping our Gulf neighbors. Today I want to recognize the following Nashville-area organizations providing shelter. We have the Crievewood Baptist Church and Tulip Grove Baptist Church and their congregations; Clear View Baptist Church in Williamson County is providing shelter as well as food.

Grace Works Ministries is collecting clothing and hygiene kits, and the Interfaith Dental Clinic is providing acute dental emergency care for free. The Montgomery Bell Academy Service Club has loaded an 18-wheeler full of supplies, and they sent it south to Mississippi.

In Montgomery County, the Hilldale Church of Christ is doing the good work of taking in our neighbors.

I have been in Mississippi to help with the relief efforts, and I applaud the Nation's aid organizations and all of the work the local charities and the outstanding volunteers are giving to our neighbors in need.

IN SUPPORT OF THE CHILDREN'S SAFETY ACT

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

Ms. HARRIS. Mr. Speaker, sometimes numbers paint a dramatic picture. According to a survey conducted by the U.S. Department of Justice, one in five children 10 to 17 years old are recipients of unwanted sexual solicitations online. One of every seven victims of sexual assault is under the age of 6. One in five girls will be sexually exploited before they reach adulthood.

And one in 10 boys will become victims before they become men.

According to the National Center For Missing and Exploited Children, the whereabouts of 100,00 to 150,000 of some 500,000 sexual offenders currently registered in the United States are unknown.

What is known is that we are not powerless. I fully support the measures included in the Child Safety Act. The passage of this bill will do nothing to bring about the safe return of children like Carlie Brucia, a Sarasota Girl Scout who was brutally victimized and murdered by a sexual predator. However, it will save other families the most undeniable anguish of losing a child to the most unthinkable acts of violence.

This bill takes commonsense steps toward ensuring sex offenders are not free to prey on the most vulnerable members of our society. H.R. 3132 will require States to alert other States when sexual offenders seek other locations.

There are many, many things that keep parents awake at night. Passage of this bill should not be one of those.

THE ROAD TO DEMOCRACY IN AFGHANISTAN

(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, in spite of great challenges, the Afghan people continue to make tremendous progress in creating a hopeful future for their families and their country.

On Sunday, Afghans will go to the polls to choose parliamentary candidates who will represent their views and reinforce their nation's status as a growing democracy. Preparations are being made to ensure that the upcoming election is fair and accessible to all citizens of Afghanistan.

Since many people in the country are illiterate, the ballots will list candidates names, photographs, personal symbols, and numbers to ensure that Afghans from all walks of life have the opportunity to participate in the election.

After witnessing the tremendous success of Iraq's elections, I am confident that the people of Afghanistan will also turn out overwhelmingly to cast their ballots.

They are committed to democracy and confident in their vision for their nation, which protects American families.

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

HURRICANE KATRINA

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

Mr. PRICE of Georgia. Mr. Speaker, Hurricane Katrina has devastated the Gulf Coast unlike anything we have ever seen. The television cameras and newspaper pictures can only give us a glimpse of the devastation.

Recovery efforts will take time and resources, and many have opened their homes and their hearts and their wallets to those who have lost so much. And I am so very proud my home State of Georgia has stepped up to the plate to help those in need.

Everyone is doing their part. Many Georgia companies like Coca-Cola and UPS and Home Depot have given millions, million in aid to relief organizations.

But today I would like to recognize the hard work and dedication of some others, the students, the teachers and the schools of Georgia. Georgia schools are doing all they can, and we commend their efforts.

As of today, over 7,300 Hurricane Katrina-displaced students are enrolled in Georgia public and private schools. Georgia students are doing all they can as well. From bake sales to stuffing backpacks full of supplies, students are helping their new friends and peers by opening their hearts and homes.

Through times of crisis come times of opportunity, Georgians have seized that opportunity to help, and we are all grateful for their kindness and their generosity.

PROGRESS IN NEW ORLEANS

(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, there is progress in New Orleans. The Port of New Orleans received its first shipment, and more people are back in the area for brief visits to assess the damage to their homes. In areas that were not flooded or the flood waters have begun to recede, citizens and crews began the clean-up process.

The Governor's office reported that 16 of the region's 25 wastewater treatment plants are now operational. And the New Orleans airport reopened for cargo planes just last week. Although service will be extremely limited, the airport reopened to commercial traffic this week.

In the wake of such a crippling disaster, we are already seeing promising indicators of recovery for the city of New Orleans. Our thoughts and prayers are still with the people of the Gulf region, and we in Congress will continue to work to ensure that New Orleans and the Gulf Coast continue to move towards a full recovery.

PRAISING ROME KARES

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

Mr. GINGREY. Mr. Speaker, I rise today to praise an organization in my district, Georgia 11, that has done a phenomenal job of delivering food, clothing, housing supplies, and even employment to the victims of Hurricane Katrina.

Rome Kares is a model of coordinated community response. The group has aided more than 100 families who have temporarily relocated to Rome, Georgia, and Floyd County from Louisiana and Mississippi.

Rome Kares is a group that distributes an electronic newsletter detailing the items that relocated families need and acts as a clearinghouse for organizations and individuals looking for ways to help. Above all, Rome Kares helps evacuees get set up and settled in their new adopted community.

These efforts have been incredibly successful. Rome Kares has delivered gasoline, diapers, water, and bedding to hurricane-stricken areas, and furniture supplies and clothing to local evacuees.

Mr. Speaker, in the aftermath of Hurricane Katrina, we have seen the best of America; and Rome Kares is a model of this generosity and compassion. I ask that you join me in thanking Rome Kares.

IN SUPPORT OF JUDGE ROBERTS

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today to voice my strong support for President Bush's nominee for Chief Justice, Judge John Roberts, Jr., who started his confirmation hearings in the Senate this week.

Fortunately, Judge Roberts has been applauded through editorial boards throughout the Nation, including some papers in my State. In fact, the Greenville News said: ''It is fitting that Rehnquist's brilliant law clerk, Judge Roberts, a man seemingly cut from the same judicial cloth, was nominated Monday by President Bush to become the Nation's 17th Chief Justice, and a man of integrity and fairness.''

Mr. Speaker, Judge Roberts is the kind of judge this country needs. He will apply the law as written and decide each case on its merits regardless of his political views. Republicans and Democrats alike have acknowledged Judge Roberts' outstanding career. Democratic lawyers Lloyd Cutler and Seth Waxman and former Republican House Counsel C. Boyden Gray have cited his unquestioned integrity and fair-mindedness in praising him.

Judge Roberts is the right man for the job, and I strongly support his speedy confirmation.

□ 1030

EXTRAORDINARY COAST GUARD

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

Mr. KINGSTON. Mr. Speaker, there are so many success stories that are

going on around Katrina and yet we always dwell on things that are not so successful, but I want to talk about the Coast Guard and some of the great things that the United States Coast Guard has done in the Gulf area.

They have rescued 33,000 lives and evacuated another 9,400 from local hospitals. They delivered tons of food and water to survivors. They have responded to over 650 spills of oil, gas and other hazardous material. They have repaired and replaced several hundred aids to navigation to get ports and waterways reopened to oil, gas and commerce. They brought in over 3,300 servicemen and women and called up another 800 reservists to undertake response operations. And they have moved over 75 aircraft, 25 cutters, 110 small boats into the disaster area to execute and search and rescue.

Their environmental cleanup has been probably the first that has taken place of any government agency. I commend the United States Coast Guard and wish them the best. Keep up the good work.

TEXANS MAKE AMERICA GREAT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to praise the people of Texas who have gone to great lengths to assist those devastated by Hurricane Katrina. In my Third District alone, there are shining examples of selflessness, sacrifice and service.

The City of Allen schools have enrolled over 100 evacuees. Plano has enrolled over 500. And in Wylie, a volunteer in a shelter helped a 15-year-old evacuee separated from his family find them in Houston; and then more volunteers drove him down there.

In McKinney, volunteers turned an old Wal-Mart into a shelter for 300 people, and within 48 hours they added showers, decorated play areas, created medical facilities, and even made Internet connections. One sign said it best, ''Howdy. Welcome to Texas, y'all.''

For these people who have volunteered their time, money and talents, God bless you and God bless America.

It is people like these who make Texas and America great. I salute all of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

REAUTHORIZING THE LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3408) to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act, as amended.

The Clerk read as follows:

H.R. 3408

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

SECTION 1. EXTENSION.

(a) IN GENERAL.—Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following new section:

''SEC. 260. TERMINATION OF AUTHORITY.

''The authority provided by this subtitle terminates on September 30, 2010.''.

(b) CONFORMING AMENDMENT AND EXTENSION.— Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78) is amended by striking ''terminate on September 30, 2005'' and inserting ''(other than section 911 of subtitle A and the amendments made by that section) terminate on September 30, 2010''.

SEC. 2. DEFINITIONS.

(a) BASE MARKET HOGS.—Section 231(4) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i(4)) is amended to read as follows:

''(4) BASE MARKET HOG.—The term 'base market hog' means a barrow or gilt for which no discounts are subtracted from and no premiums are added to the base price.''.

(b) BOARS.—Section 231(5) of such Act (7 U.S.C. 1635i(5)) is amended to read as follows:

''(5) BOAR.—The term 'boar' means a sexually-intact male swine.''.

(c) PACKER OF SOWS AND BOARS.—Section 231(12) of such Act (7 U.S.C. 1635i(12)) is amended by—

(1) striking subparagraph (B) and inserting the following new subparagraph:

''(B) for any calendar year, the term includes only—

''(i) a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding five calendar years; and

''(ii) a person that slaughtered an average of at least 200,000 sows, boars, or any combination thereof, per year during the immediately preceding five calendar years; and''; and

(2) in subparagraph (C)—

(A) by inserting ''or person'' after ''swine processing plant'';

(B) by inserting ''or person'' after ''plant capacity of the processing plant''; and

(C) by inserting ''or person'' after ''determining whether the processing plant''.

SEC. 3. REPORTING; BARROWS AND GILTS.

Section 232(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j(c)) is amended to read as follows:

''(c) DAILY REPORTING; BARROWS AND GILTS.—

''(1) PRIOR DAY REPORT.—

''(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary, for each business day of the packer, such information as the Secretary determines necessary and appropriate to—

''(i) comply with the publication requirements of this section; and

''(ii) provide for the timely access to the information by producers, packers, and other market participants.

''(B) REPORTING DEADLINE AND PLANTS REQUIRED TO REPORT.—A packer required to report under subparagraph (A) shall—

''(i) not later than 7:00 a.m. Central Time on each reporting day, report information regarding all barrows and gilts purchased or priced, and

''(ii) not later than 9:00 a.m. Central Time on each reporting day, report information regarding all barrows and gilts slaughtered, during the prior business day of the packer.

''(C) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this paragraph shall include—

''(i) all purchase data, including—

''(I) the total number of—

''(aa) barrows and gilts purchased; and

''(bb) barrows and gilts scheduled for delivery; and

''(II) the base price and purchase data for slaughtered barrows and gilts for which a price has been established;

''(ii) all slaughter data for the total number of barrows and gilts slaughtered, including—

''(I) information concerning the net price, which shall be equal to the total amount paid by a packer to a producer (including all premiums, less all discounts) per hundred pounds of carcass weight of barrows and gilts delivered at the plant—

''(aa) including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer or the accumulation of a balance to later be repaid by the packer to the producer; and

''(bb) excluding any sum earlier paid to a producer that must later be repaid to the packer;

''(II) information concerning the average net price, which shall be equal to the quotient (stated per hundred pounds of carcass weight of barrows and gilts) obtained by dividing—

''(aa) the total amount paid for the barrows and gilts slaughtered at a packing plant during the applicable reporting period, including all premiums and discounts, and including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer, or the accumulation of a balance to later be repaid by the packer to the producer, less all discounts; by

''(bb) the total carcass weight (in hundred pound increments) of the barrows and gilts;

''(III) information concerning the lowest net price, which shall be equal to the lowest net price paid for a single lot or a group of barrows or gilts slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of barrows and gilts;

''(IV) information concerning the highest net price, which shall be equal to the highest net price paid for a single lot or group of barrows or gilts slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of barrows and gilts;

''(V) the average carcass weight, which shall be equal to the quotient obtained by dividing—

''(aa) the total carcass weight of the barrows and gilts slaughtered at the packing plant during the applicable reporting period, by

''(bb) the number of the barrows and gilts described in item (aa),

adjusted for special slaughter situations (such as skinning or foot removal), as the Secretary determines necessary to render comparable carcass weights;

''(VI) the average sort loss, which shall be equal to the average discount (in dollars per hundred pounds carcass weight) for barrows and gilts slaughtered during the applicable

reporting period, resulting from the fact that the barrows and gilts did not fall within the individual packer's established carcass weight or lot variation range;

''(VII) the average backfat, which shall be equal to the average of the backfat thickness (in inches) measured between the third and fourth from the last ribs, 7 centimeters from the carcass split (or adjusted from the individual packer's measurement to that reference point using an adjustment made by the Secretary) of the barrows and gilts slaughtered during the applicable reporting period;

''(VIII) the average lean percentage, which shall be equal to the average percentage of the carcass weight comprised of lean meat for the barrows and gilts slaughtered during the applicable reporting period, except that when a packer is required to report the average lean percentage under this subclause, the packer shall make available to the Secretary the underlying data, applicable methodology and formulae, and supporting materials used to determine the average lean percentage, which the Secretary may convert to the carcass measurements or lean percentage of the barrows and gilts of the individual packer to correlate to a common percent lean measurement; and

''(IX) the total slaughter quantity, which shall be equal to the total number of barrows and gilts slaughtered during the applicable reporting period, including all types of purchases and barrows and gilts that qualify as packer-owned swine; and

''(iii) packer purchase commitments, which shall be equal to the number of barrows and gilts scheduled for delivery to a packer for slaughter for each of the next 14 calendar days.

''(D) PUBLICATION.—

''(i) IN GENERAL.—The Secretary shall publish the information obtained under this paragraph in a prior day report—

''(I) in the case of information regarding barrows and gilts purchased or priced, not later than 8:00 a.m. Central Time, and

''(II) in the case of information regarding barrows and gilts slaughtered, not later than 10:00 a.m. Central time,

on the reporting day on which the information is received from the packer.

''(ii) PRICE DISTRIBUTIONS.—The information published by the Secretary under clause (i) shall include a distribution of net prices in the range between and including the lowest net price and the highest net price reported. The publication shall include a delineation of the number of barrows and gilts at each reported price level or, at the option of the Secretary, the number of barrows and gilts within each of a series of reasonable price bands within the range of prices.

''(2) MORNING REPORT.—

''(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary not later than 10:00 a.m. Central Time each reporting day—

''(i) the packer's best estimate of the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

''(ii) the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

''(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

''(iv) the base price paid for all base market hogs purchased through each type of purchase other than negotiated purchase up to that time of the reporting day, unless such information is unavailable due to pricing that is determined on a delayed basis.

''(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the morning report as soon as practicable, but not later than 11:00 a.m. Central Time, on each reporting day.

''(3) AFTERNOON REPORT.—

''(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day—

''(i) the packer's best estimate of the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

''(ii) the total number of barrows and gilts, and barrows and gilts that qualify as packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

''(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

''(iv) the base price paid for all base market hogs purchased up to that time of the reporting day through each type of purchase other than negotiated purchase, unless such information is unavailable due to pricing that is determined on a delayed basis.

''(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the afternoon report as soon as practicable, but not later than 3:00 p.m. Central Time, on each reporting day.''.

SEC. 4. REPORTING; SOWS AND BOARS.

Section 232 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635j) is amended by—

(1) redesignating subsection (d) as subsection (e); and

(2) inserting after subsection (c) the following new subsection:

''(d) DAILY REPORTING; SOWS AND BOARS.—

''(1) PRIOR DAY REPORT.—The corporate officers or officially designated representatives of each packer of sows and boars shall report to the Secretary, for each business day of the packer, such information reported by hog class as the Secretary determines necessary and appropriate to—

''(A) comply with the publication requirements of this section; and

''(B) provide for the timely access to the information by producers, packers, and other market participants.

''(2) REPORTING.—Not later than 9:30 a.m. Central Time, or such other time as the Secretary considers appropriate, on each reporting day, a packer required to report under paragraph (1) shall report information regarding all sows and boars purchased or priced during the prior business day of the packer.

''(3) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this subsection shall include all purchase data, including—

''(A) the total number of sows purchased and the total number of boars purchased, each divided into at least three reasonable and meaningful weight classes specified by the Secretary;

''(B) the number of sows that qualify as packer-owned swine;

''(C) the number of boars that qualify as packer-owned swine;

''(D) the average price paid for all sows;

''(E) the average price paid for all boars;

''(F) the average price paid for sows in each weight class specified by the Secretary under subparagraph (A);

''(G) the average price paid for boars in each weight class specified by the Secretary under subparagraph (A);

''(H) the number of sows and the number of boars for which prices are determined, by each type of purchase;

''(I) the average prices for sows and the average prices for boars for which prices are determined, by each type of purchase; and

''(J) such other information as the Secretary considers appropriate to carry out this subsection.

''(4) PRICE CALCULATIONS WITHOUT PACKER-OWNED SWINE.—A packer shall omit the prices of sows and boars that qualify as packer-owned swine from all average price calculations, price range calculations, and reports required by this subsection.

''(5) REPORTING EXCEPTION: PUBLIC AUCTION PURCHASES.—The information required to be reported under this subsection shall not include purchases of sows or boars made by agents of the reporting packer at a public auction at which the title of the sows and boars is transferred directly from the producer to such packer.

''(6) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in a prior day report not later than 11:00 a.m. Central Time on the reporting day on which the information is received from the packer.

''(7) ELECTRONIC SUBMISSION OF INFORMATION.—The Secretary of Agriculture shall provide for the electronic submission of any information required to be reported under this subsection through an Internet website or equivalent electronic means maintained by the Department of Agriculture.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I rise today in support of H.R. 3408, a bill to reauthorize the Livestock Mandatory Reporting Act of 1999.

Mr. Speaker, when the Congress considered this legislation in 1999, its intent was to improve the livestock market news reporting system so that farmers and ranchers, particularly those that rely on cash market sales, could enjoy improved market transparency and better price discovery.

In particular, the Act provided the USDA with the authority to collect and disseminate information that can be readily understood by livestock producers, packers, and other participants, including information with respect to pricing, contract for purchase, and supply and demand conditions for livestock, livestock production, and livestock products.

The legislation enacted in 1999 was the product of extensive discussion between livestock producers and packers. We relied on this process partly because it was such a technical issue, but mostly we wanted to avoid the situation where segments of the industry were divided against each other. After considerable give and take, the final product was agreed on by all participants.

As the time for reauthorization neared, producers and packers engaged again in a dialogue to develop a consensus proposal for reauthorization. H.R. 3408 is the product of this hard work. The coalition that supports this consensus legislation included the National Pork Producers Council, the American Meat Institute, the National Cattlemen's Beef Association, the Chicago Mercantile Exchange, the American Sheep Industry Association, and the American Farm Bureau Federation.

This package, as it appears before us today, is a carefully crafted document. All of these organizations have agreed that they will oppose it ''if any amendment is adopted that does not have the prior agreement'' of the coalition.

Mandatory price reporting expires at the end of September, and this bill reauthorizes it for 5 years with minor changes representing the consensus of our constituents.

Mr. Speaker, I would like to thank my colleague, the ranking member, the gentleman from Minnesota (Mr. PETERSON) for working with us on this legislation. I urge my colleagues to support the bill.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman for his leadership on this issue. Policy is always best when we can work together in a bipartisan manner to craft legislation which we have done on this piece of legislation and we have legislation that addresses the needs of his stakeholders. I think we have accomplished that today with the reauthorization of the mandatory price reporting law.

I think it should be noted that when this was first put together and considered back in 1999, it was somewhat controversial and there were some groups that were opposed to it. And to show you kind of what has happened this time, the groups that were concerned back then support this law and support this reauthorization.

Originally, it was balanced to address the concerns of the livestock producers with price transparency, and mandatory price reporting I think has served the industry well. Mandatory price reporting is a necessary tool to ensure that our producers have a transparent market atmosphere. As the structure of our livestock production systems continue to change, it is necessary to preserve the safety net that guarantees our producers are receiving fair prices for their livestock.

The legislation we consider today improves the quality and quantity of information, making the process more accurate and more efficient. The 5-year reauthorization is important and should be completed as soon as possible. It is important that we complete this task so we can avoid the gap in reporting that occurred last year.

I am pleased to support this bill with the gentleman from Virginia (Mr. GOODLATTE) and I urge its passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 3408, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3408.

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

There was no objection.

SUPPORTING A NATIONAL DAY OF PRAYER AND REMEMBRANCE FOR VICTIMS OF HURRICANE KATRINA

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 240) supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day.

The Clerk read as follows:

H. CON. RES. 240

Whereas on August 25, 2005, Hurricane Katrina made landfall on the southeast tip of Florida as a Category 1 hurricane;

Whereas Hurricane Katrina moved into the Gulf of Mexico, rapidly intensifying to a Category 5 hurricane and, on August 29, 2005, made landfall on the Gulf coast as a Category 4 hurricane with 140 mile-per-hour winds, devastating communities and towns in Alabama, Mississippi, and Louisiana;

Whereas the levees protecting the city of New Orleans, Louisiana from Lake Pontchartrain failed, causing heavy flooding in the city and inflicting incredible human and material damage;

Whereas Hurricane Katrina caused the evacuation of the city of New Orleans, marking the first time a major American city has been completely evacuated;

Whereas the number of individuals killed by Hurricane Katrina is estimated to be in the hundreds;

Whereas the damage to human life and the fabric of families torn apart by Hurricane Katrina is inestimable;

Whereas Hurricane Katrina has inflicted enormous damage to homes and businesses along the Gulf Coast, with damage estimates in the hundreds of billions of dollars;

Whereas Hurricane Katrina left an estimated five million people without power, and it may be months before all power is restored;

Whereas the States of Alabama, Mississippi, Louisiana, and Florida have received federal disaster declarations;

Whereas Hurricane Katrina ranks among the worst natural disasters in our Nation's history;

Whereas years of intense effort will be required to recover from the devastation caused by Hurricane Katrina and to rebuild the Gulf Coast;

Whereas the American people have an inherent spirit of willpower and strong resilience;

Whereas the American people have opened their hearts and their homes to the victims of Hurricane Katrina, sheltering its victims, providing food and medical assistance, and donating hundreds of millions of dollars to the relief effort;

Whereas Louisiana Governor Kathleen Blanco declared August 31, 2005, to be a day of prayer in the State of Louisiana, and asked that all Louisianans take time that day to pray for the victims of Hurricane Katrina and their rescuers; and

Whereas President George W. Bush has proclaimed September 16, 2005, to be a National Day of Prayer and Remembrance for the Victims of Hurricane Katrina: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encourages all Americans to observe that day.

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

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

GENERAL LEAVE

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 240.

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

There was no objection.

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

Mr. Speaker, I rise in very strong support of House Concurrent Resolution 240. This resolution expresses the solidarity of the House of Representatives with the people of the Gulf Coast whose lives have been lost, uprooted, and otherwise changed forever because of Hurricane Katrina.

On August 29, Hurricane Katrina slammed into Louisiana as a Category 4 hurricane. It left almost the entire city of New Orleans under water and ravaged numerous other Gulf Coast communities. Hundreds of people were killed and millions forced to evacuate for an indefinite period of time. Katrina was one of the most destructive natural disasters that the United States has ever endured. The entire Nation has been grieving for more than 2 weeks.

President Bush proclaimed this Friday, September 16, to be a national day of prayer and remembrance for the victims of Hurricane Katrina. On behalf of all Members, I commend the President for this proclamation and urge all Americans to keep the victims of this storm in their prayers.

As a Floridian, I can particularly empathize with the people of the Gulf Coast. First, it is important to remember that before the hurricane gained power and hit Louisiana, Mississippi, and Alabama, Katrina also struck south Florida as a Category 1 storm on August 25, killing 11 people. And last summer, in just over a one-month period, three devastating hurricanes, Charley, Frances and Ivan, destroyed neighborhoods, churches, businesses and communities throughout the State of Florida. These storms killed nearly 100 people and caused billions and billions of dollars in damage.

Hurricane Katrina has proved to be even more costly, and that is why I know I speak for all Americans when I say that we stand shoulder to shoulder with the victims of this once-in-a-lifetime storm.

Mr. Speaker, the Committee on Government Reform, of which I am very proud to be a member, will hold its first oversight hearing on the Federal government's overall response to Katrina tomorrow morning. The committee, led by our very distinguished chairman, the gentleman from Virginia (Mr. TOM DAVIS), seeks to gauge the efficacy of the hurricane preparation and recovery effort, determine what lessons our government has learned, and evaluate the preparedness of other major U.S. cities to cope with disasters of all types in the future.

This Congress is overwhelmed with grief as a result of Katrina, and all Members are resolved to do everything possible to help to provide the necessary support to authorities and volunteers who are working to rebuild this area.

Mr. Speaker, as we mourn the souls we lost to the incredible force of nature that was Hurricane Katrina, we are compelled to recognize the back-breaking, selfless, life-preserving work of the altruistic military and law enforcement personnel, relief workers, volunteers and others. Their seemingly endless work has been in full gear for more than 2 weeks now, and we are all indebted to them for coming to the rescue of our Gulf Coast neighbors.

Mr. Speaker, September 11, the October 2003 wildfires, the hurricanes in Florida last summer, and now Hurricane Katrina, these tragic events in this country have all had similar remarkable silver linings, and that is each brought out the best in the American people. Americans are an incredibly compassionate people, and they have and will do anything to help their neighbors.

In recent days, there has been a colossal outpouring of benevolence and aid from citizens across this great land. The citizens of the Gulf Coast region have desperately needed this support. But our Louisiana, Mississippi, and Alabama neighbors continue to need much more aid as so many lost their homes, their jobs, their precious belongings, and even their loved ones.

Mr. Speaker, I know my distinguished colleagues will support this resolution, and I commend the sponsor. I urge Americans to observe the National Day of Prayer and Remembrance for Hurricane Katrina victims on Friday.

Finally, Mr. Speaker, I want to assure the people of North and South Carolina that they, too, have our prayers as they brace for Hurricane Ophelia making landfall today.

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

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

Mr. Speaker, Hurricane Katrina first made landfall on August 25, 2005, on the southeastern tip of Florida as a Category 1 hurricane. Hurricane Katrina then moved into the Gulf of Mexico and steadily made her way towards the Gulf Coast, intensifying to a Category 5 storm.

On August 29, 2005, the hurricane was a Category 4 storm which sustained winds of 140 miles per hour and a storm surge over 20 feet when she devastated the Gulf Coast.

□ 1045

Hurricane Katrina swept along the coasts of Alabama, Mississippi, Florida and Louisiana, leaving a path of destruction in her wake. Two of the levees that protect the city of New Orleans from the waters of Lake Pontchartrain gave way under the enormous pressure of the flood waters that Katrina left behind.

Overnight, much of the city of New Orleans was filled with water. Many residents of the Crescent City, who had thought the worst was over, were confronted by nearly 25 feet of water in the streets and in their homes.

One of the worst natural disasters in United States history, Hurricane Katrina has resulted in economic losses that include property damage to homes, cars, ports, refineries, and public property. It is estimated that Hurricane Katrina has cost at least $125 billion in economic damage and could cost the insurance industry up to $60 billion in claims. No dollar figure, however, can be placed on the pain and suffering Katrina has wrought on those who stood in her path.

The American people and the international community have responded overwhelmingly to this tragedy. They are donating money, lending their time, sharing expertise, making many innumerable sacrifices of their own in order to be helpful.

On August 31, 2005, Governor Kathleen Blanco declared a day of prayer in Louisiana and asked that all Louisianans pray for the victims and their rescuers that day. On September 16, 2005, the National Day of Prayer will be observed in recognition of the many lives lost and the countless lives forever changed by Hurricane Katrina.

Mr. Speaker, I am so proud of the way in which my own State, the Land of Lincoln, the State of Illinois, reacted to this tragedy. I take this opportunity to commend the Governor for opening the doors of the State, the county board president for extending physicians and nurses and other personnel to the affected areas, to the mayor of our city and especially to the people of my congressional district and all over the country who have given continuously in order to show that they, too, experienced the same devastation and that their hearts, their minds and their resources go out to the victims.

I would urge all of us to support a day of prayer.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas City, Missouri (Mr. CLEAVER).

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

Mr. CLEAVER. Mr. Speaker, I thank my friend from Illinois for yielding me the time.

Mr. Speaker, the devastation wrought by Hurricane Katrina is almost unfathomable. Hundreds of lives have been lost; families have been torn apart; people's homes, jobs, possessions and everything they have built up over their entire lives has been swept away; billions of dollars in damage has been inflicted; and the coast along the States of Louisiana, Mississippi, Alabama and Florida has been flattened and flooded. New Orleans, the Big Easy, the Crescent City, the culinary capital of the Nation, has simply become an extension of Lake Pontchartrain. It is now clear that Hurricane Katrina is one of the worst natural disasters to ever hit America.

My son Evan graduated in May from Dillard University in New Orleans and was still there when Katrina struck, and I thank God that he escaped with his life; but like so many others, he lost most of his possessions when Katrina pulled back the roof of the apartment building where he lived. Having now been separated from his friends, his work and his adopted city, his life will never be the same.

Although he lost almost everything, he was able to retrieve his video camera and was able to record what is now left of New Orleans. He shared that video with his mother and me this past week; and although I cannot fathom what it is like for those who have experienced Katrina's wrath firsthand, I can tell my colleagues that I was deeply, deeply saddened and affected by the images of utter devastation wrought by the storm.

Seeing that video reinforced my resolve to help Katrina's victims, help rebuild the Gulf Coast; and it reinforced in my mind that there is an incredible

need for prayer. That is why I decided to introduce this resolution for a national day of prayer and remembrance.

Many in our Nation believe, as do I, that prayer changes things and that it represents the highest level of human communication. As many of us now know, this Friday, September 16, has been designated as a day of prayer and remembrance for the victims of Hurricane Katrina; and my resolution, the resolution we are currently considering, expresses the support of Congress for such a day and urges all Americans to join together this Friday to remember those that have lost their lives and to ask for strength and determination for those that are trying to rebuild their lives and their city.

In the wake of tragedy, the American people have always stepped up to support their fellow man and woman, and Hurricane Katrina is no different. The American people have opened their hearts, their checkbooks and even their homes in sheltering the storm's victims, providing food and medical assistance, and donating hundreds of millions of dollars to the relief effort.

In my home State of Missouri, for example, Children's Mercy Hospital of Kansas City, Missouri, has opened their doors to a number of young patients and families flown in from New Orleans by the Missouri Air National Guard, and the Red Cross has raised hundreds of thousands of dollars in Kansas City.

The compassion and generosity of the American people is unparalleled; but as the devastation and full impact of Hurricane Katrina is further understood, its victims and their families will more than ever need us all to keep them in our thoughts and prayers as well.

As senior pastor of the St. James United Methodist Church in Kansas City, I have called on my congregation to support the evacuees with their time, talent, treasure and prayer. I have asked them to pray for the victims of Hurricane Katrina, their families and all those who are aiding in the recovery and relief effort.

I hope my colleagues will all join me in the support of this resolution and will join me in prayer, along with the President, at the National Cathedral this Friday and join the American people to remember all those affected by the devastating events of the past 2 weeks.

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

Let me just state that I agree wholeheartedly with the gentleman from Missouri (Mr. CLEAVER) that prayer is the highest form of human communication; that it has a way of making things different. So I would simply urge passage of this resolution and thank him for its introduction.

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

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

Mr. Speaker, regardless of what denomination one belongs to, we all know the power of prayer; and that is one reason why I am sure that my colleagues will join me in supporting the National Day of Prayer for Hurricane Katrina victims.

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 gentlewoman from Florida (Ms. GINNY BROWN-WAITE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 240.

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.

PROVIDING FOR CONSIDERATION OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 436 is a modified open rule that provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill. This rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. It provides that the bill shall be considered for amendment under the 5-minute rule and that it shall be read by title.

It makes in order only those amendments to the bill that are preprinted in the CONGRESSIONAL RECORD or are pro forma amendments for the purpose of debate, provides that each amendment printed in the CONGRESSIONAL RECORD may be offered only by the Member who caused it to be printed or a designee, and that each amendment shall be considered as read. It provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 436 and the underlying bill, H.R. 3132, the Children's Safety Act of 2005.

First, I would like to take this opportunity to commend Chairman SENSENBRENNER for this comprehensive bill addressing the unconscionable atrocities perpetrated against our children by sexual predators and for his committee's thorough work and committed devotion to seeing this bill realized.

Mr. Speaker, this fight is not a new one. The sexual and physical abuse of our most fragile and defenseless citizens, our children, is perhaps the most offensive and utterly unconscionable act that can be committed.

□ 1100

Members on both sides of the aisle recognize the need to continually find new ways to prevent sexual abuse and to thoroughly and justly punish those who commit these heinous acts.

The Children's Safety Act of 2005 would combat the sexual exploitation and abuse of our children through mounting an offensive on numerous fronts and through combining various pieces of good, solid legislation into this one comprehensive bill. The final product compiles the Sex Offender Registration and Notification Act, the DNA Fingerprinting Act of 2005, the Prevention and Deterrence of Crimes Against Children Act of 2005, the Protection Against Sexual Exploitation of Children Act of 2005, and the Foster Child Protection Act of 2005.

Mr. Speaker, H.R. 3132 is a commonsense bill. For too long the laws have

not fully reflected or reacted to the changing environment in which our children are vulnerable. While the Constitution always protects the accused and harmed alike, we should not allow the law to be procedurally twisted by child abusers to keep them on the streets to harm another child because of a technicality or because of insufficient support for our law enforcement and communities.

Mr. Speaker, H.R. 3132 would require that the definition of sex offender be expanded to include both felony sex offenses and misdemeanor sex offenses. Additionally, this bill would make the possession of child pornography a triggering offense for registration and notification requirements.

Another important provision of this bill would require a State to maintain a statewide Internet site to provide thorough and current information about sex offenders. This information would include the current location of the sex offender, the facts underlying the offender's conviction, any vehicles owned or used by the offender, a picture and other up-to-date information to keep communities informed and give them every possible piece of information available to assess the potential threats of these individuals.

Additionally, Mr. Speaker, this bill makes full use of new and innovative technologies available to law enforcement. Specifically, DNA technology. It has grown by leaps and bounds, and today this technology gives law enforcement new and more precise tools to keep innocent people free and keep criminals behind bars, where they belong. This bill would also require the Attorney General to create a prioritized DNA database focused specifically on those violent predators who would prey on our children.

Mr. Speaker, I cannot emphasize enough that our primary goal must be to prevent child abuse and stop these deviants before they get their hands on a child and before they destroy a child's fragile life. However, when one of these deviants does harm a child, then the full weight of the law should be upon them.

This bill would impose new mandatory minimum penalties for violent crimes committed against children. These mandatory minimums include the death penalty or life imprisonment when a child is murdered. It imposes a 30-years-to-life imprisonment when the offender kidnaps, maims, commits aggravated sexual abuse, or causes serious bodily harm to a child. Additionally, the bill requires a 20-year minimum sentence when the crime of violence results in a nonserious bodily injury to a child. Fifteen-years-to-life imprisonment is required when the defendant uses a dangerous weapon, and in any other case the minimum penalty ranges from a mandatory 10 years to life imprisonment.

Additionally, Mr. Speaker, this bill would increase the existing mandatory penalties for several existing sexual offenses, including engaging in a sexual act with a child, committing abusive sexual contact and sexual exploitation of a child, trafficking child pornography, and the use of the Internet to prey on children.

I would also like to add that this bill places new requirements on our States to ensure that they perform complete background checks on potential foster and adoptive parents, and grants relevant State agencies access to national criminal history databases. Our State and local governments should never, let me repeat, never deliver a child into the hands of a sexual predator.

The Children's Safety Act also addresses the growing problem of kidnapping and sex trafficking. The trafficking of children is a problem not just here in the United States but globally, and this bill will increase the penalties for sex trafficking of children. We have to root these thugs out and shut down their operations. Sexual abuse of children must be stopped at all levels and in all degrees. From the lone abuses to a network of criminals peddling children for the pleasure of perverts, this must be stopped, and this bill goes a long way to strengthen law enforcement capabilities and making sure the punishment justly fits the crime.

In conclusion, Mr. Speaker, I want to encourage my colleagues on both sides of the aisle to unite behind this commonsense legislation. Let us keep sexual predators away from our children, off the streets, and serving their time.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider the rule for H.R. 3132, the Children's Safety Act of 2005. This rule has a requirement that all amendments be preprinted in the CONGRESSIONAL RECORD to be in order for today's floor debate. While this rule is less restrictive than most rules we report out of the Committee on Rules, I must point out that it is not an open rule. It restricts the debate we will be able to have today on this bill by preventing Members from offering any new amendments.

For example, if a Member came up with a good idea for an amendment today based upon the discussion, he or she would not be able to offer it. That is unfortunate, because the Children's Safety Act is important legislation that aims to protect our children and allow them to grow up unharmed and free from abuse, but it is not perfect.

This legislation ties the hands of the judiciary. We must allow those most competent, the judge who has presided over the case, who has seen and heard from the victim, to determine the appropriate punishment. Our judges are best positioned to hand down sentences that correspond with the crime committed.

Mr. Speaker, it is our responsibility to create laws that protect our children from harm.

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

Mr. GINGREY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), who has been extremely active in the crafting of this legislation. Her bill, which she will talk about, is actually included in this overall comprehensive bill. And she knows well, if not better than all of us, about these matters because some of these heinous acts occurred within the last year in her great State of Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

As the person who represents the area that Jessica Lunsford grew up in and knowing her family very, very well, all of America was focused on Jessica when she turned up missing. Then we found out that she was the victim of a predator, a very, very sick, depraved man. Jessica is no longer with us; and I commend the Members of Congress, including yourself, Mr. Speaker, with whom I have worked very closely, and certainly the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, in putting together the Children's Safety Act.

No parent should worry when their child is at a playground whether or not a sexual predator is nearby. There were many loopholes in the various State laws in Jessica's case. The perpetrator came into Florida from Georgia. He registered at one point but then transferred his address. The probation officer never knew that he had a prior offense of violating children. Had that probation officer known that, he never would have allowed the offender anywhere near a school.

That is but one of the very excellent facets of this bill in addition to having the nationwide registration and availability on line so that parents, so that grandparents, so that anyone can go and find out who the offenders are in their neighborhood so that every family member can have a modicum of safety in knowing who is nearby.

It also, as I mentioned, does allow for probation officers to know about a prior offense. Now, why is that important? I firmly believe, Mr. Speaker, that Jessica Lunsford would be here today had the probation officer known that.

Additionally, the bill also picks up on some language that I had in the Jessica Lunsford Act, and part of this bill is named after her, that provides for more frequent contacts, a mailing or random mailings to the sexual offenders so that they have to report. If the mailer is not returned, if they do not fill out the form and send it back, at that point police will be alerted to be on the lookout for them because they are not at their last known address.

With all of the various facets of the bill, many Members who are concerned, who have lost children to these offenders, to these violators of our most innocent children, every single Member who put a bill in and those who signed on as cosponsors realize the importance of protecting our streets, of protecting our families, of protecting our children from these lowlifes who prey on our most innocent young children.

I certainly support the bill. I want to make sure that the rule is adopted so we can go on, pass this bill, send it over to the Senate; and, hopefully, they, too, will see the need, the absolute imperative need that America has in demanding that this bill pass so that our children will be protected.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume; and, in closing, I would like to begin by saying that there are very few matters in our society that are as clear-cut as this one. Child abduction and abuse is not a new problem. It did not begin yesterday, and it will not end tomorrow. This is a continuing struggle to protect our children; and I truly believe that it will help protect my grandchildren, 7-year-old twins Ali and Hannah Manning, 5-year-old Hank Manning, IV, and 10-month-old Grey Collins.

The recent tragedies that have grabbed the attention and sympathy of the Nation only serve as a grim and poignant reminder that our work is not done and we must continue to do everything that we can to stop the abuse and exploitation of our children.

□ 1115

As I noted in my opening statement, this is commonsense, comprehensive legislation that attacks the problem in many different ways, from expanding the definition of sex offenders, to strengthening law enforcement's tools, to increasing mandatory minimums for child abusers and kidnappers.

Additionally, I believe this legislation protects the constitutional rights of the accused while ensuring that the guilty see justice and the victims are protected.

Again, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the Committee on the Judiciary for putting this bill together. H.R. 3132 is sound, well-crafted legislation. I am confident that this legislation will empower the innocent over the guilty, victims over the predators. With its passage, our country, our children and our grandchildren, will be the winners. For that reason I urge my colleagues to support this rule and the underlying bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF ROSA LOUISE PARKS' REFUSAL TO GIVE UP HER SEAT ON THE BUS AND THE SUBSEQUENT DESEGREGATION OF AMERICAN SOCIETY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 208) recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

The Clerk read as follows:

H. CON. RES. 208

Whereas most historians date the beginning of the modern-day Civil Rights Movement in the United States to December 1, 1955;

Whereas December 1, 1955, is the date of Rosa Louise Parks' refusal to give up her bus seat to a white man and her subsequent arrest;

Whereas Rosa Louise Parks was born on February 4, 1913, as Rosa Louise McCauley to James and Leona McCauley in Tuskegee, Alabama;

Whereas Rosa Louise Parks was educated in Pine Level, Alabama, until the age of 11, when she enrolled in the Montgomery Industrial School for Girls and then went on to attend the Alabama State Teachers College's High School;

Whereas on December 18, 1932, Rosa Louise McCauley married Raymond Parks and the two settled in Montgomery, Alabama;

Whereas, together, Raymond and Rosa Parks worked in the Montgomery, Alabama, branch of the National Association for the Advancement of Colored People (NAACP), where Raymond served as an active member and Rosa served as a secretary and youth leader;

Whereas on December 1, 1955, Rosa Louise Parks was arrested for refusing to give up her seat in the ''colored'' section of the bus to a white man on the orders of the bus driver because the ''white'' section was full;

Whereas the arrest of Rosa Louise Parks led African Americans and others to boycott the Montgomery city bus line until the buses in Montgomery were desegregated;

Whereas the 381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all;

Whereas the fearless acts of civil disobedience displayed by Rosa Louise Parks and others resulted in a legal action challenging Montgomery's segregated public transportation system which subsequently led to the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws (352 U.S. 903);

Whereas, in the years following the Montgomery bus boycott, Rosa Louise Parks moved to Detroit, Michigan, in 1957, and continued her civil rights work through efforts that included working in the office of Congressman John Conyers, Jr., from 1965 until 1988, and starting the Rosa and Raymond Parks Institute for Self Development, a nonprofit 501(c)(3) that motivates youth to reach their highest potential, in 1987;

Whereas Rosa Louise Parks has been commended for her work in the realm of civil rights with such recognitions as the NAACP's Springarn Medal in 1979, the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999; and

Whereas in 2005, the year marking the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus, we recognize the courage, dignity, and determination displayed by Rosa Louise Parks as she confronted injustice and inequality: Now, therefore, be it

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

(1) recognizes and celebrates the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society;

(2) encourages the people of the United States to recognize and celebrate this anniversary and the subsequent legal victories that sought to eradicate segregation in all of American society; and

(3) endeavors to work with the same courage, dignity, and determination exemplified by civil rights pioneer, Rosa Louise Parks, to address modern-day inequalities and injustice.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 208 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Con. Res. 208, recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

Fifty years ago, one individual, through one courageous act, gave strength to the citizens of Montgomery, Alabama, to stand up to the injustice and indignity that had become commonplace among its citizens. Rosa Parks accomplished this heroic feat through the single act of refusing to give up her seat on the bus to a white man. Her single act of defiance and refusal to accept the status quo led to the 381-day Montgomery bus boycott and eventually to the desegregation of Montgomery, Alabama.

However, Rosa Parks' courageous act meant much more. It inspired a broader movement that struggled and pushed back against a Nation that had failed to keep its promise to all its citizens to promote equality, justice, and fairness under the laws. It paved the way for this Nation to hold unacceptable the injustices and disparate treatment experienced by many of its citizens. Rosa Parks' courage helped restore to all citizens the dignity and respect that every person deserves. Her

single act of courage will forever serve as a constant reminder of the true meaning of equal protection under the laws and the responsibility of each of us to stand up to inequality and injustice.

Rosa Parks is an inspiration to all of us and is a reflection of what it means to be an American. I encourage my colleagues to join me in recognizing Rosa Parks and her important contribution toward helping America realize the freedom and equality envisioned by our Constitution.

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

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

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

Mr. CONYERS. Mr. Speaker, this is a proud moment in our history, and I begin by commending the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for the work he has done in helping me bring this concurrent resolution to the floor today.

Why is this historic? Because the impetus to reconnect with this struggle for racial justice in America began with this humble lady, a seamstress in Alabama, who on December 1, 1955, chose to no longer obey the ordinance that blacks sit in the back of the bus and if it was full, then they give up the bus to white passengers.

It is hard to conceive of the total segregation that this Nation was immersed in. On that day, she refused to obey a bus driver's order; and it began the chain of actions and organizations and commitments that led to a resurgence of the civil rights movement as we know it.

Her arrest sparked a boycott of the Montgomery city bus lines. It went on for over a year as more and more people of all backgrounds and colors and economic classes joined in. Finally this matter reached, in November of 1956, the Supreme Court of the United States. The Supreme Court of the United States affirmed that desegregation codes deny under the 14th amendment the equal protection of laws to African Americans.

This is a great moment because the present is tied to the past. The other body is in the process of determining who the next Chief Justice of that Supreme Court will be.

Hurricane Katrina has made us remember how deeply poverty and race have brought most of the hardship upon people of color in New Orleans and in Mississippi where the havoc is still being counted, 400 deaths now known; but the number is sure to go far, far beyond that.

Now a word about Rosa Parks herself because I happen to be connected with this, meeting her through my work with Dr. Martin Luther King as an attorney and then getting to know her when she left Montgomery and came to Detroit.

She was so modest. They said she got fired from her job a month after the boycott. Here is what she said in the book she wrote: ''A month after the boycott began, I lost my $25-a-week job when the Montgomery Fair department store closed its tailor shop. I was given no indication from the store that my boycott activities were the reason I lost my job. People always wanted to say it was because of my involvement in the boycott. I cannot say this is true. I do not like to form in my mind something I do not have any proof of.'' That exemplifies this incredible humbleness that marked everything that she did.

I said the first person I am going to bring into my congressional office staff is Rosa Parks, and she accepted. Never once have I ever heard her raise her voice in anger. Never once have I heard her speak negative or unkind remarks about anybody, this persona, this modest woman of incredible determination who, by the way, brought Martin Luther King into Montgomery to help lead the Montgomery bus boycott, which was the start of his career as a civil rights leader. Yet this humble woman, quiet, dignified, always pleasantly composed, was able to bring forward this and other countless acts of civil disobedience which resulted in us changing the way that America operates.

It was Rosa Parks that did all of this; and what I wanted to do was let Members know that she, by bringing Martin King into this matter, was able to begin a civil rights movement much, much larger than the boycott itself.

She then started the Rosa and Raymond Parks Institute for Self-Development, a nonprofit organization that sought to motivate youth. On this recognition of the 50th anniversary of that refusal to give up her seat, I am very proud that the Congress has chosen to join in with us by way of this concurrent resolution and remember this incredible point in American history.

I lift up the name of Ms. Elaine Steele, who has been with Rosa Parks for years and years as her assistant, as her counselor, as her dearest friend, and attorney Gregory J. Reed who has given her the legal background and support that she has needed from time to time.

This is a great day in the history of America that we remember. It is a great day in the Congress that we can remember that Martin King challenged his own country which he loved very much. But when he felt it was wrong, dissent was the highest form of patriotism that he could exemplify what this country stood for. And civil rights pioneer Rosa Parks, by displaying her defiant act of courage 50 years ago, has made this country more of what it ought to be than anyone else that I can think of.

So I join with my colleagues in celebrating the ideals of Ms. Parks and the civil rights movement.

Today we honor Rosa Parks and her decision to stand up to injustice 50 years ago. On December 1, 1955, Ms. Parks refused to obey a bus driver's order that she give up her bus seat in the black section to a white man because the white section was full.

It is the courage, dignity, and determination that Ms. Parks exemplified on this day that allows most historians to credit her with beginning the modern day civil rights movement. Ms. Parks' actions on December 1, 1955 led to the desegregation of American society and enabled all of this Nation's citizens to realize freedom and equality.

The arrest of Ms. Parks led African-Americans and sympathizers of other races to boycott the Montgomery city bus line until the buses in Montgomery were desegregated. The 381-day Montgomery bus boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all.

The fearless acts of civil disobedience displayed by Rosa Parks and others resulted in the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African-Americans of the equal protection of the laws. This decision would lead to other landmark Supreme Court decisions in which the Court would rule in the interest of justice and equality.

In the years following the Montgomery bus boycott, Ms. Parks moved to Detroit, MI in 1957 and continued her civil rights work by working in my district office. Ms. Parks was with the office from 1965 until 1988. In the more than 20 years that Ms. Parks was in the office, she worked with a tireless spirit for the people of Detroit and other Americans.

In 1987, she started the Rosa and Raymond Parks Institute for Self Development in Detroit, a nonprofit organization which motivates youth to reach their highest potential. So it is with great pleasure and honor that I stand today to recognize not only a civil rights pioneer, but a member of my staff, a constituent, and a friend.

It is in this recognition of the 50th anniversary of Ms. Parks' refusal to give up her seat on the bus, that I ask the Congress and the great people of this Nation to work with the same courage, dignity, and determination exemplified by her to address modern day inequalities and injustices. As a result of Hurricane Katrina, these inequalities and injustices are at the forefront of public consciousness and it is our job to do something about it.

Ms. Parks has said, ''Until everyone can enjoy the same opportunities, people cannot be equal. I am glad that segregation is no longer considered acceptable, but the fight for equal rights must go on until we have the same privileges and opportunities as those who are in power.''

Civil rights pioneer Rosa Parks displayed a defiant act of courage 50 years ago to better this country for all of its citizens. I know that this Congress and the people of this Nation can work to further the ideals of Ms. Parks and the civil rights movement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Resolution 208, recognizing the 50th anniversary of Rosa Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society. Passage of this bill will not only recognize the important anniversary, but also reaffirm the United States' continuing commitment to the legacy of Rosa Parks and the civil rights movement as a whole.

On December 1, 1954, Rosa Parks boarded her normal bus home and sat down in one of the ''colored'' aisles toward the back of the bus. Soon, the bus began to fill, and Rosa was ordered to vacate her seat to accommodate the white passengers. She simply but stubbornly refused.

This peaceful act of protest sparked a citywide boycott of the bus system by the African American community. Men, women and children of Montgomery, Alabama refrained from riding the bus and instead either walked, rode their bikes or carpooled to work. In an impressive show of strength and courage, the boycott endured for over a year, and people across the nation joined with those in Montgomery. After 381 days, the City bus line finally relented and desegregated the buses.

Four days after the initial incident on the bus, a young man stood up in front of a large audience, having just been appointed as the head of the boycott: ''There comes a time,'' the man said, ''that people get tired. We are here this evening to say to those who have mistreated us for so long, that we are tired, tired of being segregated and humiliated, tired of being kicked about by the brutal feet of oppression.'' The name of that young man spurred to action by Rosa Parks was Dr. Martin Luther King, Jr.

Rosa was found guilty that very same day of breaking the city's segregation law. It was 50 years ago that Rosa Parks chose to peacefully but willfully stand up—or rather sit down—against the abhorrent laws that segregated this country. Let us honor and celebrate what Rosa Louise Parks helped this country accomplish half a century ago, but also remember that her fight is not over. This anniversary reminds us of the battles against inequality and injustice still being fought here and across the world today.

I support H. Con. Res. 208 for the foregoing reasons, and I urge my colleagues to follow suit.

Mr. HOLT. Mr. Speaker, I rise today as an original cosponsor of H. Con. Res. 208, a resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on a city bus in Montgomery, Alabama. On December 1, 1955, Ms. Parks challenged decades of social injustice and inequality; she opposed a racist authority; she initiated a movement of change. It was on that day 50 years ago, that a woman spoke up for not only herself, but for the freedoms of all people, everywhere when she refused to give up her seat.

Ms. Parks' service to the civil rights movement began long before that fateful December day. Born and raised in Alabama, Rosa Louise McCauley attended the Alabama State Teachers College before marrying Raymond Parks in 1932. Together, they worked for the Montgomery branch chapter of the National Association for the Advancement of Colored People (NAACP). Ms. Parks took on leadership roles in the organization, serving as a secretary and then as an advisor to the NAACP Youth Council. These efforts to improve the lives of those in segregated societies grew into a movement to end segregation outright. That movement found a voice in Rosa Parks.

On December 1, 1955, Ms. Parks boarded a Montgomery city bus through the rear entrance. She sat in the section designated for ''colored.'' She obeyed the ludicrous segregation laws until a white man, wanting a seat, demanded hers. It was then that Ms. Parks decided that her compliance would end.

Ms. Parks was arrested for her civil disobedience. The arrest incited a reaction. Ms. Parks, Martin Luther King Jr., and others channeled that reaction to form one of the most powerful and positive movements in world history. The following day, civil rights advocates organized a boycott of the bus system that lasted for 381 days. On November 13, 1956, the Supreme Court ruled that segregation on the transportation system was unconstitutional and this provided one of the first victories for desegregation. We recognize the many people responsible for the effective boycott and the tremendous support of civil rights leadership. But, today, we celebrate the woman who imbued the movement with such dedication, dignity, and courage.

Rosa Parks' commitment to civil rights continued with her work in the office of my colleagues, Representative JOHN CONYERS, Jr., from 1965–1988. In 1987, she established the Rosa and Raymond Parks Institute for Self Development to motivate youths. She has been honored for her contributions to society with the NAACP's Springarn Medal in 1979, the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999.

Let us honor the 50th anniversary of Ms. Parks' refusal to give up her seat. Let us celebrate the lifetime achievements of a truly incredible woman. I urge my colleagues to join me in supporting H. Con. Res. 208.

Ms. LEE. Mr. Speaker, I rise today in strong support of the resolution commemorating Rosa Parks on the 50th Anniversary of her refusal to give up her seat on a Montgomery, Alabama bus and comply with an unjust law.

I also want to thank my colleague from Michigan, Mr. CONYERS, for offering this important amendment and for his courage, leadership, and vision as the ranking member on the House Judiciary Committee and the Dean of the Congressional Black Caucus.

Without question, Rosa Parks, was a pivotal force in the struggle for civil rights in America.

Ms. Parks' courageous action touched millions of lives, serving as a catalyst for the legendary bus boycott in Alabama and acting as a critical turning point in the African-American civil rights movement.

With the support of Dr. Martin Luther King Jr. and other civil rights activists, Rosa Parks demonstrated the power of individuals and communities to tear down injustice and bring about social change.

Her spark ignited a fire that helped to reverse segregation, raise public consciousness, and challenge our democracy to guarantee and secure liberty and justice for all.

Rosa Parks is a true shero. But as we commemorate Rosa and her actions today, let us not forget that we still have much more work to do.

It is our job as representatives of the people to pick up the banner carried by Rosa Parks, Martin Luther King, Medger Evers, and others and ensure that our children and our children's children can live in a world free of ignorance, prejudice, discrimination and racism.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208.

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.

KATRINA VOLUNTEER PROTECTION ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3736) to protect volunteers assisting the victims of Hurricane Katrina.

The Clerk read as follows:

H.R. 3736

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 ''Katrina Volunteer Protection Act of 2005''.

SEC. 2. PROTECTION OF VOLUNTEERS.

(a) QUALIFIED IMMUNITY FROM SUIT.—Any person or entity (including any Indian Tribe) that, in response to harm caused by Hurricane Katrina of 2005, voluntarily, in good faith, and without a preexisting duty or expectation of compensation, renders aid (including medical treatment and rescue assistance) to any individual, shall not be liable for any injury (including personal injury, property damage or loss, and death) arising out of or resulting from that aid that was not caused by—

(1) willful, wanton, reckless or criminal conduct of that person or entity; or

(2) conduct of that person or entity that constitutes a violation of a Federal or State civil rights law.

(b) PREEMPTION.—This Act preempts the laws of a State to the the extent such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers.

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

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 3736 currently under consideration.

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

There was no objection.

□ 1130

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

Mr. Speaker, thousands of America's volunteers have already answered the call to help those suffering in the wake of Hurricane Katrina. But, unfortunately, many are hindered in their efforts or held back from joining the relief effort in the first place by the threat of legal liability.

In too many parts of the country, including Louisiana and the other areas affected by Hurricane Katrina, it is not only unclear what defines the legal protections for Good Samaritans, but it is also unclear which of those legal protections would govern where citizens of multiple States converge on another State to give aid and comfort to their fellow citizens in need.

At the Federal level, the Volunteer Protection Act does not provide any protection to volunteers who are not working under the auspices of an official nonprofit organization, namely, a 501(c)(3) organization; and it provides no protection at all to the nonprofit organizations themselves.

Consequently, under Federal law there are absolutely no legal protections for the average person who wants to volunteer on their own, and there are also absolutely no legal protections for America's wonderful nonprofit organizations themselves, such as the Red Cross; but only an extremely small percentage of the some 1.4 million nonprofit organizations in the United States actually purchase liability insurance due to excessive costs.

The bill before us today closes the gaps in existing law for those individuals and organizations wanting to give of themselves to aid those suffering the worst effects of one of the most tragic weather disasters in American history. This bill makes crystal clear that everyone who helps those who have suffered harm in the wake of Hurricane Katrina will be covered by some basic legal protections.

If a volunteer's own State law provides greater protections for them, all the better; and this legislation would allow those stronger protections to govern in their situation. But this bill provides a uniform Federal floor on which all volunteers can confidently stand when helping those in need in the wake of Hurricane Katrina.

Such a uniform Federal law is clearly needed. As the Los Angeles Times recently reported, ''the lack of liability protection is one of several concerns delaying some 900 churches from joining the evacuation network.'' According to recent press accounts, the Red Cross feels constrained in giving out the names of refugees to those who want to offer their homes to them for shelter because they have concern about liability. The Red Cross has cited liability issues as a reason for people not to volunteer to take refugees into their homes and complain generally that ''there is so much liability involved.''

The Minnesota Department of Public Safety spokesman has said of volunteer efforts, if things go south, there are liability problems. In Grandville, Michigan, a local school district wants to let evacuees use a vacant school for shelter, but the school's superintendent is concerned about liability issues. The Cleveland Plain Dealer reports that a specially trained group of 50 international physicians and psychologists who have extensive experience treating children in Third World countries could face liability issues here if they venture into States where they are not licensed.

Anytime lawsuits or threats of lawsuits limit private persons and entities, State and local governments from acting to help those in need, the response costs of the Federal Government only increase.

H.R. 3736 simply ensures that if one is a volunteer who acts in good faith to assist the victims of Hurricane Katrina without compensation, then they do not have to worry about lawsuits unless they either act in a willful, wanton, reckless, or criminal matter or violate a Federal or State civil rights law. All volunteers under this bill will have to worry about is saving those in need, and they will not have to worry about hiring an attorney to defend themselves from a frivolous lawsuit.

The bill does not apply to those with preexisting duties to aid. That is, it does not apply to those with the statutory duty to aid the victims or those with prior contractual obligations to do so. The bill does apply to all volunteers who in good faith and without expectation of compensation render aid, medical treatment, or rescue assistance to any person in response to harm caused by Hurricane Katrina.

The Congress voted overwhelmingly to give far greater legal protections to selected entities following the 9/11 terrorist attacks. At the very least, this Congress should pass some legal protection for volunteers working in the wake of Hurricane Katrina.

While we all keep the victims of Katrina in our prayers, let us keep all the individual volunteers and organizations that support them in our hearts and free them to act on their compassion without the distracting fear of unnecessary lawsuits.

This bill should be passed. I urge the Members to vote in favor of it.

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

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

It is with reluctance that I rise in opposition to this legislation. I cannot support it, and I am reluctant about that because it has been my intention to work with everyone on the committee to eliminate the problems of this bill, the excesses and flaws that are in it now; and my suggestions have not been received, and the bill has been put together in an extremely hasty manner that I believe will insulate negligent and dangerous behavior that we would otherwise have no inclination to do.

I begin by pointing out that we already have a Volunteer Protection Act in the law, passed in the year 1997, which protects volunteers. This bill had hearings. It was carefully crafted and bipartisan in nature. It protects volunteers from their good deeds, but not from their misconduct.

This bill, unfortunately, goes much further. And the problems that I have referred to and will continue to refer to are the result of the fact that this bill has never had a hearing: in no subcommittee, not in the full Committee on the Judiciary. There have never been witnesses to testify for or against it. There has never been a markup. Nothing. We come today with a measure that has been pulled out of the air. We have not heard from a single interested party as to why the bill is necessary. We have not received so much as a shred of evidence that there is any shortage of volunteers to assist in Hurricane Katrina as a result of our civil justice system.

So I point out to the Members that in the first instance the bill is not limited to protection of volunteers. It would protect many organizations, public and private, that might be involved in Hurricane Katrina, which could be government organizations. It could even protect the Federal Emergency Management Agency. It could protect cities and counties and States. It could protect business entities.

This bill is off the charts. And in the past, when we were more carefully considering the matter, we decided not to cover these entities because we did not want to protect firms that retain people who were criminals. We did not want to give comfort to drug addicts who may be working there or even sex offenders from liability that they might be involved with. This bill creates a green light for all kinds of behavior, that it will now receive a protection. For the life of me, I cannot suggest one reason why we ought to pass this measure. I am not aware of any business or even a nonprofit entity that has asked this committee for relief from liability in order to help out in Katrina.

Nobody knows about it. This is a phantom measure that has come out of nowhere, and if it is just to pass the time of day and keep us busy, it is probably doing a great harm to our civil justice system.

The bill goes beyond the Volunteer Protection Act to, if the Members can grasp this, immunize gross negligence and intentional conduct. We would immunize negligent and purposeful misconduct. Never in the history of Congress have we ever considered immunizing such actions. Why should we do it today? There is no reason to protect such blatant wrongdoing from such important responsibility.

The drafting that I have talked about is so broad, it would protect unlicensed volunteers who are attempting to operate as professionals. This would include individuals who provide medical treatment without training if something like that were to come along. It could protect people flying airplanes without licenses. Under this measure, an individual could travel to Louisiana without a license to conduct surgery and claim in a civil action that he has a liability waiver coming from this bill.

This measure would even go further. It would insulate simple traffic accidents from liability. A person working

around the Katrina disaster could negligently have an accident and injure a child on the way to New Orleans, and the family would be left with no recourse whatsoever. I can imagine that this bill will be brought up in civil cases in ways that we have never had an opportunity to contemplate.

So I make a simple proposition. Why do we not just move this bill off the floor, set up the subcommittee of the Committee on the Judiciary that is anxiously waiting to schedule witnesses for the bill, and have them do their work and bring it to the full committee where it may receive even further amendments and inquiry?

It makes no sense to exempt irresponsible people from their own negligence. It would even insulate nursing homes, hello, from civil liability who use volunteers and their failure to evacuate resulted in death. One could lose their loved one as a result of negligence by a nursing home; and if they raise these protections that are involved in this legislation, the person bringing the action could be left without compensation.

We are setting up, whether we admit it or not, a two-tier system of civil justice. One for the people that were able and could afford to escape Katrina who will have their full right in the civil justice system, just as all people always have, but a lesser system for indigent individuals, many of whom, if not most, are, in fact, minorities, who may have, and I hope this is very few, but some who may have suffered abuse as a result of additional negligence and misconduct.

□ 1145

So what we have here is a horrible attempt to insulate volunteer liability, but it has been put together in such a way that we have a piece of legislation that I do not think can withstand the reasonable scrutiny of the Members of this body. If we adopt this unthinking bill without bothering to figure out what we are doing and who we are further exposing to harm, we may, in all likelihood, be compounding the tragedy that exists to which we are trying to bring some closure to.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I rise and applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) for this reasonable approach to volunteers who are trying to help people.

This is an amazing debate that is taking place today because, last week, we were concerned about people dying, getting help to them, providing all the assets we could provide to save lives.

Now, think about the people in the construction industry who want to do good. The people after 9/11, some of them were sued because they volunteered to go help prior to contracts being let. There were no government contracts being let. They wanted to volunteer. They might have provided an excavator, a grader, a backhoe, a dump truck.

Let us say someone in New Orleans happened to own a boat, and he wanted to go help people. He went to pull somebody into his boat to save them, and they slipped, broke an arm, a total accident. Some trial lawyer says, hey, we can make you rich. Let us sue the guy who brought the boat.

Somebody is out there trying to help people. There is a dirt road that needs grading, and the guy volunteers to go out there with his blade, regrade the road, somebody walks across it afterwards, slips, and some trial lawyer says, hey, we can make you a fortune. You just slipped on something somebody did, and we will hold the contractor liable because they volunteered to do good.

We have construction expertise in this country that is sorely needed during times of disaster. We cannot continue to allow a message to be sent to those volunteers.

I became a general contractor in my early 20s. I have been in the business for over 35 years. There are many good people out there who work very hard, earn a good living, and they want to give a little back to their country and to the people who they have benefited from through volunteering in a time of disaster when they know they can do good, they can make things better, and they can save lives. The argument I heard today was quite the opposite.

Last week, we had a hearing in Financial Services talking about all the people who are living in football stadiums and warehouses. We have to get those people out of there, get them to some home to live in, some safe environment.

Now, a person goes out there who owns a motor home, decides to haul a bunch of people from a stadium, somebody trips getting in their motor home and gets sued. Is that reasonable or fair? No.

If there is negligence on the part of the individual who volunteered, hold them accountable. But the gentleman from Wisconsin (Chairman SENSENBRENNER) is not for holding anybody unaccountable for gross negligence or violating the law. But if you volunteer to help in a case like this where people are dying, all of a sudden trial lawyers are more important than the people we are trying to save during a disaster.

Mr. CONYERS. Mr. Speaker, I just want to make a response to my friend, the previous speaker, to let him know that the examples that he made are quite logical and quite rational. We think that they should be given protection. But we do not want what is in this bill that goes way beyond that kind of protection, because we would give protection for gross negligence, and it is in that respect that I am opposed to the bill.

Mr. Speaker, I am pleased to yield 6½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, let me, first of all, suggest that we owe a debt of gratitude to all of the volunteers across the country that have come in to places like Alabama, Mississippi, Louisiana, and my own State of Texas. So this is not an expression of concern with disregard for the charity that has been shown by the throngs of volunteers. And, might I suggest, like the gentleman from Michigan (Mr. CONYERS), that volunteers have come from everywhere without the question of whether or not they are immune or protected.

I refer my colleagues to the Volunteer Protection Act of 1997 which really crafts, I think, the latitude and the range of protection that makes sense. It provides immunity for volunteers serving nonprofit organizations and government entities, which include the likes of FEMA and the Red Cross and also the folks that come under that umbrella and the many nonprofits that exist.

The idea that this legislation might, in fact, protect those who are grossly negligent seems flawed in several aspects. Even though the Attorney General of the State of Louisiana has now moved against this tragic circumstance with the loss of lives of a number of individuals in a particular nursing home, we do realize that this is now at a level of criminal charges, but suppose it was not. Certainly the American people and Louisianans and others would want that particular entity to be held liable for gross negligence, if you will, and they happen not to be, I assume, a nonprofit, so that they might be covered by this legislation for their gross negligence.

What about the hospital? The facts will come out. Obviously, one cannot suggest guilt where one does not know all of the facts, but the facts will come out. But now it has been discovered, a number of bodies in a hospital in Louisiana, and that, too, may warrant consideration that this bill does not address.

I would hope that in the rush to deal with the plaintiffs' bar, trial lawyers who have, in many instances, found justice where others could not on environmental issues, on medical malpractice issues, on issues dealing with occupational disasters that have caused injury to workers, that we would not be focused on that ''perceived problem'' versus the needs of people who are being served.

We want the volunteers to be there. We want them to be protected, and we believe that we do have the protection.

As I speak about this bill, might I also bring attention to a bill that I missed, Mr. Speaker, and I simply want

to add my support to the 50th recognition of the Rosa Parks legislation that acknowledges her quest for justice by sitting down. I weave this into this debate because I think that it is relevant when we begin to talk about how Congress fixes problems. Rosa Parks certainly spread across the land a new idea of justice and the refusal, if you will, to be subjected to unfair and unjust laws. I pay tribute to the gentleman from Michigan (Mr. CONYERS) and all of those who have spoken in support of what she did to change America, and I add my voice to the commemoration that was on the floor just previously.

As I infuse back into the Katrina Volunteer Protection Act and mention the volunteers, one has to accept the time that they have to speak to important issues at hand.

Mr. Speaker, I say to the gentleman from Michigan (Mr. CONYERS), I offer today an important issue that speaks to the question of justice and, I assume as well, the thoughts of this body, and that is the unfair position that Frances Newton finds herself in, an African American woman, but a woman that is now on death row today, September 14, in Texas whose execution date is 6 p.m. central standard time.

This Congress may have some cause, but this is now in the hands of the administration, the Solicitor General, the Supreme Court, and the governor of the State of Texas. If we do not act today, a woman who did not have effective counsel, whose counsel did not question one witness, whose counsel did not present one iota of evidence, who now has found that there were multiple weapons, who has a flawed DNA background in terms of this case and, likewise, who has protested and petitioned over and over again that she did not kill her children, will now go to her death.

Whether or not this Congress has the power to instruct the Supreme Court of the United States, as we now hear the proceedings of Judge Roberts, we know that this body should be a body concerned about justice. I would wholly hope that those who can hear my voice will petition by way of their own way, their representatives, to ask the Solicitor General to petition on the side of the Innocence Project to allow the case to be reheard, a new trial to secure this evidence, to secure the ability to give Frances Newton a new trial of which she deserves.

We cannot stand on the floor of the House today and talk about protecting volunteers, albeit I have the concerns as enunciated, and not suggest that we cannot protect the justice system. Frances Newton has protested and petitioned her innocence. She is a mother who says that she did not kill her children. The governor of the State of Texas has the power to give her a 30-day extension, and I would hope that our voices will be heard.

I want to thank the gentleman from Virginia (Mr. SCOTT) and the gentleman from Michigan (Mr. CONYERS) for their willingness to sign on to a letter asking for that petition to be heard, and I would ask other Members of Congress to do likewise.

Mr. Speaker, I have expressed my views on the Katrina Volunteer Protection Act and I hope, as the gentleman from Michigan (Mr. CONYERS) said, that we could work on this together.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, one of the great success stories in this tragedy is the fact that thousands of volunteers from across the country responded to the needs of the victims. Physicians and nurses and other medical volunteers, health care professionals, volunteered their specialized skills to come to the aid of the victims of Katrina. Their efforts have ensured that these victims receive much-needed care and assistance, but many more have been hesitant to take part because they were threatened by the specter of lawsuits.

I know this to be a fact. I was on the ground there in Louisiana. I helped to organize much of the medical relief effort, and this is a fact, that many were hesitant to come to the aid.

Rules protecting good Samaritans vary greatly between States, and it is often unclear what legal protections volunteers have when performing charitable acts, and this was particularly so with such a tragedy of this magnitude.

H.R. 3736 will clarify the rules for everyone involved and ensure that uniform standards are applied to relief efforts from Louisiana to Mississippi to Alabama. This bill will protect volunteers acting in good faith to assist Katrina victims, while still protecting the rights of victims who allege injuries as a result of willful, wanton, reckless, or criminal conduct on the part of a volunteer. Questions of liability should not and should never prevent individuals and organizations from offering their services in such a tragedy.

So, Mr. Speaker, I urge passage of the Katrina Volunteer Protection Act. This is important legislation, and I urge its rapid and steady approval.

Mr. CONYERS. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), our subcommittee ranking member.

Mr. SCOTT of Virginia. Mr. Speaker, this did not go through committee, so I just had a question for the chairman of the committee, if the chairman would respond.

My question is what impact this will have on someone minding their own business, sitting at a stoplight, that gets rear-ended by someone headed to New Orleans in an automobile accident, simple negligence, with insurance. Does the innocent party now have to pay their own medical bills, or is there some provision in the bill that allows the insurance to still be available to pay the medical bills?

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

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the bill says that if the driver of the car is operating as a volunteer without compensation and acting in good faith, the provisions of the bill apply.

Mr. SCOTT of Virginia. Mr. Speaker, reclaiming my time, in this case, if the volunteer is hit and has an automobile accident, fully insured, you lose the insurance, the innocent victim is now subject to pay his own medical bills. Where, ordinarily, there would be compensation for the automobile accident, that is lost. These are people who could be in States not even affected, just sitting at a stoplight.

Usually, when we have these immunity bills, we provide that the insurance in an automobile accident, the insurance would apply. This would exempt the insurance. I think it is one of the problems of bringing bills like this to the floor without going through committee. I think we could have fixed that.

□ 1200

Mr. CONYERS. Mr. Speaker, I think the gentleman from Virginia's example tells us the whole thing. This is over the edge. It is not that we do not want to give protection, but this goes way, way too far.

Now, I remind my colleagues that the problem that we have here is that there have never been any hearings. There have never been any markups. There have never been any witnesses. There has never been a full committee hearing. Nobody has ever seen this measure before today when it is now on the floor.

It sounds great, volunteer liability legislation. But that is what we did with the Volunteer Protection Act in 1997. That was carefully crafted, bipartisan in nature, and covers all of this activity.

We go way beyond volunteer protection to immunize what could be misconduct of a deliberate and blatant nature, that can immunize negligence of the grossest sort, and never in the history have we ever imagined, thought of immunizing such actions. So there is no reason to protect such blatant wrongdoing from responsibility.

And it is a fatal flaw of this legislation. I urge that it be sent back to the Judiciary Committee for appropriate action.

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

Mr. SENSENBRENNER. Mr. Speaker I yield myself the balance of my time.

Mr. Speaker, after listening to the gentleman from Michigan, I am a little bit confused. Because last week, the Congress appropriated almost $52 billion without a hearing. Right before Labor Day, the Congress appropriated $10 billion without a hearing.

Today, I had scheduled three Katrina-related bills for markup in the Judiciary Committee. They were not ready by our 24-hour deadline, and the gentleman from Michigan objected to that, so I called off that markup, and we are going to have to do that next week. Otherwise we would have it on the floor much more promptly.

The fact of the matter remains that these people need to have the immunity for liability in order that they can volunteer and effectively deliver their volunteer services. The gentleman from Michigan (Mr. CONYERS) and the other opponents of this bill have come up with a litany of horrors that this bill would allow criminal conduct to be immunized, and that is not the case.

This bill specifically does not apply in any way to protect those whose willful, wanton, reckless or criminal conduct causes injury; nor does it apply to those who violate the Federal or State civil rights laws when injury occurs.

Now, today we have a chance to cast a vote in favor of our volunteers, our volunteer individuals and those nonprofit organizations who have stepped up to the plate to provide essential relief services to the people who have been affected by Hurricane Katrina; or we can send it back to committee and have more hearings.

Well, by the time those hearings are over with, I am sure the first series of frivolous lawsuits will be filed; and believe me, the next time there is a disaster, hopefully not of the magnitude of Hurricane Katrina, there will be a lot of organizations and a lot of individuals who will be afraid to volunteer to do what they want to do and do what they can do best, because they do not want to spend the rest of their lives in court.

Pass this bill.

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 3736, Katrina Volunteer Protection Act. This legislation will provide much needed legal protection for those charitable Americans volunteering in the Hurricane Katrina rescue and recovery effort.

It is imperative that when thousands of selfless volunteers respond to those who have incurred the wrath of a natural disaster that legal liability need not be hanging over their heads.

Currently, there is vast uncertainty from state to state about what defines legal protections for volunteers, especially when volunteers from one state travel to another to help out their fellow citizens.

Under current law volunteers who are not working with an official nonprofit organization are not covered by the Volunteer Protection Act. Therefore, there are absolutely no legal protections for the average American who wishes to volunteer.

This legislation will correct that gap in the law while at the same time continue upholding the penalties against those who act in a willful, reckless or criminal manner or who violate a State or Federal civil rights law.

Further if a volunteer's home State has a law on its books that provide greater liability protection, then this legislation would defer to those stronger protections.

This legislation will clear the way for all those Good Samaritans, who live in our great Nation, not to have to worry about lawsuits when they volunteer.

Mr. Speaker, I am proud to support this legislation.

Mr. SENSENBRENNER. 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 Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3736.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 3132.

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

There was no objection.

CHILDREN'S SAFETY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 436 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3132.

□ 1206

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3132) to make improvements to the national sex offender registration program, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

I am pleased to bring to the House floor today H.R. 3132, the Children's Safety Act of 2005.

I introduced this legislation on June 30 in a bipartisan effort to address the growing epidemic of violence against children and the need for greater protection from convicted sex offenders through State registration and notification programs.

This year our country has been shocked by a series of brutal attacks against children at the hands of convicted sex offenders. In June, our Nation was horrified by the kidnapping and murders of members of the Groene family by a convicted sex offender.

Two well-publicized tragedies earlier this year in Florida, in which 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde were murdered by convicted sex offenders further underscore the need for quick congressional action to address the danger posed by individuals who prey on children.

In addition to the widely reported tragedies that have rightly brought this issue to the forefront, the statistics regarding the frequency with which such heinous crimes occur are staggering. Statistics show that one in five girls and one in 10 boys are sexually exploited before they reach adulthood. Yet less than 35 percent of the incidents are reported to authorities.

According to the Department of Justice, one in five children between the ages of 10 and 17 receive unwanted sexual solicitations online. Additionally, statistics show that 67 percent of all victims of sexual assault were juveniles under the age of 18, and 34 percent were under the age of 12.

In June of this year, the Subcommittee on Crime, Terrorism and Homeland Security held a series of three hearings on child crimes issues, focusing on violent crimes against children, sexual exploitation of children, and the Sex Offender Registration and Notification program and related legislative proposals.

On July 30, the Judiciary Committee considered this bill and ordered it favorably reported by an overwhelming vote of 22 to 4.

Mr. Chairman, there are over 550,000 sex offenders in the country; and it is conservatively estimated that at least 100,000 of them are lost in the system, meaning that nonregistered sex offenders are living in our communities and working at locations where they can, and likely will, come into contact with our children.

This is simply unacceptable, and the legislation specifically targets this problem to enhance the safety of America's families and communities. The Children's Safety Act will make much needed reforms to the Sex Offender and Registration program by expanding the scope and duration of sex offender registration and notification requirements to a larger number of sex offenders.

The legislation also requires States to provide Internet availability of sex offender information, requires timely registration by sex offenders, and then enhances penalties for their failure to register and increases the disclosure requirements regarding their whereabouts.

The bill authorizes United States marshals to apprehend sex offenders who fail to register and increases grants to States to apprehend sex offenders who are in violation of registration requirements contained in the legislation.

Additionally, H.R. 3132 would authorize demonstration programs for new electronic monitoring programs such as anklets and global position system monitoring, which will require examination of multijurisdictional monitoring procedures.

H.R. 3132 also revises the use of DNA evidence; increases penalties for violent crimes committed against children, and sexual exploitation of children; streamlines habeas review; State death penalties are imposed against child killers; and protects foster children by requiring States to perform more complete background checks before approving a foster or adoptive parent program and placement.

This legislation is strongly supported by America's Most Wanted, John Walsh; Ernie Allen from the National Center for Missing and Exploited Children; Robbie Calloway from the Boys and Girls Clubs of America; and many victims and representatives of victims organizations.

The courage of some, such as the father of Jessica Lunsford, to speak out on this important issue in the face of unmistakable grief is truly admirable. They have provided critical input throughout the process and have urged Congress to enact this legislation as quickly as possible.

Mr. Chairman, the time to protect our Nation's children from sexual predators in our communities and online on the Internet is now.

The scope of this problem requires a swift congressional response, and I urge Members of this body to move swiftly to help protect America's children from violent sexual offenders.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, we all abhor the horrific cases of child murders or sex offenses committed by those who are referenced in the bill. But the question before us is whether what we are doing in the bill will actually reduce the incidence of child molestation or actually increase it.

We should certainly seek to avoid enacting legislation that expends scarce resources in a manner that is not cost effective or that exacerbates the problem. It is clear that having police supervision and police awareness of the location and identification information about sex offenders is appropriate and helpful.

But it is not clear that putting that information indiscriminately on the Internet, regardless of the dangerousness of the individual, with no guidance or restriction of what people should do with the information, it is unclear whether that is helpful or harmful.

There have been incidents of vigilantes and other activities where offenders have actually been driven underground, so you actually do not know where they are. That is certainly not good for children. And try to sell your home when a sex offender moves a few blocks away. Are children actually helped by that? That would be a necessary problem; but there is no evidence that putting that information on the Internet actually reduces the incidence of child molestation, so the real estate prices all over the neighborhood go down.

Now, research shows that 90 percent of sex offenses against children involve either family members or someone well known to the victim. So when you put names and addresses on the Internet, 90 percent of the offenses are not even covered. We also have the situation where those on the Internet are ostracized and subjected to public notoriety, embarrassment, ridicule, and harassment.

In one actual case, a teacher was reading the names of offenders to grade school students in an apparent effort to protect them, when one student blurted out the question to another student: ''Is that not your father?''

This victimizes the victim twice and may well discourage offense reporting that is already considered very low in these situations. Many offenders identified on the Internet will not only become unemployed and unemployable because of that notoriety, but they may also have to leave their home to avoid embarrassment or other consequences to themselves and their families, and having done that, may just go underground and not bother to register again.

Where an offender clearly represents a threat to the public, perhaps the consequences to the victims and their family members cannot be avoided; but where the individual clearly does not present a threat to the public, informing the general public may do more harm than good.

Law enforcement and child-serving authorities should have access to the information. Until they have reliable information to show that the impact of the Internet will actually reduce the incidence of child molestation, we should be circumspect on how we use this information.

Now, we have taken a step in the right direction in the bill by encouraging those States and localities that are not already doing so to consider whether there are offenders who should be required to register, but may not have to be put on the Internet.

□ 1215

I am pleased, Mr. Chairman, that the gentleman from Wisconsin (Mr. SENSENBRENNER) has indicated his willingness as the bill moves towards conference to continue to look for ways we might support the States and localities who are already making such assessments while encouraging those who are not making those assessments to do so.

There are effective things we can do, and hopefully we will have amendments that will deal with this. Because research has shown that intensive, therapeutic sexual offender treatment cuts sexual offense recidivism in half. Fortunately, the evidence is that, even without the treatment, recidivism is low amongst sexual offenders of children. This is not what the legend is, but the facts are that a recent study by the Department of Justice showed that the rearrest rate among child molesters is 3.3 percent, much less than the recidivism rate of other criminals.

Any recidivism rate is too high, so I am pleased that we are working together to fashion a provision that will assure that all sex offenders in the Federal system will receive appropriate, effective treatment prior to their release; and I hope that we can continue to work together to provide a similar system for State offenders where we could significantly reduce child victimization by assuring access to effective treatment for all.

Now there are provisions in this legislation that are not based on research or sound reasoning like the death penalty, mandatory minimums, both of which have been studied and shown not to have any effect on crime. We also have the anomaly in this because it is Federal legislation that because Indian reservations, their sole access to courts is the Federal system, they will all be under the Federal system but most others will not. So it will have a disproportionate effect against Native Americans.

Now, day by day we are seeing more and more evidence that the death penalty administration is fraught with mistake, racial discrimination and it is applied in an arbitrary way. We have also seen the mandatory minimums have been shown to waste the taxpayers' money, been racially discriminatory, and the Judicial Conference reminds us every time we have a mandatory minimum for consideration that mandatory minimums violate common sense compared to traditional sentencing approaches.

This bill includes a 5-year mandatory minimum for any technical violation involved in registration. For example, if you are already registered and you attend the local community college but forgot to recognize that the community college is in a different jurisdiction and you should have registered there, too, well, that offense is subject to a 5-year mandatory minimum. Notwithstanding the fact that the original offense was 15 years ago, was a misdemeanor for which no time was imposed, it is a 5-year mandatory minimum for the technical violation of not registering correctly.

Another provision that is in the bill that will not have much effect on reducing child molestation is eliminating the access to habeas corpus. That will not reduce sex crimes. All of these are good, politically appealing sound bites that will help politicians get elected but which have no evidence that they will actually reduce the incidence of child molestation.

This bill will cost over $500 million over the next few years. We need to

make sure that when we spend that kind of money that we actually do something constructive. Here we have a bill with mandatory minimums, death penalties that have been shown that have nothing to do with reducing crime, it is primarily focused on Native Americans, and I would hope that we would support amendments to eliminate such extraneous matters on the bill so we can concentrate the $500 million on effective crime-reducing approaches.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time. More importantly, I thank the gentleman for his great leadership on the subject of child safety.

Mr. Chairman, when I came to this House I hoped that I would have the chance to make a difference in the area of crimes against kids, and thanks to the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER) I have had this opportunity. In fact, we have all had this opportunity.

We have made great strides in recent years: the Amber Alert System; two strikes and you are out for child molesters; the Debbie Smith Act which we passed last session which will make sure that our DNA databases are up to date and more usable and we will have better training and education for those health care professionals and law enforcement professionals who work in this field.

But, sadly, we have been reminded in recent months that despite all the work that we have done we have a long way to go. Dru Sjodin, Jessica Lunsford, Sara Hunde and, sadly, other names have reminded us painfully, tragically that there is a lot of work to do.

The Children's Safety Act is, in my view, a great stride towards doing what we can and what we must to protect our kids from those who would prey upon them.

First off, it has tough penalties. It does have tough penalties. It does have mandatory minimums, because I believe and so many people believe that we have to send a clear, unmistakable signal that those who prey upon our kids will not be tolerated.

Secondly, we increased the size of the DNA database, which means that we give to law enforcement professionals the tools they need to track down these monitors and to put them away, to put them behind bars.

And, third, and I believe most importantly, we expand the use of the sex offender registry and increased notification requirements. We take that registry system nationwide, we make it accessible online, and we close up some of the loopholes that, sadly, have led to some of the crimes that we have all heard about.

I would like to speak briefly about one of those loopholes that people in my home State of Wisconsin have learned about tragically. The situation, the case, the story of Amie Zyla which has led to the Amie Zyla provisions in this bill.

The case of Miss Zyla, she was a young girl in the county of Waukesha, Wisconsin, when she was assaulted brutally by a young offender. He was found guilty. He was sentenced to a juvenile facility. But when he turned 18 he was released; and when he was released, because he had committed that act as a juvenile, the record was sealed. Law enforcement was not allowed to notify the community that they were having released back into the midst of this community a sex offender, a dangerous sex offender. The assailant went on to hold himself out as a youth minister; and, as you can guess, he preyed upon a number of children, destroyed lives, damaging families and causing so much terror.

In fact, Amie Zyla was not notified of the release of this man until she saw him on TV, actually saw him on the news, and there was his face and she realized for the first time that the man who had done so much damage to her was back out on the street right where she was.

Under this bill, we say that if the crime committed by the juvenile offender was so serious that it would have qualified for reporting under the sex offender registry if he were an adult, then that means that law enforcement has the ability, not the obligation but the ability, to notify the community when that sex offender is released back into the community.

That is about giving tools to our parents, to our families, to our community leaders, to those organizations that are so important to us, giving them the tools to prevent these acts from occurring again; and nothing is more important.

Now, Mr. Chairman, a lot of numbers have already been tossed around and will be tossed around in the coming debate. You have heard one out of five girls has been sexually exploited before reaching adulthood. We have heard that 67 percent of all victims of sexual assault are juveniles. But I want to suggest to you that this is not about the numbers and that people will toss around the numbers, but we cannot tell if those numbers are accurate because we know that these crimes are the most underreported crimes in society.

My guess is and most experts will tell you that the damage that is done, the number of crimes is far in excess of any of the studies that are out there. More importantly, numbers do not tell the true story. Each child who is attacked and assaulted by one of these offenders represents a life damaged, an innocence stolen, and, all too often, sadly, tragically, a family destroyed.

Mr. Chairman, we need to pass this legislation. We need to give tools to community leaders and to parents to make sure those acts never occur again. There is so much we have accomplished in the last few years. There is so much left to do. We do that with the Child Safety Act.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I come reluctantly before you to re-express my desire to protect all our children from predators, and I am confident that I speak for all Members when we say that each new abduction brings a concern, an outrage that we all feel.

Child molesters prey on those that are most vulnerable in our society, and we must stop them. But how can we stop them if we are primarily creating 36 new mandatory minimum criminal penalties that are completely arbitrary, that have been shown to be ineffective at reducing crime, and a consummate waste of taxpayer money? But that is not the only reason.

Thanks to mandatory minimum sentences, almost 10 percent of all inmates in the Federal and State prisons are serving life sentences, an 83 percent increase since 1992. In two States, New York and California, 20 percent of the people in prison are serving life sentences. And what do we have to show for these statistics? Well, a system that currently houses more than 2 million Americans, almost four times the number of individuals incarcerated in 1985, at a cost of $40 billion to run and operate.

We create additional new death penalty eligibility offenses. This spring, 120 death row inmates were exonerated due to proof of their innocence. So, in the end, if we are truly serious about protecting our children from acts of sexual exploitation and violence, we have got to turn to prevention. We have got to use preventative solutions that really try to get to the root of the problem instead of after-the-fact criminal penalties that do not address the issue.

Do these sick people check the statutes to find out what the newest penalties are or whether they are mandatory or not or whether they can carry additional incarceration terms? I doubt it.

Finally, we have people that have written, professionals, scientific researchers treatment professionals, child advocates, who have serious reservations about this measure, H.R. 3132.

From the Center on Child Abuse and Neglect, the Editor-in-Chief on Child Maltreatment, the Journal of American Professional Society of the Abuse of Children, the Director of Crimes Against Children Research Center, the National Crime Victims Research and Treatment Center, Dr. Friedrich of the Mayo Clinic and Mayo Medical School, from the Board of Directors Association of the Treatment of Sexual Abusers, all these letters have poured in urging that we put more prevention into this measure rather than less.

Please let us turn this measure back.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am a co-sponsor of the Children's Safety Act because we must crack down against child molesters by making sure they serve longer sentences and by requiring sex offenders who fail to comply with registration requirements to go back to jail where they belong.

□ 1230

The best way to protect young children is to keep child predators locked up in the first place because someone who has molested a child will do it again and again and again.

Earlier this year, two young girls from my home State of Florida, 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde, were abducted, raped and killed. In both cases, the crimes were committed by convicted sex offenders who were out on probation. Coddling pedophiles with rehabilitation and self-esteem courses does not work. Locking them up works.

This law imposes a mandatory minimum punishment of 30 years for those who commit violent sexual crimes against children, as well as a minimum punishment of life in prison or a death sentence when that crime results in the child's death.

This legislation also cracks down on those sex offenders who refuse to follow registration requirements. Nearly 100,000 sex offenders remain unregistered and are moving freely about the country. This legislation will make it a Federal crime for those sex offenders who fail to register and will send them back to jail for another 5 to 20 years.

It is high time that our government cracks down on child molesters by implementing these commonsense reforms, and I urge my colleagues to vote ''yes'' on H.R. 3132.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I would like to thank my colleague for the time.

Mr. Chairman, I rise in support of H.R. 3132, the Children's Safety Act. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for advancing this legislation.

It is unfortunate, but our children are not as safe as they could be. There are nearly 550,000 registered sex offenders here in the United States, one for nearly every 200 children. Worse, many of these individuals are able to slip through the cracks and become lost to law enforcement because many of these do not register; and when they move, States do not reregister. A 2003 investigation found in California alone 33,000 registered sex offenders could not be accounted for.

Studies indicate that the recidivism rate for child molesters is as high as 13 percent.

Consider the horrific case that all of us have read about recently of 9-year-old Jessica Lunsford. Jessica was abducted from her home, raped and then buried alive by a convicted sex offender who lived 150 feet from her home. Law enforcement officials had lost track of her murderer and were unaware that he worked at her school.

Mr. Chairman, when I worked in the White House, we worked on passing Megan's Law. That law was effective because it used the right technology at that point to help ensure the safety of our children. This legislation, with this type of technology, builds on the progress we made under Megan's Law to protect our children.

To utilize this new technology and to make our children safer, I introduced H.R. 3407, the Jessica Lunsford and Sarah Lunde Act, with companion legislation in the Senate with Senator NELSON.

Similar to programs already under way in some States, the system would utilize electronic technology, such as GPS, to track sexual predators upon their release from prison. There is no opt in or opt out. It would be a system to track them within 10 feet of their location at any time.

I am pleased that the gentleman from Wisconsin (Mr. SENSENBRENNER) has included an electronic monitoring pilot program in the Children's Safety Act. Furthermore, I am pleased that the chairman is also willing to address some of the other issues we discussed in the manager's amendment.

I would also like to thank the gentleman from Indiana (Mr. BURTON) for his help in securing our amendments.

Mr. Chairman, the fact is our children are not as safe as they could be. This bill, the Children's Safety Act, is an important step toward ensuring their safety and using the technology that is available today in the marketplace to ensure our law enforcement community has all the tools that are necessary to protect our children.

I support this bill and hope that my colleagues will join me and quickly pass this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for sponsoring this legislation. I am glad to be a co-author/cosponsor of the legislation.

The burden victims carry does not go away when the headlines do. The Children's Safety Act has important preventative measures, but it also instigates appropriate response after a citizen has been victimized.

The Children's Safety Act provides tough tools to keep predators accountable and their whereabouts known by the rest of us. There is one thing that a predator wants more than anything else and that is to remain anonymous, to sneak in and out of our communities and commit their criminal ways.

The issue of protecting our children from predators is on the minds of every mother and father as they put their children on school buses every morning during the school year. From the countless phone calls, letters, and e-mails pleading to protect our kids from sex predators, we know these protections to our children in the Children's Safety Act are a priority to our Nation and our people.

Keeping our children safe from predators should be all of our priorities here in the United States Congress. We know that child molesters, after they leave the penitentiary, most of them do it again.

In this country, we are able to track a cow from the time it is born as a calf to the time it ends up on the supper table somewhere in the United States as a steak. We do that because of public safety. Now we are going to track child molesters when they leave the penitentiary. We will track them indefinitely because of public safety. Children should be at least as important as cattle.

As a co-author and cosponsor of the Children's Safety Act, as a former judge in Houston, Texas, I urge my colleagues on both sides of the aisle to listen to their constituents, listen to the people of this country, vote in favor of safety for American children. The days of child molesters running and hiding are over.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Children's Safety Act of 2005. I commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for this legislation and appreciate very much the bipartisan way in which he has worked with me in developing this legislation and in listening to the concerns that I have brought from experiences in our region.

Deviant sexual predators have clearly shown us that sex offenders do not stop at State lines, and neither should our sex offender laws. The Children's Safety Act is a comprehensive, bipartisan child safety bill that brings uniformity to our current sex offender registry system and increases penalties for those who prey upon our children.

The urgent need for a national system is clearly and tragically demonstrated by the case of Dru Sjodin. Dru Sjodin was a lovely young woman, a senior at the University of North Dakota, where she was holding down two jobs. She was an exceptional student, a leader in our community. She was abducted from a shopping center parking lot in broad daylight on a Saturday afternoon nearly 2 years ago.

This type of disappearance never happens in our part of the country, and it traumatized the whole community. Thousands spent weeks trudging through snow banks in the worst weather we ever saw searching for Dru.

Well, 5 months later, her dead body was found in a ravine just outside of Crookston, Minnesota.

It just so happens the investigation has revealed that a recently released Level III sex offender from Minnesota named Alfonso Rodriguez, Jr., was charged with Dru's kidnapping and murder. He was living in Minnesota. We did not know of his existence in North Dakota. He was registered as a sex offender only in the State of Minnesota.

This tragic example illustrates why we have to have a comprehensive response here, a nationwide Internet available, a registry system that families can access. It provides the kind of information in terms of where these high-risk offenders are living, where they are working, going to school, what kind of vehicle they are driving. People need this information to keep their children safe, and that is why I am proud to be a cosponsor of this bill and pleased that the chairman has designated in the legislation this registry in memory of Dru Sjodin, the Dru Sjodin National Sex Offender Registry.

The bill also has tough requirements for complying with keeping the registration information current so that the information on there is of value to families. It also has tough sanctions for those who would harm our children and, finally, Federal dollars to assist local police departments in making certain that people are complying with their registry requirements.

I believe that this legislation is a comprehensive response to a significant public policy need, and I urge the adoption of this. Families need this protection.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, as co-chairman of the Congressional Missing and Exploited Children's Caucus and an original author of the Sex Offender Registration and Notification measure included in this bill, I rise in strong support of H.R. 3132, the Children's Safety Act of 2005.

Mr. Speaker, we have all heard the names: Jessica Lunsford, Jetseta Gage, Sarah Lunde, Megan Kanka, Jacob Wetterling, just to name a few. All beautiful children carrying with them the hopes and dreams of every young child in this country. All taken away from their parents and their futures, killed by sex offenders.

This is an important piece of legislation we are faced with today. It is probably one of the most tragic things any family will ever deal with. While Katrina, the hurricane, and Judge Roberts are much in the headlines, below the fold seems to be daily an occurrence of a violent act against our children. It is time we get tough.

I have said repeatedly that in this country we track library books better than we do sex offenders. This bill, thanks to the good efforts of the gentleman from Wisconsin (Mr. SENSENBRENNER) and others, seeks to correct that.

This bill is not a knee-jerk reaction. We have worked over 1 year on this legislation with the National Center For Missing and Exploited Children, the U.S. Department of Justice, and other Federal agencies.

It is horrific that in this country we are experiencing these untold tragedies throughout our Nation; but we can do better, and in this bill we will do better.

I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff, Mike Volkov, for working tirelessly to produce this comprehensive child protection legislation. This bill has indeed many fathers and mothers. It is for the children, though, that we work and we labor.

I have often said this bill is a labor of love. Yet it is a labor of shame that we have these kinds of incidents of violence and tragedies affecting our kids.

I would like to thank Bradley Schreiber, my legislative director, who has worked so many hours in trying to perfect and work alongside staff to make this legislation possible; Ernie Allen from the National Center for Missing and Exploited Children; John Walsh from America's Most Wanted, who has led a crusade for well over 20 years since the death of his beautiful son Adam in Florida. John Walsh has brought a scrutiny to child protection legislation unlike any other human being.

Finally, and most important, I want to recognize the victims' parents. It is their hard work and determination, their tears and their frustration, and their fears for their other children that has brought this bill to the floor so quickly. They took away from their own tragedies a chance to help fellow Americans protect other children; and for that we are entirely grateful.

Mr. Chairman, these are not petty criminals. These are sex offenders, and they must be dealt with accordingly.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my friend from Virginia very much for the time.

Mr. Chairman, I rise today in strong support of H.R. 3132, the Children's Safety Act of 2005. I am proud to have been an original cosponsor of this legislation, and I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for incorporating a piece of legislation that the gentleman from Florida (Mr. FOLEY) and I proposed last year, the Sex Offenders Registration and Notification Act.

The gentleman from Florida (Mr. FOLEY) and I stood with John Walsh, with Ernie Allen, with the Center for Missing and Exploited Children, representatives of the Boys and Girls Club as well, and parents of children who have been killed by sex offenders.

This Children's Safety Act of 2005 does, in fact, close the gaps. It tightens the ability to track down where convicted sex offenders are living and to improve the ways we notify our neighborhoods and our school districts when convicted sex offenders choose to live in our community.

I am pleased that the gentleman from Florida's (Mr. FOLEY) legislation and my legislation was effectively included in title I of the bill we are considering today. When watching the news for the past 2 years, it is sickening to see of how many communities, how many neighborhoods, how many parents are terrorized because sex offenders are back in their neighborhoods.

I know from being a district attorney that our States have done a lot to correct the gaps, but more needs to be done. As a father, I do not want to see a child of mine victimized in that way, and I want to put myself in the shoes of those parents who had to experience this dreadful victimization.

We must support this legislation today because the Children's Safety Act will increase and tighten supervision of those sex offenders and will enhance uniform notification standards for tracking sex offenders. I strongly believe that this comprehensive bill finally will give law enforcement officers the tools and resources they need to track these criminals and to protect our children and families.

□ 1245

Mr. Chairman, I strongly urge my colleagues to adopt the Children's Safety Act.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time. I appreciate the gentleman's work on this important legislation that will help protect our Nation's children.

Mr. Chairman, I rise in strong support of H.R. 3132, the Children's Safety Act. As we are hearing today, there is an epidemic of violence against our Nation's children. Almost weekly we hear of another tragic report of sex offenders preying on children. We all remember Jessica Lunsford, age 9, who was buried alive and murdered. Jessica's mother lives in my congressional district.

Tragically, one in five girls and 1 in 10 boys is sexually assaulted before adulthood. One of every six sexual assault victims is under the age of 6.

This is an issue that is very important to me. My home State of Ohio has made significant improvements to its sex offender registration and notification system. As a legislator in the Ohio General Assembly, I authored legislation, now Ohio law, that requires law enforcement to notify neighbors who live within a thousand feet of a sexual predator. I sought this change from prior law after a sexual predator moved across the street from a school bus stop in my district.

Mr. Chairman, I ask that this bipartisan legislation be unanimously passed.

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

During the last few minutes, we have heard a lot of praise of mandatory minimums. I just want to remind the House that the Judicial Conference writes us frequently and reminds us that mandatory minimums violate common sense. That is because if the offense requires the mandatory minimum and that makes common sense, it can be applied; but if it makes no sense, mandatory minimums require us to impose that sentence anyway.

Many of the provisions of the bill are crimes which we do not think would be subject to 5- or 10-year mandatory minimums. There is a provision in the bill that says that felonious assaults against a juvenile, which could be two juveniles having a fist fight in the school yard, if it gets into a big fight, that that is a 10-year mandatory minimum if no injury occurs. Now, of course, if an injury occurs in the fight, then you are talking about 20 years. I think common sense should prevail and a more appropriate sentence could be given.

This entire registration program that requires people to register has not been shown to reduce the incidence of child molestation. For someone who commits a crime, even as a juvenile, they will be subject to lifetime registration. There is no suggestion and there is no evidence that that reduces crime. It may actually increase crime.

We know that 90 percent of the offenses against children were people that would not be covered by the legislation, and 3.3 percent of those covered by the legislation might offend. We have other ways of dealing with that in such a way that we can actually reduce that 3.3 as much as 50 percent. We ought to be focused on that.

Mr. Chairman, we need to focus on the things that will actually reduce crime. This bill, many of the provisions of it, obviously, do not; and I would hope that we would focus appropriately to actually protect the children.

Mr. HOLT. Mr. Chairman, I rise today to oppose the so-called Child Safety Act, H.R. 3132, because it forsakes meaningful crime reduction in favor of ineffective solutions that will only create a false illusion that our children are better protected from sexual abuse.

We have all read with heartbreak and anger the horrible, the terrible stories of sexual abuse, abduction, and murder of children. It is clear that we need to protect children from sexual predators and pedophiles through stronger laws and better enforcement. I realize that voting against a bill with a title as attractive as this is easily misunderstood and mischaracterized. But I have never been one to vote for form over substance, nor to shy away from standing up for what is right regardless of the political slings and arrows. Unfortunately, this bill will do more harm than good, and in the balance will do precious little to make our children safer. I hope the Senate will do better.

We need a real system that gives parents peace of mind and enables them to be aware of the presence of pedophiles in their neighborhood. A National Sex Offender Registry, that is maintained by the United States Department of Justice is a very good idea that I support. Members of every local community would be able to access this registry online, and be able to keep tabs on those who may pose harm to our children. States would notify each other when sex offenders move between States, and reporting requirements would be uniform so that it's easier to keep the lists current and accurate. This is a sensible thing that we should be doing to protect our children. I would be proud to support it and I hope it will be addressed on the floor in a more rational way.

That leads me to my overriding criticism of this bill: Its flaws are so troubling and fundamental that it compels me to oppose passage despite my support of one component part.

This bill creates 36 new mandatory minimum penalties. Mandatory minimum penalties do not work. They discount mitigating factors in crimes, prevent judges from meting out punishments that are tailored to the criminal, and have been proven discriminatory to people of color. They do not work. They may make legislators feel good but they have been shown not to reduce crime rates. Even the Judicial Conference, the group that represents Federal judges, has said that mandatory minimums violate common sense. Let me explain how just one of the new minimums will make us less safe, instead of more. If a previously convicted but released sex offender commits a technical violation of the reporting requirements—for example, they miss the registration deadline by a day or a week—they would receive a mandatory 5-year sentence. There is no discussion, and there can be no evaluation by a Federal judge.

The result is that sex offenders who miss the deadline or commit other technical violations will only be driven underground. Instead of turning themselves in, they will go under the radar and into unsuspecting communities. This is exactly the opposite of what needs to happen.

Also troubling is the fact that this legislation creates two additional death penalties. Yet, research has shown that capital punishment is not a deterrent to crime. Let me repeat, the death penalty simply does not reduce crime.

Those who commit the most heinous and terrible crimes against our children should have to face being locked away for the rest of their lives, where they must contemplate their crimes until the end of their days, without posing harm to society. But expanding the already ineffective death penalty to crimes where the victim's death is not even intentional is not only illogical, it is immoral. The government's job is to prevent crime and punish criminals, often severely. But killing citizens in order to exact retribution is inappropriate for a government that seeks to be moral.

We do need a Child Safety Act, but it should be a real one. We need sensible punishments and preventative measures that will actually reduce sexual predation, not just talk tough.

I am very disappointed that this bill weakens sound registration requirements and penalties by stacking them on fundamentally flawed provisions. It is my hope that sensible actions to protect our children are considered at the earliest possible date.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 3132, the Children's Safety Act of 2005. Once again, this Congress is attempting to address a very serious and complicated problem with a law that substitutes the talking points of ''tough on crime'' politicians for the wisdom of judges, prosecutors, treatment professionals and child advocates. As a father and someone who has fought for better foster care, education, and health care for children, I object to this ill-conceived legislation that is as much an attack on our independent judiciary as it is a bill to protect kids.

Many child advocates themselves oppose this bill because kids in grade school or junior high will be swept up alongside paroled adults in sex offender registries. Many caught in registries would be 13 and 14 year olds. In some States, children 10 and under would be registered.

This bill creates 36 new mandatory minimum sentences, which impose the judgment of Congress over every case, regardless of the circumstances. The Judicial Conference of the United States and the U.S. Sentencing Commission have found that mandatory minimums actually have the opposite of their intended effect. They ''destroy honesty in sentencing by encouraging plea bargains.'' They treat dissimilar offenders in a similar manner, even though there are vast differences in the seriousness of their conduct and their danger to society. Judges serve a very important role in criminal justice, and Congress should not attempt to do their job for them.

Finally, this bill expands the death penalty, which is not a deterrent, costs more to implement than life imprisonment, and runs the risk of executing the innocent.

Nobody, especially the parents and victims of sexual abuse who have contacted me on this issue, should confuse my objections to this bad policy with indifference to the problem of child sex abuse in this country. It is a huge problem, affecting millions of American children. Recent news stories prove that the registry system isn't working well.

I support aspects of this bill, including a strengthened nationwide registry for pedophiles, with strict requirements for reporting changes of address and punishments for failing to report. I support establishing treatment programs for sex offenders in prison, background checks for foster parents, funding for computer systems to track sex crimes involving the Internet, and, at last resort, procedures for committing sexually dangerous persons to secure treatment facilities.

However, I cannot violate my constitutional duty to protect our independent judiciary nor can I support extreme, dangerous policies, so I will vote against this bill. I hope that, working with the Senate, we can improve this legislation and implement the policies that everyone agrees are needed without the unintended consequences of the bill in its current form.

Mr. SMITH of Texas. Mr. Chairman, I support H.R. 3132. It is an important bill that will help ensure the safety of American children against sexual predators.

In recent months we have heard all too often about the innocent lives of children being shattered by an adult who sexually abuses the child.

We are all familiar with the cases, some of which have been mentioned today, such as Jessica Lunsford who was kidnapped, held captive, abused and tortured for 3 days by a

convicted sex offender who ultimately killed her by burying her alive.

And there was the case of 8-year-old Shasta Groene who was kidnapped, sexually abused, and held captive for weeks by a convicted sex offender who murdered her family.

These stories are atrocious and that is why Congress is acting to further protect American children with the Children's Safety Act.

The bill requires jurisdiction-wide sex offender registries containing information like where the sex offender resides and is employed or attends school. The bill requires a sex offender to appear in person at least once every 6 months to verify their registration information.

The bill also creates a new Federal crime for failure to register as a sex offender and sets the mandatory minimum for that offense at 5 years and a maximum of 20 years.

The bill sets other mandatory minimum sentences for crimes of violence against children like murder, kidnapping, maiming, aggravated sexual abuse, sexual abuse or where the crime results in serious bodily injury.

The statistics surrounding child sexual abuse are astonishing—1 in 5 girls and 1 in 10 boys are sexually exploited before they reach adulthood. And one of every six sexually assaulted victims is under the age of 6.

We must protect our children by every possible means. The Children's Safety Act of 2005 will help us do so and for that reason I support this legislation.

Mr. ROYCE. Mr. Chairman, I am a cosponsor of H.R. 3132, the Children's Safety Act. I would have voted ''yes'' on this legislation. However, I am in New York City on official business for the House of Representatives. I was appointed by Speaker HASTERT as a delegate from the Committee on International Relations to serve as a representative to the United Nations General Assembly.

H.R. 3132 will help to address loopholes in current sex offender notification requirements, so that parents and the public can be armed with knowledge of any sex offenders living and working in their community. This legislation addresses a number of child crime issues, including registration of sex offenders, violent crimes against children, sexual crimes against children, sexual exploitation of children, and protection of foster and adopted children. The Children's Safety Act was drafted in response to the recent horrific attacks and murders of Jessica Lunsford, Sarah Lunde, Jetseta Gage, and others who have recently been killed by sex offenders. I strongly support this bill and look forward to it becoming law.

Mr. COSTA. Mr. Chairman, I rise today to speak in support of the Children's Safety Act. This legislation will close sexual offender registration loopholes and punish offenders who do not follow the law.

Sadly, every year hundreds of children are victimized by a convicted sexual offender. Convicted predators should be put in prison where they belong and kept away from our Nation's children. The Children's Safety Act, H.R. 3132, will do this. These tougher sentences will lock up repeat offenders and help keep our children safe. Because we know the recidivism rate of sexual offenders is very high, these longer sentences are crucial to protecting our children. We must hold these sexual offenders accountable and lock them up.

A National Sex Offender Registry, which is one of the components of the Children's Safety Act, will better enable us to protect our children. People have a right to know where sex offenders live and it is important for parents to have access to a national registry in order to make sure their children are safe.

In addition, to punishing sexual offenders and protecting our children, we must also provide services, resources and counseling to the people who are victims of these horrible crimes. Children need help healing the wounds caused by the heinous actions of sexual offenders. We must not forget their needs. Because the needs of victims are so crucial, I along with Congressman TED POE and Congresswoman KATHERINE HARRIS have formed the Victims' Rights Caucus. Through the caucus we draw attention to victim issues, work to protect funding that provides victims' services and introduce legislation to assist with victims. We must not forget the victims of crimes, especially when they are children.

Mr. GRAVES. Mr. Chairman, I rise today to speak in support of the Children's Safety Act of 2005. This legislation, if passed, will close the loopholes in the current system that allow sexual predators to evade law enforcement. It will enhance the current sex offender registration and community notification law. It will create a comprehensive national system for sex offender registration, improve information exchange between States when sex offenders move from State to State, and increase penalties for failing to comply with the registration law.

I would like to commend the Chairman for bringing this outstanding package to the floor today. I am very grateful that the Chairman has included several provisions from a bill that I introduced entitled the Sexual Predator Sentencing Act of 2005. These provisions would toughen several existing sentencing guidelines and keep sex offenders off the street.

Provisions incorporated from my bill will increase the criminal penalties and establish mandatory minimums for those that harm our children whether it is over the Internet or in person.

Strong laws that hold the criminal accountable are a vital component in the effort to protect children. Those who abduct children are often serial offenders who have already been convicted of similar offenses. Strong sentencing is an essential component in any effort to fight crimes against children.

This legislation contains many vital provisions in protecting our children from these violent predators. Our children must be protected against repeat sexual offenders. The Children's Safety Act of 2005 should be passed to keep sexual predators behind bars and our children safe.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 3132, the Children's Safety Act of 2005.

Mr. Chairman, as a father and a grandfather I am often reminded of the dangers that surround my loved ones. Specifically, the growing threat that sexual predators pose to our Nation's children and their families represents an area where our criminal justice system has failed the American people. In order to effectively protect our loved ones, we must provide the American public with unfettered access to know who these dangerous criminals are and where they are living. If a picture is worth a thousand words, then a comprehensive nationwide publicly accessible database is worth at least that many lives.

I was pleased that Chairman SENSENBRENNER included provisions from my bill, H.R. 95, that would create a national, comprehensive, and publicly accessible sex offender database into this comprehensive piece of legislation. Additionally, I was delighted at the level of bi-partisanship that both my bill and today's legislation have received and I would like to personally thank Mr. POMEROY from North Dakota for his leadership and support. Also, I would like to extend my gratitude to organizations like the Big Brothers and Big Sisters of America and the Safe Now Project for their endorsements of H.R. 95's national database provision.

H.R. 3132 directly addresses the shortcomings of our criminal justice system and aims to make our country safer and more secure from those that would prey on our most vulnerable and our most prized assets—our children. With over 500,000 registered sex offenders and countless others which remain unknown, law enforcement and corrections personnel will have additional resources at their disposal to prevent and solve these types of crimes. Additionally, this bill strengthens the criminal code for sexually violent crimes and creates more stringent regulations which convicted offenders must adhere to in order to ensure proper monitoring. Americans have heard the heart wrenching stories of innocent children being harmed by predators, and we must make every effort to ensure that tragedies like these never happen again.

Mr. Chairman, today we must come together to make certain that our children grow up in a safe and secure environment and that parents are unafraid to let their children play in the neighborhood because they have the information they need to protect them. Knowledge is power, and today we have an opportunity before us to supply the American public with the tools necessary to protect themselves, their family, and their friends against those that would commit these heinous crimes. I urge all of my colleagues to cast their vote in support of this legislation and collectively answer the American public's call to provide them with additional resources to combat these predators before another life is lost and tragedy befalls another family.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in that portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 3132

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 ''Children's Safety Act of 2005''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.
Sec. 102. Declaration of purpose.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.
Sec. 112. Registry requirements for jurisdictions.
Sec. 113. Registry requirements for sex offenders.
Sec. 114. Information required in registration.
Sec. 115. Duration of registration requirement.
Sec. 116. In person verification.
Sec. 117. Duty to notify sex offenders of registration requirements and to register.
Sec. 118. Jessica Lunsford Address Verification Program.
Sec. 119. National Sex Offender Registry.
Sec. 120. Dru Sjodin National Sex Offender Public Website.
Sec. 121. Public access to sex offender information through the Internet.
Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.
Sec. 123. Actions to be taken when sex offender fails to comply.
Sec. 124. Immunity for good faith conduct.
Sec. 125. Development and availability of registry management software.
Sec. 126. Federal duty when State programs not minimally sufficient.
Sec. 127. Period for implementation by jurisdictions.
Sec. 128. Failure to comply.
Sec. 129. Sex Offender Management Assistance (SOMA) Program.
Sec. 130. Demonstration project for use of electronic monitoring devices.
Sec. 131. Bonus payments to States that implement electronic monitoring.
Sec. 132. National Center for Missing and Exploited Children access to Interstate Identification Index.
Sec. 133. Limited immunity for National Center for Missing and Exploited Children with respect to CyberTipline.

Subtitle B—Criminal law enforcement of registration requirements

Sec. 151. Amendments to title 18, United States Code, relating to sex offender registration.
Sec. 152. Investigation by United States Marshals of sex offender violations of registration requirements.
Sec. 153. Sex offender apprehension grants.
Sec. 154. Use of any controlled substance to facilitate sex offense.
Sec. 155. Repeal of predecessor sex offender program.

TITLE II—DNA FINGERPRINTING

Sec. 201. Short title.
Sec. 202. Expanding use of DNA to identify and prosecute sex offenders.
Sec. 203. Stopping Violent Predators Against Children.
Sec. 204. Model code on investigating missing persons and deaths.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

Sec. 301. Short title.
Sec. 302. Assured punishment for violent crimes against children.
Sec. 303. Ensuring fair and expeditious Federal collateral review of convictions for killing a child.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN ACT OF 2005

Sec. 401. Short title.
Sec. 402. Increased penalties for sexual offenses against children.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

Sec. 501. Short title.
Sec. 502. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and state child abuse registries; suspension and subsequent elimination of opt-out.
Sec. 503. Access to Federal crime information databases by child welfare agencies for certain purposes.
Sec. 504. Penalties for coercion and enticement by sex offenders.
Sec. 505. Penalties for conduct relating to child prostitution.
Sec. 506. Penalties for sexual abuse.
Sec. 507. Sex offender submission to search as condition of release.
Sec. 508. Kidnapping penalties and jurisdiction.
Sec. 509. Marital communication and adverse spousal privilege.
Sec. 510. Abuse and neglect of Indian children.
Sec. 511. Civil commitment.
Sec. 512. Mandatory penalties for sex-trafficking of children.
Sec. 513. Sexual abuse of wards.

The CHAIRMAN. Are there amendments to section 1? The Clerk will designate title I.

The text of title I is as follows:

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Sex Offender Registration and Notification Act''.

SEC. 102. DECLARATION OF PURPOSE.

In response to the vicious attacks by violent sexual predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of sex offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) SEX OFFENDER REGISTRY.—The term ''sex offender registry'' means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(2) JURISDICTION.—The term jurisdiction means any of the following:

(A) A State.
(B) The District of Columbia.
(C) The Commonwealth of Puerto Rico.
(D) Guam.
(E) American Somoa.
(F) Northern Mariana Islands.
(G) The United States Virgin Islands.
(H) A federally recognized Indian tribe.

(3) AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION.—The term ''sex offender'' means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated a juvenile delinquent for, an offense (other than an offense involving sexual conduct where the victim was at least 13 years old and the offender was not more than 4 years older than the victim and the sexual conduct was consensual, or an offense consisting of consensual sexual conduct with an adult) whether Federal, State, local, tribal, foreign (other than an offense based on conduct that would not be a crime if the conduct took place in the United States), military, juvenile or other, that is—

(A) a specified offense against a minor;
(B) a serious sex offense; or
(C) a misdemeanor sex offense against a minor.

(4) EXPANSION OF DEFINITION OF OFFENSE TO INCLUDE ALL CHILD PREDATORS.—The term ''specified offense against a minor'' means an offense against a minor that involves any of the following:

(A) Kidnapping (unless committed by a parent).
(B) False imprisonment (unless committed by a parent).
(C) Solicitation to engage in sexual conduct.
(D) Use in a sexual performance.
(E) Solicitation to practice prostitution.
(F) Possession, production, or distribution of child pornography.
(G) Criminal sexual conduct towards a minor.
(H) Any conduct that by its nature is a sexual offense against a minor.
(I) Any other offense designated by the Attorney General for inclusion in this definition.
(J) Any attempt or conspiracy to commit an offense described in this paragraph.

(5) SEX OFFENSE.—The term ''sex offense'' means a criminal offense that has an element involving sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

(6) SERIOUS SEX OFFENSE.—The term ''serious sex offense'' means—

(A) a sex offense punishable under the law of a jurisdiction by imprisonment for more than one year;
(B) any Federal offense under chapter 109A, 110, 117, or section 1591 of title 18, United States Code;
(C) an offense in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note);
(D) any other offense designated by the Attorney General for inclusion in this definition.

(7) MISDEMEANOR SEX OFFENSE AGAINST A MINOR.— The term ''misdemeanor sex offense against a minor'' means a sex offense against a minor punishable by imprisonment for not more than one year.

(8) STUDENT.—The term ''student'' means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(9) EMPLOYEE.—The term ''employee'' includes an individual who is self-employed or works for any other entity, whether compensated or not.

(10) RESIDES.—The term ''resides'' means, with respect to an individual, the location of the individual's home or other place where the individual lives.

(11) MINOR.—The term ''minor'' means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue and interpret guidelines to implement the requirements and purposes of this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) IN GENERAL.—A sex offender must register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.

(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender must inform each jurisdiction involved, not later than 5 days after each change of residence, employment, or student status.

(d) RETROACTIVE DUTY TO REGISTER.—The Attorney General shall prescribe a method for the registration of sex offenders convicted before the enactment of this Act.

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) PROVIDED BY THE OFFENDER.—The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address and location of the residence at which the sex offender resides or will reside.

(4) The place where the sex offender is employed or will be employed.

(5) The place where the sex offender is a student or will be a student.

(6) The license plate number of any vehicle owned or operated by the sex offender.

(7) A photograph of the sex offender.

(8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.

(9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.

(10) Any other information required by the Attorney General.

(b) PROVIDED BY THE JURISDICTION.—The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

(1) A statement of the facts of the offense giving rise to the requirement to register under this title.

(2) The criminal history of the sex offender.

(3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current—

(1) for the life of the sex offender, if the offense is a specified offense against a minor, a serious sex offense, or a second misdemeanor sex offense against a minor; and

(2) for a period of 20 years, in any other case.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person and verify the information in each registry in which that offender is required to be registered not less frequently than once every six months.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) ESTABLISHMENT.—There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the ''Program'').

(b) VERIFICATION.—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than monthly or, in the case of a sex offender required to register because of a misdemeanor sex offense against a minor, not less than quarterly.

(c) USE OF MAILED FORM AUTHORIZED.—Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The date of the mailing may be selected at random. The sex offender must return the form, including a notarized signature, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) ESTABLISHMENT.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the ''Website'').

(b) INFORMATION TO BE PROVIDED.—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

(c) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions, unless the Attroney General determines that each jurisdiction has so modified its sex offender registry and notification program that there is no longer a need for the Attorney General to do.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

Each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender's Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program (hereinafter in this section referred to as the ''Program'').

(b) NOTIFICATION.—In the Program, as soon as possible, and in any case not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State and local law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such State and local law enforcment agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

Law enforcement agencies, employees of law enforcement agencies and independent contractors acting at the direction of such agencies, and officials of jurisdictions and other political subdivisions shall not be civilly or criminally liable for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize a one-year extension of the deadline.

SEC. 128. FAILURE TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) LLEBG.—The Local Government Law Enforcement Block Grants program.

(b) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the ''SOMA program'') under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. Such payment shall be made under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) PROJECT REQUIRED.—The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) USE OF FUNDS.—The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) PARTICIPANTS.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) FACTORS.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(e) DURATION.—The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) REPORTS.—The Attorney General shall submit to Congress an annual report on the demonstration project. Each such report shall describe the activities carried out by each participant, assess the effectiveness of those activities, and contain any other information or recommendations that the Attorney General considers appropriate.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.

(a) IN GENERAL.—A State that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) ELECTRONIC MONITORING LAWS AND POLICIES.—

(1) IN GENERAL.—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a State sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) MONITORING REQUIRED.—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person's location and timely reports or records the person's presence near or within a crime scene or in a prohibited area or the person's departure from specified geographic limitations.

(3) DURATION.—The electronic monitoring required by paragraph (1) shall be required of the person—

(A) for the life of the person, if—

(i) an individual who has not attained the age of 12 years is the victim; or

(ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) STATE REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN STATE.—In addition, laws and policies referred to in subsection (a) also includee laws and policies that ensure that the State frequently monitors each person residing in the State for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) BONUS PAYMENTS.—The bonus payment referred to in subsection (a) is a payment equal to 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) LLEBG.—The Local Government Law Enforcement Block Grants program.

(d) DEFINITION.—In this section, the term ''State sex offense'' means any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by the following:

(1) A specified offense against a minor.

(2) A serious sex offense.

SEC. 132. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure that the National Center for Missing and Exploited Children has access to the Interstate Identification Index, to be used by the Center only within the scope of its duties and responsibilities under Federal law. The access provided under this section shall be authorized only to personnel of the Center that have met all the requirements for access, including training, certification, and background screening.

(b) IMMUNITY.—Personnel of the Center shall not be civilly or criminally liable for any use or misuse of information in the Interstate Identification Index if in good faith.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

''(g) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action for damages directly related to the performance of its CyberTipline responsibilities and functions as defined by this section.

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

''(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

Subtitle B—Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

''CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

''Sec.

''2250. Failure to register.

''§ 2250. Failure to register

''Whoever receives a notice from an official that such person is required to register under the Sex Offender Registration and Notification Act and—

''(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

''(2) thereafter travels in interstate or foreign commerce, or enters or leaves Indian country;

and knowingly fails to register as required shall be fined under this title and imprisoned not less than 5 years nor more than 20 years.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

''109B. Sex offender and crimes against children registry ..... 2250''.

(c) FALSE STATEMENT OFFENSE.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: ''If the matter relates to an offense under chapter 109A, 109B, 110, or 117, then the term of imprisonment imposed under this section shall be not less than 5 years nor more than 20 years.''

(d) PROBATION.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

''(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and''.

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with ''The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)'', by striking ''described in section 4042(c)(4)'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.''

(2) in subsection (k)—

(A) by striking ''2244(a)(1), 2244(a)(2)'' and inserting ''2243, 2244, 2245, 2250'';

(B) by inserting ''not less than 5,'' after ''any term of years''; and

(C) by adding at the end the following: ''If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, not less than 10 years.'' .

(f) DUTIES OF BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

''(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.''.

(g) CONFORMING AMENDMENT OF CROSS REFERENCE.—Paragraph (1) of section 4042(c) of title 18, United States Code, is amended by striking ''(4)'' and inserting ''(3)''.

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

SEC. 152. INVESTIGATION BY UNITED STATES MARSHALS OF SEX OFFENDER VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall use the authority provided in section 566(e)(1)(B) of title 28, United States Code, to assist States and other jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

''PART JJ—SEX OFFENDER APPREHENSION GRANTS

''SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

''(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

''(b) COVERED ACTIVITIES.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

''SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.''.

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE.

(a) INCREASED PUNISHMENT.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

''§ 2249. Use of any controlled substance to facilitate sex offense

''(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not less than 10, or for life.

''(b) As used in this section, the term 'sex offense' means an offense under this chapter other than an offense under this section.''.

(b) AMENDMENT TO TABLE.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

''2249. Use of any controlled substance to facilitate sex offense.''.

SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

AMENDMENT NO. 27 OFFERED BY MR. SENSENBRENNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. SENSENBRENNER:

Page 11, line 2, after ''jurisdiction'' insert '', other than a Federally recognized Indian tribe''.

Page 27, line 5, insert '', or resides in,'' after ''enters or leaves''.

Page 6, line 22, strike ''A'' and insert ''To the extent provided and subject to the requirements of section 126, a''.

Page 6, line 19, strike ''Somoa'' and insert ''Samoa''.

Page 6, line 20, insert ''The'' before ''Northern''.

Page 10, line 4, strike ''and interpret''.

Page 10, line 5, strike ''to implement the requirements and purposes of'' and insert ''and regulations to interpret and implement''.

Page 12, line 23, after ''years'' insert ''(but such 20-year period shall not include any time the offender is in custody or civilly committed)''.

Page 16, line 15, after ''jurisdiction'' insert ''where the sex offender resides, works, or attends school, and each jurisdiction''.

Strike section 124 and insert the following:

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Page 18, beginning in line 7, strike ''a one-year extension'' and insert ''up to two one-year extensions''.

Page 19, line 3, after ''title'' insert ''or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title''.

Page 25, beginning in line 14, strike ''for damages directly related to'' and insert ''arising from''.

Page 26, beginning in line 20, strike ''receives a notice from an official that such person''.

Page 27, line 16, insert ''or section 1591,'' after ''117,''.

Page 29, line 3, insert ''or section 1591,'' after ''117,''.

Page 29, strike lines 14 through 17 and insert the following:

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended by striking ''(4)'' and inserting ''(3)''.

Page 10, line 26, after ''Act'' insert ''or its effective date in a particular jurisdiction''.

Page 19, after line 3, insert the following:

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute only conditions required to avoid the reduction of Federal funding under this section.

Page 11, line 20, after ''plate number'' insert ''and description''.

Page 26, after line 7, insert the following:

SEC. 135. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(f) SEX OFFENDER MANAGEMENT.—

''(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

''(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

''(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

''(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.''.

At the end of title I, insert the following:

SEC. 155. ASSISTANCE FOR PROSECUTIONS OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help investigate and prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 156. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

Page 15, line 13, strike ''Each'' and insert ''(a) IN GENERAL.—Except as provided in subsection (b), each''.

Page 15, after line 19, insert the following:

(b) EXCEPTION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a sex offender required to register

for committing a misdemeanor sex offense against a minor who has attained the age of 16 years.

Page 8, line 15, insert ''a'' before ''sexual act''.

Page 12, line 13, insert '', including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense'' before the period.

Page 5, after line 23, insert the following:

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

Page 24, beginning in line 7, strike ''in a range'' and all that follows through ''by'' in line 9 and inserting ''that is one of''.

Page 21, after line 15, insert the following (and redesignate succeeding subsections accordingly):

(f) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) ONE-TIME REPORT AND RECOMMENDATIONS.—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

Mr. SENSENBRENNER. Mr. Chairman, I rise to offer an amendment to the bill which makes a number of technical changes and substantive improvements to title I of the bill dealing with the sex offender registration and notification requirements and related issues. Let me briefly summarize some of the most important provisions.

First, the amendment includes a requirement that the Bureau of Prisons provide adequate treatment programs for sex offenders in all six of the regions and that they have adequate access to treatment in both residential and nonresidential programs.

Second, the amendment authorizes grants to States for prosecution of cases solved by DNA evidence. With the overwhelming passage of the Justice for All Act last Congress, this body recognized that DNA is a valuable tool for solving crimes. The amendment incorporates the proposal by the gentleman from California (Mr. GALLEGLY) which will further assist States in hiring more prosecutors and investigators for cases solved by DNA evidence.

Third, the amendment includes proposals contained in H.R. 3687, offered by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from Texas (Mr. POE), and specifically authorizes technical assistance grants to improve the quality of criminal investigation and prosecution of child abuse cases.

Fourth, the amendment expands on the pilot program for electronic monitoring programs for sex offenders. As technology develops, we need to use tracking technologies to monitor sex offenders' locations and movements so that the public can be protected and law enforcement can intervene before another tragic attack against a child occurs.

Mr. Chairman, I urge my colleagues to support this amendment in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MR. SENSENBRENNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. SENSENBRENNER:

Page 26, after line 7, insert the following:

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF HURRICANE KATRINA.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of Hurricane Katrina.

Mr. SENSENBRENNER. Mr. Chairman, I rise to offer this amendment to respond to the law enforcement problems being faced by Louisiana, Mississippi, Alabama, Texas, and other States as a result of the devastation from Hurricane Katrina.

It is estimated that at least 15,000 sex offenders have been relocated from the affected area as a part of disaster relief efforts. Criminal records and sex offender information are, in many cases, not available to law enforcement or the community to track these offenders as they move to new areas. But this is just the tip of the iceberg.

It has been reported by the Texas Department of Justice, for example, that the State is experiencing significant increases in violent crime. There are 1,350 sex offenders unaccounted for in Houston alone after being evacuated from Louisiana. The parole department in Louisiana has no idea where these people are and can provide no identifying information, fingerprints or photos.

Reports also indicate that crimes against children in Texas shelters are rising. These States are in desperate need of Federal assistance. My amendment does just that by directing the Justice Department to provide technical assistance to help law enforcement in these areas and to identify sex offenders who have been relocated.

It is critical we protect our children while disaster relief is being provided, and I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

PERMISSION TO OFFER AMENDMENTS NO. 4 AND 7 DURING CONSIDERATION OF TITLE III

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to consider amendments No. 4 and 7, preprinted in the CONGRESSIONAL RECORD, when we call up title III. These amendments primarily affect title III. However, there is a little portion that affects title I.

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

There was no objection.

AMENDMENT NO. 18 OFFERED BY MR. CUELLAR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. CUELLAR:

Page 11, line 4, after the comma insert ''and a minimum term of imprisonment that is no less than 90 days,''.

Mr. CUELLAR. Mr. Chairman, I rise in support of the Children's Safety Act; and I offer this amendment, which I believe is acceptable to the Chair and which I believe also is in the best interest of our communities.

Today, Mr. Chairman, we consider a bill that sets serious penalties for sex offenders. I want to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for bringing this bill up; and of course I also want to thank the ranking members, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT), for considering this bill and the amendments.

Mr. Chairman, we all agree such offenses are tragic, with effects that scar victims for a lifetime. I am proud this body is considering tough legislation that punishes sex offenders who prey upon youth and innocence.

The sex offender registry is a critical tool that helps protect our communities from sexual predators. It allows local law enforcement officers and probation and parole authorities to keep current information about the residence, work, and student information of a sex offender.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding. I will be happy to accept his amendment. I think it makes a useful addition to the bill.

Mr. SCOTT of Virginia. Mr. Chairman, I would incorporate by reference the comments I have made on mandatory minimums, and I think it would apply to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. GIBBONS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. GIBBONS:

Page 26, after line 7, insert the following new section (and redesignate succeeding sections, and conform the table of contents, accordingly):

SEC. 134. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

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

Mr. GIBBONS. Mr. Chairman, our Nation has a solemn responsibility to protect the most innocent among us, our children. The Children's Safety Act of 2005, introduced by our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), will help to ensure that sex offenders are registered properly and that they maintain their registration wherever they reside.

I originally sought to offer an amendment to this important bill that would have required States to ensure that sex offenders are properly registered before they are issued a driver's license and in doing so mandate that their license would have to be renewed every single year. The State of Nevada passed a law earlier this year that does just that.

The purpose of such a requirement is to add another layer of protection for the children and families of our communities. In short, if a sex offender refuses to keep their registration current, which is now a problem facing too many States, then he would be unable to obtain a legal driver's license. This means that the sex offender is at risk at any time of being caught driving without a license and arrested.

I think that this threat can serve as a useful deterrent and encourage sex offenders to maintain their registration—in fact, improving the registration compliance rate of these offenders.

In a State where over 30 percent of sex offenders are non-compliant and lost in the system, we took these very same steps in Nevada to ensure a greater compliance rate.

We simply must do everything we can to protect our children and prevent sexual crimes against them.

I am proud that Nevada is a leader in this Nation in having modern, efficient computer systems that will allow it to implement this licensing procedure.

Unfortunately, several other States have not yet fully updated their DMV and criminal registry systems.

As a result, concerns have been raised regarding the cost on other States of such a system, and these concerns should be addressed.

In consideration of these concerns, my amendment today will require the GAO to study the feasibility and costs of this driver's license requirement.

This amendment also will require the GAO to study what type of Federal grant program may be needed to assist the States with implementing this requirement.

This study will also seek the opinions and expertise of Federal and State law enforcement to ensure that this additional reform of our sex offender laws assists them in protecting our children.

Finally, my amendment calls on the GAO to study the effectiveness of Nevada's State law so that Congress and this Nation can learn from my State how this system might work on a national level and how we can do a better job in monitoring sex offenders.

Since I think that it is prudent for all States to follow Nevada's lead, I will also introduce stand-alone legislation today that will require States to begin implementing Nevada's driver's license requirement.

However, I understand the importance of ensuring appropriate resources are provided, and will work with Mr. SENSENBRENNER to study this issue so we can move forward in implementing these regulations to protect our children and prevent these horrible crimes.

I look forward to gathering the necessary information and finding a legislative solution that will not put an undue burden on our States, but will ensure the safety of our children.

I want to thank the chairman and his staff for working with me on this issue.

Finally, I want to close by expressing my thanks to George Togliatti, Director of the Nevada Department of Public Safety and to Donna Coleman, member of Demanding Justice for America's Children.

They both have worked tirelessly with my office to ensure that Nevada's children are protected.

Mr. Chairman, I ask my colleagues to support this amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, as with the previous amendment, I believe this amendment also improves the bill, and I would urge support of it.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment and would just point out that this requirement for a driver's license just adds another little ''gotcha'' for which someone could be subjected to a 5-year mandatory minimum and, therefore, would oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. GIBBONS).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. CONYERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. CONYERS:

At the end of title I, add the following new subtitle:

Subtitle C—Children's Safety Office

SEC. 171. ESTABLISHMENT.

There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Children's Safety Office.

SEC. 172. PURPOSE.

The purpose of the Office is to administer the sex offender registration program under subtitle A and to coordinate with other departments, agencies, and offices in preventing sexual abuse of children, prosecuting child sex offenders, and tracking child abusers post-conviction .

SEC. 173. DIRECTOR.

(a) ADVICE AND CONSENT.—At the head of the Office shall be a Director, appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the Attorney General.

(b) QUALIFICATIONS.—The Director shall be appointed from among distinguished individuals who have—

(1) proven academic, management, and leadership credentials;

(2) a superior record of achievement; and

(3) training or expertise in criminal law or the exploitation of children, or both.

(c) DUTIES.—The Director shall have the following duties:

(1) To maintain liaison with the judicial branches of the Federal and State Governments on matters relating to children's safety from sex offenders.

(2) To provide information to the President, the Congress, the Judiciary, State and local governments, and the general public on matters relating to children's safety from sex offenders.

(3) To serve, when requested by the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to children's safety from sex offenders.

(4) To provide technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to sexual assaults against children, including the litigation of civil and criminal actions relating to enforcing such laws; and

(B) other Federal, State, and local agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate sexual assaults against children.

(5) To exercise such other powers and functions as may be vested in the Director pursuant to this or any other Act or by delegation of the Attorney General in accordance with law.

(6) To establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

(7) To oversee—

(A) the grant programs under subtitle A; and

(B) any other grant programs of the Department of Justice to the extent they relate to sexual assaults against children.

SEC. 174. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year for which grants are made under subtitle A, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State or other jurisdiction—

(1) the number of grants made and funds distributed under subtitle A;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under subtitle A.

SEC. 175. STAFF.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the responsibilities of the Director.

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 177. NONMONETARY ASSISTANCE.

In addition to the assistance provided under subtitle A, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts consistent with the purposes of this title.

Mr. CONYERS. Mr. Chairman, my amendment creates a national Office of Children's Safety within the Department of Justice, which would be run by a Presidential appointment and would report to the Attorney General. The director's duties would be to track State compliance with new registration requirements in the bill and report back to Congress on their progress. It would coordinate the Federal Government's response to the sexual abuse of minors and provide expertise and resources for the unique crime of child sexual abuse to States, local, and Federal authorities.

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It is important that this amendment, if accepted, be run by someone qualified for the job. The FEMA incident illustrates this part of the provision.

The large number of sexually exploited children in this country is certainly an emergency. That is why I ask my colleagues to support this amendment to ensure our Department of Justice makes combating the exploitation of children one of its highest priorities.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a constructive addition to the bill. It might need a little fine-tuning regarding the structure of the office, but we can do that in conference. I urge the House to accept the amendment.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his acceptance of the amendment. I would be happy to work on any suggested improvements to the amendment.

I think we have special offices in the Department of Justice concerning Violence Against Women and Cops on the Beat programs, and I think our children deserve no less.

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

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. CONYERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. CONYERS:

At the end of title I, add the following new section (and conform the table of contents accordingly):

SEC. 1_____. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

Mr. CONYERS. Mr. Chairman, while there are many different grant programs in the Department of Justice providing resources for initiatives fighting violent or sexual assault, we have not found any that are directly and specifically at local law enforcement's ability to protect children from sexual predators.

This provision takes an important step to make sure that after offenders are prosecuted and released, they are registered and made publicly known. However, it does nothing to prevent the abuse from happening in the first place, nor does it help officers investigate and track down offenders after complaints. So this amendment would not only help fund local sheriff and police units, implementation and enforcement of the registration, but would provide funds to make sure that local units have the resources necessary to pursue child abusers, including additional staff, training of existing personnel, and computers and software necessary to investigate predators who find children over the Internet.

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

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

Mr. SENSENBRENNER. Mr. Chairman, this amendment sounds good to me, and I am happy to accept this amendment as well.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his consideration.

There are few needs as pressing as the importance of stopping the sexual abuse of children, and I appreciate the fact that we are providing special grant programs for prescription drug abuse, telemarketing fraud; and now we can find a way to fund programs to protect the most vulnerable in our society, our children. I urge support of the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. POE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. POE:

At the end of title I, add the following new section (and amend the table of contents accordingly):

SEC. ___. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding

offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

Mr. POE. Mr. Chairman, I rise today with my colleague, the gentleman from California (Mr. SCHIFF), to offer this training technology amendment.

The training and technology amendment addresses several key issues for law enforcement throughout the country when dealing with Internet crime against children. These crimes committed against children on the Internet are facilitated by the latest technologies and advances in computers and the Internet.

Without properly equipping law enforcement, these cases will not be investigated and prosecuted effectively, allowing many predators to slip through the cracks in our criminal justice system. Furthermore, many cases involving exploitation and enticement of children on the Internet cross jurisdictional lines and even international boundaries. There is a great need for law enforcement prosecutors and investigators to have the ability to share information quickly as cases unfold.

To address these needs, the training and technology amendment funds the Department of Justice $3 million to do two things:

(1) Train law enforcement to use the most up to date technology while investigating and collecting evidence from a suspected internet predator—for example, recovering files from hard drives of suspected child pornographers.

(2) Provide hardware and training to use software that Microsoft is developing and donating to the Department of Justice. A similar project has successfully been implemented in Canada. The software would link Office of Juvenile Justice and Delinquency Preventions' 46 regional Internet Crimes Against Children Units with one database. This will allow law enforcement across the country and even internationally to work together and share information on cases that cross jurisdictions.

In order for the Child Safety Act to be successfully implemented, law enforcement must be equipped and trained to meet the challenges of investigating cases involving advanced technological tools. I urge my colleagues to support this important amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe the gentleman has an instructive amendment, and I am prepared to support it.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

I join in support of the amendment. It is money that will be extremely well spent and actually deals with the problem. I thank the gentleman for introducing the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. INGLIS of South Carolina:

Page 27, line 7, strike ''not less than 5 years nor''.

Page 27, lines 17 through 18, strike ''not less than 5 years nor''.

Mr. INGLIS of South Carolina. Mr. Chairman, I rise in support of the bill, but hopeful that we can make it even a little bit better. The thrust of the bill is clearly a good idea. We need a national registration for sex offenders. We need to make it with teeth, and that is why I support the underlying bill.

There is, however, this issue of mandatory minimums in the bill. I am a member of the Committee on the Judiciary, and I have said there that I am more uncomfortable than ever with our use of mandatory minimums. We have a coherent system of sentencing called the sentencing guidelines. We have people who thought very carefully about how it would be that rape, for example, would compare with bank robbery and how that would compare with cashing bad checks, and so they came up with a system.

Into that system have come some reactions from Congress to particularly heinous crimes. The result is sort of a patchwork of mandatory minimums that disrupt the coherent system established by the sentencing guidelines. So here today we have a bill before us that has a particularly dangerous mandatory minimum when it comes to the situation of someone failing to register.

Now, I think it is pretty confusing when you move from State to State. In fact, it is quite often the case that you send your possessions on ahead in a moving van; and the question is when did you move from California to Ohio, was it when the moving van got there, or was it when you took the first flight from California to Ohio, but then you returned to California to get the rest of your possessions and drove back. When did you move to Ohio?

Under this bill as it is right now, if you fail to register, you have a mandatory minimum. I think the mandatory minimum in this case is particularly inappropriate. In fact, Mr. Chairman, it is a 5-year mandatory minimum. So the hypothetical I just posed of somebody moving from California to Ohio, the moving truck is there, they fly out twice to Ohio, and finally they are moved, if they do not register in a timely fashion, and it is a very brief time they have to register, then what happens is they must go off to jail for 5 years. This is somebody who has not committed another offense. If they commit another offense, there are mandatory minimums that handle that.

This is a failing to register, which is an important thing. It is very important that we register, but it seems to me that this is a classic case of where we should give judges discretion within the sentencing guidelines to deal with exactly the hypothetical I have just described. Let the judge decide, well, the person actually did move to Ohio on that second trip and when they moved, they failed to register. But maybe they had an appendectomy. If they did, give them some time, give them some grace because they were clearly attempting to comply with the law.

On the other hand, the judge could hear this person was not attempting to comply with the law. They were flouting the layout; and if they were, he gives them some time.

The amendment here would simply strike the 5-year minimum and make it so that it could be up to a maximum of 20 years. So a judge could still send the flagrant violator, the person who has failed to register, off to jail for a good long time because registration is crucial to the underlying nature of this bill.

So I support the bill, and I hope that we can improve it by eliminating what could be manifest injustice with a mandatory minimum that is unchangeable by a judge, a judge who can see the circumstances. Of course that requires some trust in the judges, but I am thinking we can do that. At least in South Carolina, we have good judges, judges who make decisions that seem to be consistent with the spirit of this law.

If jurisdictions have judges who do not do that, perhaps there should be some pressure brought to bear on these judges and, in fact, impeachments if those judges consistently violate the sentencing guidelines. But let us let the system work; let us let the Constitution work and respect the judiciary and respect the competence of the people that the U.S. Senate confirms. We have a confirmation hearing going on right now where we are confirming, I hope, somebody who is clearly a capable jurist. When he is on that Court, we

should defer to him because he is a coequal branch of the Federal Government.

So my amendment is very simple. It strikes the mandatory minimum in the case of failing to register. I hope my colleagues will support it.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment deletes the 5-year mandatory minimum sentence for a sex offender who crosses State lines to fail to register in the new State and also deletes the 5-year mandatory minimum for making false statements in a sexual abuse investigation.

Let me say that the whole issue of the sentencing guidelines has been a very vexatious one. Earlier this year, the Supreme Court decided two cases that made the sentencing guidelines only advisory, rather than mandatory. So if this amendment is adopted, judges will be given the power to place on probation those who were convicted of not registering in a new State or making a false statement to law enforcement relative to a sexual abuse investigation.

I do not think that probation is advisable in these instances, and that is why this amendment should be defeated.

The most significant enforcement issue that exists today in the sex offender program is that over 100,000 sex offenders, or nearly one-fifth in the Nation, are ''missing,'' meaning they have not complied with the sex offender registration requirements. This typically occurs when the sex offenders move from one State to another.

To ensure compliance with the registration requirements, States are required to inform the sex offender of his or her obligations and obtain a signed form indicating he or she understands those obligations and will comply with them. In order to address the problem of the missing sex offenders, that is, those who fail to comply with moving from one State to another, sex offenders will now face Federal prosecution with a mandatory minimum of 5 years.

The combination of incentives for the sex offender to comply and stiff criminal penalties and additional law enforcement resources to focus on this problem should help address the overwhelming number of noncomplying or ''missing'' sex offenders in our community.

The 5-year mandatory minimum penalty is a critical component of this new enforcement scheme, and this amendment punches a hole in that enforcement scheme and allows a loophole to have the current situation continue to fester. The mandatory minimum applies for a knowing violation that will help ensure that sex offenders comply with all registration requirements.

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Never again should our communities have to suffer from the fear of unidentified sex offenders in their communities, their schools, and their youth organizations.

Similarly, the 5-year mandatory minimum for false statements made during a sexual abuse investigation is critical. The facts surrounding the Jessica Lunsford case in Florida demonstrate that time is of the essence and false statements can make the difference between life and death of a missing child.

In the Lunsford case, three witnesses knew that John Couey, the alleged rapist and murderer of 9-year-old Jessica Lunsford, was living within 150 yards of Jessica's house but failed to tell investigators. If they had told the truth, maybe, just maybe, Jessica Lunsford would be alive today.

A 5-year mandatory minimum penalty would ensure truthful and full cooperation by witnesses in such investigations. It is an important policy goal, and these penalties send a strong deterrent message.

I strongly urge opposition to this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment eliminates the 5-year mandatory minimum for failing to properly register and the 5-year mandatory minimum for falsifying registration information, with the possibility still of 20 years.

The amendment keeps the 20-year maximum for both crimes and leaves it to the Sentencing Commission and the courts to determine the gradations of seriousness and the punishment for violations based on the facts and circumstances of the violation.

It is absurd that misdemeanants and other minor offenders who get a suspended sentence for a crime that was committed 15 years ago could get a 5-year mandatory minimum sentence for a technical violation of a registration requirement such as showing up at 5:30 on the last day of registration when the office closed at 5 o'clock or failing to register the fact that they are in a community college that has different sites. Do they have to register everywhere they might take a class or just the main registration place for the community college? Or if they work in construction, if they register at the home office of the construction company, do they also have to register at each location where they are doing construction? If they guess wrong, 5 years mandatory minimum, no discretion on the part of the judge.

Are our children going to be safer or less safe if an offender knows that he is in technical violation? If he shows up to register after he has been in technical violation, he knows he is looking at a 5-year mandatory minimum. Is he going to show up or not?

Mr. Chairman, it is also absurd that an offender would be sentenced to a minimum 5 years for giving a technically false statement regarding this registration when, under the same section of the law, there is a maximum of 8 years, no minimum sentence, for either making a false statement in connection with international or domestic terrorism. A false statement on terrorism, 8 years maximum, no minimum; technical violation on registration, 5 years mandatory minimum, 20 years possibility.

Again, this amendment retains the 20-year maximum for cases such as those cited by the chairman, but it allows common sense in determining which offenders would get what sentence for what violations.

We have been told by the Sentencing Commission and the Judicial Conference time and time again that mandatory minimum sentences violate common sense. For someone who deserves the time, the mandatory minimum has no effect because they will get the time. For those who do not deserve the time, that violates common sense. They will get that time anyway.

In everyday experiences judges can see differences, great and small, in the facts and circumstances in the cases before them. The name of the crime is often a poor indicator of the facts and circumstances of the crime. So it makes sense to have a rational assessment by one who has heard and seen the evidence and facts and circumstances of the case making the appropriate decision within the guidelines set by the Sentencing Commission relating to the gradations in seriousness of the crime and the other characteristics. That is why we set up the Sentencing Reform Act that set up the Sentencing Commission, and these mandatory minimums obviously violate that entire system.

Of course, under the Federal system, the ones who will primarily be affected will be Native Americans because they try all their cases in Federal courts; and it is unfair to them and unfair to common sense where identical offenses can be committed, one by a Native American, another a few miles away, the same crime and vastly different sentences because the Native American is stuck in Federal court with the 5-year mandatory minimum. These mandatory minimums violate common sense, and so I am delighted to join the gentleman from South Carolina in this amendment and hope our colleagues will support it.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose this amendment.

Sex offenders are the worst in our society. They prey on our children as if they were cattle. The idea that they will voluntarily register needs to be thrown out the window because they simply will not.

Time and time again we have seen experiences where these people realize that the microscope of society is upon them. So they move and they try to relocate into other communities. Our States, our 50 States, many are border States whereby if they are in Tallahassee, Florida, it is very easy to go to Valdosta, Georgia, very easy to get a new job and a new occupation.

That has been the problem with the laws. We cannot properly track these offenders. We cannot follow their whereabouts. And if we do not have a strict punishment on them, they simply will continue to move about the country and prey on vulnerable children in other States.

For God's sake, if I come to Washington, D.C., and want to get a Blockbuster movie, I have to get a new registration card. I have to put down my credit card, my driver's license to rent a movie. And if I fail to return the movie, they charge me for the movie. There are penalties for violating simple rules of video rentals, and my colleagues would have us believe, oh, let us not be too harsh on these people.

Jessica Lunsford was buried in a garbage bag by a known sex offender who failed to register. Oh, let us not give him a 5-year minimum mandatory. Let us not inconvenience him, John Couey. Let us not cause any unnecessary paperwork for John Couey, while Jessica Lunsford is in a plastic garbage bag.

We have to have a driver's license in the State in which we live. We have to have a license tag in the State in which we reside. It takes us 48 hours to get our cable installed. But, God, no, let us not inconvenience by mandatory punishment if a sex offender fails to report.

They are instructed before they are released of the obligations of their sentencing. They are told they must report in the new State. They are given adequate warning. For far too long we have opened up our jails and said hope you are better and then lost track of them. I said it before, we track library books better than we do these criminals, and it is time we balance the scale of justice in favor of our children.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, I agree exactly with what the gentleman just said, and that is why I am voting for the underlying bill.

But the gentleman said earlier that this is some kind of voluntary registration. There is nothing voluntary about this. We, in strong action here, are requiring exactly the person he just described to register, and we say to them they must register within the prescribed period. There is no voluntary nature to that. That is a strong and good law. That is what we are doing here.

The question is whether we can trust the sentencing guidelines and the Sentencing Commission and Federal judges to come up with a system to figure out whether that person that the gentleman is describing, flagrantly violating it, should go off for 20 years as opposed to the hypothetical that I posed as somebody in confusion about when exactly they moved, let us say, from California to Florida, as to whether that case deserves a mandatory minimum of 5 years.

Because what we are doing here, if this amendment fails, is tying the hands of that judge in Ohio such that he must or she must send the person off for 5 years if there was confusion about when and how they moved to the State of Ohio. It may be somebody who did not flagrantly violate. It was just confusion as to when they moved. And if we have sentencing guidelines and judges that follow those guidelines, if they do not, put pressure on them and then impeach them.

Mr. FOLEY. Mr. Chairman, reclaiming my time, I wish the perpetrator would have thought about the penalties before they committed the crime. The minimum mandatory may tie the hands of judges, but it will, in fact, tie the hands of the predator. They know full well before they are released what the requirements are, and if there is confusion, it is the perpetrator's fault. I do not want it to be relied upon the victim to say the victim should have known he may have been a perpetrator but we were not registered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. INGLIS).

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

Mr. INGLIS of South Carolina. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 23 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to offer amendment No. 23 at this time.

The CHAIRMAN. Is there objection to the consideration of the gentleman's amendment at this point? The amendment is in title III.

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. CONYERS:

At the end of title III insert the following:

SEC. 304. STATISTICS.

(a) COVERAGE.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender,'' before ''or ethnicity''.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by and directed against juveniles'' after ''data acquired under this section''.

Mr. CONYERS. Mr. Chairman, I offer this amendment to the bill to address a blight on our society, the scourge of hate violence. Because, currently, we lack sufficient data to assist in determining how to address bias crime directed toward children. This amendment would correct that oversight.

For the year 2003, for example, the most recent available data, the FBI compiled reports from law enforcement agencies across the country identifying 7,489 criminal incidents that were motivated by an offender's irrational antagonism towards some personal attribute associated with the victim.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I am prepared to accept this amendment.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the chairman for accepting the amendment.

Law enforcement agencies have identified 9,100 victims arising from 8,715 separate criminal offenses. FBI data has also revealed that a disproportionately high percentage of both the victims and the perpetrators of hate violence were children, young people under 18 years of age.

The FBI's annual Hate Crime Statistics Act report provides the best snapshot of the magnitude of the hate violence problem in America. However, there is a paucity of regularly published information about juvenile hate crime offenses because the statute does not require data analysis for gender or juvenile categories.

This is an important omission, as indicated by a special DOJ report on the subject in 2001. This report, which carefully analyzed nearly 3,000 of the 24,000 hate crimes to the FBI from 1997 to 1999, revealed that a disproportionately high percentage of both the victims and the perpetrators of hate violence were young people under 18 years of age. For example: 30 percent of all victims of bias-motivated aggravated assaults and 34 percent of the victims of simple assault were under 18.

As we address legislation for the protection of children, we should utilize the full extent of Federal resources and data collection plays an important role. I hope that this amend will find broad support so that we can work to eliminate hate violence directed against young people.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—DNA FINGERPRINTING

SEC. 201. SHORT TITLE.

This title may be cited as the ''DNA Fingerprinting Act of 2005''.

SEC. 202. EXPANDING USE OF DNA TO IDENTIFY AND PROSECUTE SEX OFFENDERS.

(a) EXPANSION OF NATIONAL DNA INDEX SYSTEM.—Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking '', provided'' and all that follows through ''System''; and

(2) by striking subsections (d) and (e).

(b) DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.—

(1) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended

(A) in subsection (a)—

(i) in paragraph (1), by striking ''The Director'' and inserting the following:

''(A) The Attorney General may, as provided by the Attorney General by regulation, collect DNA samples from individuals who are arrested,

detained, or convicted under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

''(B) The Director''; and

(ii) in paragraphs (3) and (4), by striking ''Director of the Bureau of Prisons'' each place it appears and inserting ''Attorney General, the Director of the Bureau of Prisons,''; and

(B) in subsection (b), by striking ''Director of the Bureau of Prisons'' and inserting ''Attorney General, the Director of the Bureau of Prisons,''.

(2) CONFORMING AMENDMENT.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting ''and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)'' after ''period of release''.

(c) TOLLING OF STATUTE OF LIMITATIONS IN SEXUAL ABUSE CASES.—Section 3297 of title 18, United States Code, is amended by striking ''except for a felony offense under chapter 109A,''.

SEC. 203. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 204. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) MODEL CODE REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish a model code setting forth procedures to be followed by law enforcement officers when investigating a missing person or a death. The procedures shall include the use of DNA analysis to help locate missing persons and to help identify human remains.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General publishes the model code, enact laws implementing the model code.

(c) GAO STUDY.—Not later than 2 years after the date on which the Attorney General publishes the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SCOTT of Virginia. Mr. Chairman, are we in title III?

The CHAIRMAN. The Clerk just designated title II.

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

SEC. 301. SHORT TITLE.

This title may be cited as the ''Prevention and Deterrence of Crimes Against Children Act of 2005''.

SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) SPECIAL SENTENCING RULE.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

''(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

''(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, or results in serious bodily injury (as defined in section 2119(2)) be imprisoned for life or any term of years not less than 30;

''(3) if the crime of violence results in bodily injury (as defined in section 1365) or is an offense under paragraphs (1), (2), or (5) of section 2244(a), be imprisoned for life or for any term of years not less than 20;

''(4) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 15; and

''(5) in any other case, be imprisoned for life or for any term of years not less than 10.''.

SEC. 303. ENSURING FAIR AND EXPEDITIOUS FEDERAL COLLATERAL REVIEW OF CONVICTIONS FOR KILLING A CHILD.

(a) LIMITS ON CASES.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

''(j)(1) A court, justice, or judge shall not have jurisdiction to consider any claim relating to the judgment or sentence in an application described under paragraph (2), unless the applicant shows that the claim qualifies for consideration on the grounds described in subsection (e)(2). Any such application that is presented to a court, justice, or judge other than a district court shall be transferred to the appropriate district court for consideration or dismissal in conformity with this subsection, except that a court of appeals panel must authorize any second or successive application in conformity with section 2244 before any consideration by the district court.

''(2) This subsection applies to an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a individual who has not attained the age of 18 years.

''(3) For an application described in paragraph (2), the following requirements shall apply in the district court:

''(A) Any motion by either party for an evidentiary hearing shall be filed and served not later than 90 days after the State files its answer or, if no timely answer is filed, the date on which such answer is due.

''(B) Any motion for an evidentiary hearing shall be granted or denied not later than 30 days after the date on which the party opposing such motion files a pleading in opposition to such motion or, if no timely pleading in opposition is filed, the date on which such pleading in opposition is due.

''(C) Any evidentiary hearing shall be—

''(i) convened not less than 60 days after the order granting such hearing; and

''(ii) completed not more than 150 days after the order granting such hearing.

''(D) A district court shall enter a final order, granting or denying the application for a writ of habeas corpus, not later than 15 months after the date on which the State files its answer or, if no timely answer is filed, the date on which such answer is due, or not later than 60 days after the case is submitted for decision, whichever is earlier.

''(E) If the district court fails to comply with the requirements of this paragraph, the State may petition the court of appeals for a writ of mandamus to enforce the requirements. The court of appeals shall grant or deny the petition for a writ of mandamus not later than 30 days after such petition is filed with the court.

''(4) For an application described in paragraph (2), the following requirements shall apply in the court of appeals:

''(A) A timely filed notice of appeal from an order issuing a writ of habeas corpus shall operate as a stay of that order pending final disposition of the appeal.

''(B) The court of appeals shall decide the appeal from an order granting or denying a writ of habeas corpus—

''(i) not later than 120 days after the date on which the brief of the appellee is filed or, if no timely brief is filed, the date on which such brief is due; or

''(ii) if a cross-appeal is filed, not later than 120 days after the date on which the appellant files a brief in response to the issues presented by the cross-appeal or, if no timely brief is filed, the date on which such brief is due.

''(C)(i) Following a decision by a panel of the court of appeals under subparagraph (B), a petition for panel rehearing is not allowed, but rehearing by the court of appeals en banc may be requested. The court of appeals shall decide whether to grant a petition for rehearing en banc not later than 30 days after the date on which the petition is filed, unless a response is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the response is filed or, if no timely response is filed, the date on which the response is due.

''(ii) If rehearing en banc is granted, the court of appeals shall make a final determination of the appeal not later than 120 days after the date on which the order granting rehearing en banc is entered.

''(D) If the court of appeals fails to comply with the requirements of this paragraph, the State may petition the Supreme Court or a justice thereof for a writ of mandamus to enforce the requirements.

''(5)(A) The time limitations under paragraphs (3) and (4) shall apply to an initial application described in paragraph (2), any second or successive application described in paragraph (2), and any redetermination of an application described in paragraph (2) or related appeal following a remand by the court of appeals or the Supreme Court for further proceedings.

''(B) In proceedings following remand in the district court, time limits running from the time the State files its answer under paragraph (3) shall run from the date the remand is ordered if further briefing is not required in the district court. If there is further briefing following remand in the district court, such time limits shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, the date on which such brief is due.

''(C) In proceedings following remand in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date the remand is ordered if further briefing is not required in the court of appeals. If there is further briefing in the court of appeals, the time limit specified in paragraph (4)(B) shall run from the date on which a responsive brief is filed or, if no timely responsive brief is filed, from the date on which such brief is due.

''(6) The failure of a court to meet or comply with a time limitation under this subsection shall not be a ground for granting relief from a judgment of conviction or sentence, nor shall the time limitations under this subsection be construed to entitle a capital applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.''.

(b) VICTIMS' RIGHTS IN HABEAS CASES.—Section 3771(b) of title 18, United States Code, is

amended by adding at the end the following: ''The rights established for crime victims by this section shall also be extended in a Federal habeas corpus proceeding arising out of a State conviction to victims of the State offense at issue.''.

(c) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendment made by this section apply to cases pending on the date of the enactment of this Act as well as to cases commenced on and after that date.

(2) SPECIAL RULE FOR TIME LIMITS.—In a case pending on the date of the enactment of this Act, if the amendment made by subsection (a) provides that a time limit runs from an event or time that has occurred before that date, the time limit shall instead run from that date.

AMENDMENT NO. 14 OFFERED BY MR. BAIRD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BAIRD:

Add at the end of title III the following:

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) STUDY.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall report to the Congress the results of the study under this section.

Mr. BAIRD. Mr. Chairman, this is a commonsense amendment designed to address a problem that most people are unaware of but I believe adversely affects thousands of children across this country.

Every week, child protective agencies throughout the U.S. receive more than 50,000 reports of suspected child abuse or neglect. A total of 2.6 million reports were filed in 2002. In approximately two-thirds of these cases there is sufficient evidence to prompt an assessment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I think this study is a good idea. I believe that child abusers should be tracked the same way as sex offenders.

If the gentleman is prepared to yield back, I will be happy to accept his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PORTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PORTER:

At the end of title III of the bill, insert the following (and make such conforming changes to the table of contents as may be necessary):

SEC. 304. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) DEFINITION.—In this section, the terms ''local educational agency'' and ''State educational agency'' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

□ 1330

Mr. PORTER. Mr. Chairman, again, I appreciate the opportunity to speak on this great bill today, but I think we can add a few things.

We send our children off to school every day and we trust that our teachers are the best and the safest and the best trained in the country. Unfortunately, there are a small few, a number of teachers across this country who are slipping between the cracks. In the State of Nevada, we hire about 1,400 to 2,000 new teachers a year. Unfortunately, some States are not able to share information regarding the criminal activity of these particular teachers.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I will make the same offer I have made to others. This is a great amendment, and we are happy to accept it.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Wisconsin.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. PORTER).

The amendment was agreed to.

AMENDMENTS NO. 4 AND 7 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer amendments 4 and 7, which unanimous consent was granted to consider at this point.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 4 offered by Mr. SCOTT of Virginia:

Page 31, line 17, strike ''not less than 10''.

Page 43, line 10, strike paragraph (1) and redesignate succeeding paragraphs accordingly.

Page 44, beginning on line 5, strike ''not less than 10 years and''.

Page 45, line 8, strike subparagraph (A) and redesignate succeeding subparagraphs accordingly.

Page 45, line 11, strike the semicolon and insert ''; and''.

Page 45, line 18, strike the semicolon and insert a period.

Page 45, strike line 19 through line 6 on page 46.

Page 46, strike line 18 and all that follows through line 8 on page 47.

Page 47, line 4, strike the semicolon and insert ''; and''.

Page 47, line 5, strike ''; and'' and insert a period.

Page 47, starting on line 6, strike clause (iii) and all that follows through line 13 on page 49.

Page 55, strike section 504 and all that follows through line 22 on page 57, and redesignate succeeding sections accordingly.

Page 68, line 21, strike the semicolon and insert ''; and''.

Page 68, strike lines 22 through 23.

Page 69, strike lines 8 through 11.

Amendment No. 7 offered by Mr. SCOTT of Virginia:

Amendment No. 7: Strike section 302. Redesignate any succeeding sections accordingly.

Page 44, strike line 10 and all that follows through line 2 on page 11.

Mr. SCOTT of Virginia. Mr. Chairman, these amendments eliminate section 302 from the bill. Section 302 is extremely problematic.

First of all, it includes a death penalty that applies to unintentional deaths. That raises severe constitutional problems that you could be put to death for an unintentional act. We already have penalties for the death penalty for intentional acts. This would add unintentional acts.

Over 100 people have been totally exonerated or otherwise released from death row due to erroneous death penalties, and one study showed that 68 of death penalties were overturned as illegal. That does not include the ones where mistakes were made for which the error was so-called ''harmless.'' Other studies have shown that death penalties have been discriminatory against minorities, either affecting the consideration, undue consideration of the race of the defendant or the race of the victim.

We, a few years ago, passed the Innocence Protection Act, which provides for effective counsel and case development to be well-funded, but we have not fully funded that Innocence Protection Act, so until it is fully funded, we should not be passing more death penalties.

In addition, section 302 includes mandatory minimums. Let us see what

these mandatory minimums are for. Any felonious attack on someone under 18 years of age. That would include a schoolyard brawl which gets bad enough when they start throwing chairs at each other or something like that. If there is no injury in that situation, that is a 10-year mandatory minimum. If a dangerous weapon, whatever that means, is used, then you get 15 years, if there is no injury. Now, if there is actually an injury, then the mandatory minimum for this brawl for teenagers fighting teenagers would be 20 years; and if the crime of violence is a more serious offense, then 30 years mandatory minimum.

Starting with 10 years mandatory minimum for a schoolyard brawl, Mr. Chairman, is why these mandatory minimums make no sense. If the felony has been committed, maybe they should be sentenced to 10 years, maybe 20 years. This says no less than 10 years, even if there is no injury.

I would hope, Mr. Chairman, as we consider mandatory minimums that we would look at this as being excessive. Give the judge the discretion to apply a sentence that makes sense. But to have a mandatory minimum to apply in situations where no injury has occurred, no dangerous weapon was involved, 10 years mandatory minimum for teenagers having a fight, this just does not make any sense at all. If an injury actually occurs, it is actually 20 years mandatory minimum.

I would hope we would eliminate the entire section 302 to eliminate those mandatory minimums. There are plenty of provisions throughout this bill and throughout the Criminal Code to deal with people who deserve this kind of time, but to have a mandatory minimum in cases where no injury occurred is clearly excessive to be applied in all cases without discretion, whether it makes any sense or not.

We need to remove this section, and I hope that is what we do by adopting the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, the gentleman from Virginia's opposition to both mandatory minimum penalties and the death penalty is well-known and respected. I believe in this case he is wrong.

First of all, we do need to have a swift and effective death penalty in the case of violent offenders who murder children. There have been several scientifically balanced, statistical studies that consistently show that the death penalty is a deterrent; and I think that if it is just a little bit of a deterrent when we are dealing with our kids, that is enough to say that the amendment should be defeated.

Secondly, we have talked quite a bit about mandatory minimum penalties in the context of the previous amendment that was offered by the gentleman from South Carolina (Mr. INGLIS). Let me say that if all mandatory minimum penalties contained in this bill for sexual abuse and exploitation of children are eliminated, it does allow judges to send out into society on probation people who have been convicted of sex offenses for or against children. When I think of anybody who does something like that, we should tell society and those who might be thinking of committing such a crime that if you do the crime, you are sure to do some time.

I kind of listened with interest and with respect to the argument of the gentleman from South Carolina (Mr. INGLIS) on mandatory minimums in the previously debated amendment. He says that if judges do not comply with sentencing guidelines, then maybe what Congress should do is impeach them.

Impeachment is a severe penalty, and if you look at the 17 impeachments that the House of Representatives has voted on in its history, the only time where there has been an impeachment voted is when a Federal civilian official ends up conducting himself or herself in a manner that obstructs the functioning of government, whether it is the branch that that official serves in or the other two equal and separate branches.

Simply saying that if a judge makes a discretionary call to give a child sex offender probation even when the crime is terrible is an impeachable offense I do not think comports with the history of impeachment, because it is within the discretion of the court.

I am saying that, in this case, the discretion of the court should be eliminated and those who are convicted should go to jail, and that is why the mandatory minimums ought to stay in this bill.

Mr. Chairman, I urge the defeat of this amendment en bloc.

The Acting CHAIRMAN (Mr. SWEENEY). The question is on the amendments offered by the gentleman from Virginia (Mr. SCOTT).

The amendments were rejected.

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

Mr. FLAKE. 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. 13 offered by Mr. FLAKE:

Page 42, line 6, strike the close quotation mark and the period that follows.

Page 42, after line 6, insert the following:

''(k) SENTENCING CLAIMS.—A court, justice, or judge shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.''.

Mr. FLAKE. Mr. Chairman, this amendment will reduce the backlog and delay of the Federal courts' dockets by limiting harmless error sentencing claims. These are claims in which the Federal court is asked to review alleged errors in death penalty cases in State court that were either procedurally defaulted, in which the defendant failed to present the claim in State court; or, two, that already have been reviewed by the State courts and have been determined to be harmless and that only relate to the prisoner's sentencing, not the portion of the trial that determines guilt or innocence.

Under this amendment, fact-intensive and time-consuming ''harmless error sentencing claims'' will be reviewed again in Federal court only if the State court erred in determining that the claim was subject to harmless review.

An example of how this impacts victims of child abusers was raised at the House Committee on the Judiciary Subcommittee on Crime hearing by Ms. Carol Fornoff, whose 13-year-old daughter was raped and murdered in Tempe, Arizona, in 1984. The evidence of the guilt of the man convicted in killing her daughter was overwhelming. Yet, today, 21 years after Christy Ann Fornoff was murdered, the gentleman is still litigating his habeas appeals.

Mr. Chairman, this amendment will reduce the backlog and delay of the Federal courts' dockets by limiting harmless-error sentencing claims.

These are claims in which the Federal court is asked to review alleged errors in death penalty cases in State court that were either (1) procedurally defaulted—in which the defendant failed to present the claim in state court, or (2) that already have been reviewed by State courts and have been determined to be harmless, and (3) that only relate to the prisoner's sentencing—not to the portion of the trial that determines guilt or innocence.

Under this amendment, fact-intensive and time-consuming ''harmless-error sentencing claims'' will be reviewed again in Federal court only if the State court erred in determining that the claim was subject to harmlessness review.

An example of how this impacts victims of child abusers was raised at a House Judiciary Crime Subcommittee hearing by Mrs. Carol Fornoff, whose 13-year-old daughter was raped and murdered in Tempe, Arizona in 1984.

The evidence of the guilt of the man convicted of killing her daughter is overwhelming, yet today—21 years after Christy Ann Fornoff was murdered—the defendant still is litigating his habeas appeals in the Federal courts.

Mrs. Fornoff's testimony raised important questions. There needs to be some limit, some end to the process in these cases.

After 9 years under the Anti-Terrorism and Effective Death Penalty Act of 1996 or ''AEDPA'' (Ay-Depa), it is clear that the Act did not eliminate or even reduce the problem of delay in the Federal habeas process.

As evidenced by testimony in the Senate Judiciary Committee, in my home state of Arizona, 63 capital cases have been filed and remain pending since the effective date of the AEDPA (Ay-Depa).

Of those cases, only one has advanced to the Ninth Circuit, where it has remained pending for the past 5 years.

Thirteen pre-AEDPA (Ay-Depa) cases remain pending in Federal court; five of those cases have been in Federal court longer than 15 years; the others range in time from 9 years to 14 years. This is unacceptable.

The current system is grossly unfair to crime victims and their families. While defendants always should be allowed to litigate meaningful evidence of their innocence, we also should not allow endless appeals to become routine.

We need to protect innocent defendants, and we also need to allow victims and their families closure on these crimes.

Let me be clear that fundamental sentencing errors, and all guilt-phase errors, still would be subject to a second round of review in Federal court under this amendment.

Also, this amendment does not in any way limit the State courts' review of State criminal convictions, nor does it affect the U.S. Supreme Court's review of either a defendant's direct appeals or State-habeas petitions.

The amendment only limits the Federal habeas review that begins in the lower Federal courts after all State appeals and U.S. Supreme Court certiorari review are completed. Congress unquestionably has the authority to limit such review.

Deference to State courts is appropriate in this context, since these courts are closer to the trial and will have a better sense of what facts are likely to influence local juries.

This section merely precludes a repeat of this process at the Federal level for minor errors that are not related to guilt of the underlying offense, and that already have had an opportunity for review in State courts.

I urge my colleagues to adopt this amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I will make the same offer on this amendment. I am prepared to accept it if the gentleman will yield back his time.

Mr. FLAKE. Mr. Chairman, that is too good an offer to turn down.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the language in the bill is bad enough. This just makes it worse. We should eliminate the section of the bill where the bill already severely restricts the right of those convicted of sex offenses from their access to appeal.

Many who have been exonerated through DNA or other evidence have been exonerated and released due to their access to habeas corpus petitions. Restricting access to habeas will result in more innocent people being put to death or languishing in jail for crimes they did not commit.

We have a serious question, Mr. Chairman, as to whether guilty people are entitled a fair trial. If you have a person who is not suggesting that they are actually innocent, but they just did not get a fair trial, they do not have access to habeas corpus anyway. An allegation of innocence is a prerequisite to getting into habeas corpus petitions anyway. This is just going to make it worse, and more innocent people will be in jail. I would hope we would not adopt the amendment to make it worse.

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

Mr. SCOTT of Virginia. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I would simply point out that this applies only to the sentencing portion of the hearing or the sentencing portion of the trial, not the guilt or innocent phase. We are not limiting habeas corpus at all on that phase.

Mr. SCOTT of Virginia. Mr. Chairman, if you are going to have any review, I think it ought to be a full review: sentencing, conviction, and otherwise. I would hope that we would not make the bill any worse than it is, and the underlying provision is bad enough.

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

The amendment was agreed to.

The Acting CHAIRMAN. Are there any further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN ACT OF 2005

SEC. 401. SHORT TITLE.

This title may be cited as the ''Protection Against Sexual Exploitation of Children Act of 2005''.

SEC. 402. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking '', imprisoned for any term of years or life, or both.'' and inserting ''and imprisoned for not less than 30 years or for life.''.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''subsection (a) or (b) of'' before ''section 2241'';

(ii) by striking ''or'' at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(iv) by inserting after paragraph (4) the following:

''(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for not less than 10 years and not more than 25 years.''; and

(B) in subsection (c), by inserting ''(other than subsection (a)(5))'' after ''violates this section''.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting '', chapter 110, chapter 117, or section 1591'' after ''this chapter'';

(B) by striking ''A person'' and inserting ''(a) IN GENERAL.—A person''; and

(C) by adding at the end the following:

''(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.''.

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting ''section 2245 (sexual abuse resulting in death),'' after ''(wrecking trains),''.

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by striking ''15 years nor more than 30 years'' and inserting ''25 years or for life'';

(B) by inserting ''section 1591,'' after ''this chapter,'' the first place it appears;

(C) by striking ''the sexual exploitation of children'' the first place it appears and inserting ''aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography'';

(D) by striking ''not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life.'' and inserting ''life.''; and

(E) by striking ''any term of years or for life'' and inserting ''not less than 30 years or for life''.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking ''paragraphs (1)'' and inserting ''paragraph (1)'';

(ii) by inserting ''section 1591,'' after ''this chapter,'';

(iii) by inserting '', or sex trafficking of children'' after ''pornography'';

(iv) by striking ''5 years and not more than 20 years'' and inserting ''25 years or for life''; and

(v) by striking ''not less than 15 years nor more than 40 years.'' and inserting ''life.''; and

(B) in paragraph (2)—

(i) by striking ''or imprisoned not more than 10 years'' and inserting ''and imprisoned for not less than 10 nor more than 30 years'';

(ii) by striking '', or both''; and

(iii) by striking ''10 years nor more than 20 years.'' and inserting ''30 years or for life.''.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) by inserting ''section 1591,'' after ''this chapter,'';

(ii) by inserting '', or sex trafficking of children'' after ''pornography'';

(iii) by striking ''5 years and not more than 20 years'' and inserting ''25 years or for life''; and

(iv) by striking ''not less than 15 years nor more than 40 years'' and inserting ''life''; and

(B) in paragraph (2)—

(i) by striking ''or imprisoned not more than 10 years, or both'' and inserting ''and imprisoned for not less than 10 nor more than 30 years''; and

(ii) by striking ''10 years nor more than 20 years'' and inserting ''30 years or for life''.

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking ''or imprisoned not more than 4 years, or both'' and inserting '' and imprisoned not less than 10 nor more than 30 years''.

(5) PRODUCTION OF SEXUALLY EXPLICIT DEPICTIONS OF CHILDREN.—Section 2260(c) of title 18, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) shall be fined under this title and imprisoned for any term or years not less than 25 or for life; and

''(2) if the person has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), shall be fined under this title and imprisoned for life.''.

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''or 2423(a)'' and inserting ''2423(a)''; and

(2) by inserting '', 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)'' after ''minors)''.

AMENDMENT NO. 5 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. RYUN of Kansas:

At the end of title IV add the following:

SEC. 403. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in United States v. Jeffrey Meek, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that ''an actual minor victim is not required for an attempt conviction under 18 U.S.C. § 2422(b).'';

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, ''Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple's decision in United States v. Helder, Jr. and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple's decision in United States v. Helder, Jr. should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

Mr. RYUN of Kansas. Mr. Chairman, today I am offering an amendment to restate Congress's commitment to protecting children on the Internet and to condemn a recent judicial decision that, if left standing, would impede the work of law enforcement in tracking down pedophiles on the Internet.

Recently, Jan Helder, a resident of Mission Hills, Kansas, was convicted by a jury for attempting to solicit a minor over the Internet. Notwithstanding the jury's verdict, the U.S. District Judge, Dean Whipple, acquitted Jan Helder, saying that he did not commit a crime because he was not communicating with a minor but, in fact, was communicating with an undercover agent posing as a minor.

Judge Whipple clearly ignored the law's intent and contradicted well-established case law addressing the issue.

In United States v. Jeffrey Meek, the Ninth Circuit Court of Appeals specifically addressed the question of whether a crime of attempting to solicit a minor on the Internet applies when the actual victim is an adult rather than a minor. In this case, the Court concurred with the decisions of the Fifth and Eleventh Circuit Courts in finding that an actual minor victim is not required for an attempted conviction under this section.

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

Mr. RYUN of Kansas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this sounds like a good amendment, and I would be happy to accept it.

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

The amendment was agreed to.

□ 1345

The Acting CHAIRMAN (Mr. SWEENEY). Are there any further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. SHORT TITLE.

This title may be cited as the ''Foster Child Protection and Child Sexual Predator Sentencing Act of 2005''.

SEC. 502. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting '', including checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),'' after ''criminal records checks''; and

(II) by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child''; and

(ii) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(B) by adding at the end the following:

''(C) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State; and

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;''.

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting '', on or before September 30, 2005,'' after ''plan if''; and

(B) by inserting '', on or before such date,'' after ''or if''.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''unless an election provided for in subparagraph (B) is made with respect to the State,''; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2007, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the

amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General shall, upon request of the chief executive of a State, ensure that appropriate officers of child welfare agencies have the authority for ''read only'' online access to the databases of the national crime information databases (as defined in section 534 of title 28, United States Code) to carry out criminal history records checks, subject to subsection (b).

(b) LIMITATION.—An officer may use the authority under subsection (a) only in furtherance of the purposes of the agency and only on an individual relevant to casework of the agency.

(c) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) CHILD WELFARE AGENCY DEFINED.—In this section, the term ''child welfare agency'' means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the placement of foster or adoptive children.

SEC. 504. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422(a) of title 18, United States Code, is amended by striking ''or imprisoned not more than 20 years, or both'' and inserting ''and imprisoned not less than 10 years nor more than 30 years''.

SEC. 505. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''5 years and not more than 30 years'' and inserting ''30 years or for life'';

(2) in subsection (b), by striking ''or imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 years and not more than 30 years'';

(3) in subsection (c), by striking ''or imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 years and not more than 30 years''; and

(4) in subsection (d), by striking ''imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 nor more than 30 years''.

SEC. 506. PENALTIES FOR SEXUAL ABUSE.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for any term of years not less than 30 or for life''; and

(2) in subsection (b), by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for any term of years not less than 25 or for life''.

(b) SEXUAL ABUSE.—Section 2242 of title 18, United States Code, is amended by striking '', imprisoned not more than 20 years, or both'' and inserting ''and imprisoned not less than 15 years nor more than 40 years''.

(c) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking '', imprisoned not more than three years, or both'' and inserting ''and imprisoned not less than 5 years nor more than 30 years'';

(2) in paragraph (3), by striking '', imprisoned not more than two years, or both'' and inserting ''and imprisoned not less than 4 years nor more than 20 years''; and

(3) in paragraph (4), by striking '', imprisoned not more than six months, or both'' and inserting ''and imprisoned not less than 2 years nor more than 10 years''.

SEC. 507. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended——

(1) in paragraph (9), by striking the period and inserting ''; and''; and

(2) by inserting after paragraph (9) the following:

''(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: ''The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''

SEC. 508. KIDNAPPING PENALTIES AND JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''if the person was alive when the transportation began'' and inserting '', or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense''; and

(2) in subsection (b), by striking ''to interstate'' and inserting ''in interstate''.

SEC. 509. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

''§ 1826A. Marital communications and adverse spousal privilege

''The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

''(1) a child of either spouse; or

''(2) a child under the custody or control of either spouse.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

''1826A. Marital communications and adverse spousal privilege.''.

SEC. 510. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting ''felony child abuse or neglect,'' after ''years,''.

SEC. 511. CIVIL COMMITMENT.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting ''or to undergo postrelease proceedings'' after ''trial''; and

(B) by inserting at the end the following:

''4248. Civil commitment of a sexually dangerous person.'';

(2) in section 4241—

*(A) in the heading, by inserting ''**or to undergo postrelease proceedings**'' after ''**trial**'';*

(B) in the first sentence of subsection (a), by inserting ''or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,'' after ''defendant,'';

(C) in subsection (d)—

(i) by striking ''trial to proceed'' each place it appears and inserting ''proceedings to go forward''; and

(ii) by striking ''section 4246'' and inserting ''sections 4246 and 4248''; and

(D) in subsection (e)—

(i) by inserting ''or other proceedings'' after ''trial''; and

(ii) by striking ''chapter 207'' and inserting ''chapters 207 and 227'';

(3) in section 4247—

(A) by striking '', or 4246'' each place it appears and inserting '', 4246, or 4248'';

(B) in subsections (g) and (i), by striking ''4243 or 4246'' each place it appears and inserting ''4243, 4246, or 4248'';

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

''(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and'';

(ii) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

''(4) 'bodily injury' includes sexual abuse;

''(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

''(6) 'sexually dangerous to others' means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.'';

(D) in subsection (b), by striking ''4245 or 4246'' and inserting ''4245, 4246, or 4248''; and

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;''; and

(4) by inserting at the end the following:

''§ 4248. Civil commitment of a sexually dangerous person

''(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to

the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

''(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

''(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

''(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

''(1) such a State will assume such responsibility; or

''(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier. The Attorney General shall make all reasonable efforts to have a State to assume such responsibility for the person's custody, care, and treatment.

''(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

''(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

''(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

''(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

''(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

''(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

''(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against him all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.''.

SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''or imprisonment'' and inserting ''and imprisonment'';

(B) by inserting ''not less than 20'' after ''any term of years''; and

(C) by striking '', or both''; and

(2) in paragraph (2)—

(A) by striking ''or imprisonment for not'' and inserting ''and imprisonment for not less than 10 years nor''; and

(B) by striking '', or both''.

SEC. 513. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking ''one year'' and inserting ''five years'';

(2) in section 2244(b), by striking ''six months'' and inserting ''two years''; and

(3) by inserting after ''Federal prison,'' each place it appears, other than the second sentence of section 2241(c), the following: ''or being in the custody of the Attorney General or the Bureau of Prisons or confined in any institution or facility by direction of the Attorney General or the Bureau of Prisons,''.

AMENDMENT NO. 29 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. 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 Mr. SENSENBRENNER:

Page 69, after line 17, insert the following:

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

''§ 3298. Child abduction and sex offenses.

''Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.''; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

''3298. Child abduction and sex offenses.''.

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking ''Class B misdemeanor'' and inserting ''Class A misdemeanor''.

Mr. SENSENBRENNER. Mr. Chairman, this amendment that I am offering contains two provisions. The first would amend title XVIII to eliminate any statute of limitations on criminal prosecutions for kidnapping a child, committing a felony sex offense, or a human trafficking violation.

Eliminating these statutes for these crimes reflects the increased use of the success of DNA in solving decade-old crimes. We have all heard about individuals who have been exonerated by DNA evidence. However, there are even more reports of unsolved cases that have been solved and a perpetrator identified by DNA evidence years after the crime was committed.

This provision reflects this new reality and allows Federal prosecutors to prosecute sex offenders and child abusers who have escaped apprehension because of the statute of limitations.

I would note that this same provision was passed by the House in the 108th Congress as a part of the Child Abduction Prevention Act by the overwhelming vote of 410 to 4. It was modified in conference with the Senate as a part of the Protect Act.

The second provision in this amendment raises the class on the existing misdemeanor for failure to report child abuse, thereby raising the maximum penalty for such an offense from 6 months' imprisonment to a year imprisonment.

I strongly urge support of the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. 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 Mr. SENSENBRENNER:

Page 54, strike line 10 and all that follows through line 19 on page 55 and insert the following:

SEC. 503. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General shall, upon request of the chief executive of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code) submitted by a local welfare agency for conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as foster or adoptive parents. Where possible, the check shall include a fingerprint-based check of state criminal history databases. The Attorney General and the States may charge any applicable fees for the checks.

(b) LIMITATION.—An officer may use the authority under subsection (a) only for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.

(c) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) CHILD WELFARE AGENCY DEFINED.—In this section, the term ''child welfare agency'' means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

Mr. SENSENBRENNER. Mr. Chairman, this amendment makes technical changes to section 503 of the bill relating to access to Federal crime information databases by child welfare agencies.

The amendment requires fingerprint-based checks when conducting background checks for a limited purpose, to verify that a prospective adoptive or foster parent does not have a criminal record.

Before we allow foster or adoptive parents to take children into their homes, we must ensure that these applicants do not have prior convictions, let alone prior sex offense convictions. I urge my colleagues to support this amendment.

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

The amendment was agreed to.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. JACKSON-LEE of Texas:

At the end of the Title V, add the following new section:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, there is not a time that in the backdrop of the tragedy of Katrina that I cannot rise and thank the many volunteers and supporters around the Nation and particularly my home town of Houston and the State of Texas.

With that in mind, as I watched the evacuees come into the Houston Astrodome and the George R. Brown Convention Center, Mr. Chairman, one of the striking aspects of it was the enormous number of children, thousands of children. In fact, it is calculated that 300,000 to 400,000 children will be homeless and will be impacted by this tragedy.

This very bill impacts our children by seeking to protect them. So I raise an amendment and a cause of concern that I would like to include and the specific language involved, making sure that the process of adoption and foster care can be expedited through the language of a sense of Congress, that background checks conducted as a precondition to approval of any foster or adoptive placement of children, affected by a natural disaster or terrorist act should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in the Children's Safety Act.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I will be happy to accept this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman's generosity. I understand his generosity and if he would allow me to conclude two or three comments about what I saw, I would be happy to accept a voice vote.

Mr. Chairman, I just wanted to put in the RECORD, why, if you are kind enough to accept this, this is so very important. As I spoke to the evacuees, what they said to me was that in the Superdome there were outright examples of rape and abuse of children. They may not have been the family members; but in that instance, if the family members are lost, an expedited foster care and an expedited adoption would be relevant.

If in this instance of this law we can expedite those background checks and have this language in this bill, I certainly know that it would help the thousands of children that may be impacted.

Let me conclude by saying that I hope, as I indicated before, that we will initiate a children's initiative to address the concerns of these children. But if this language is placed in this bill, at least they will have a placeholder that their cases will be expedited so that their lives can be put back in place and so that sex offenders will not be the ones to be adopting and/or have foster care of these vulnerable children.

As was the case with September 11, Hurricane Katrina has left many children without their natural parents. Many kids are now wondering who will care for them and how their needs will be met. Not only is this enormous pressure on a child but it greatly diminishes the joys of childhood. My amendment would set forth a sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in this act. While family members often step in to take care of children who have lost their natural parents, these family members usually only have limited resources and as a result, the child may be passed from family member to family member. As we all know, this can be a very unstable environment for a child. This amendment attempts to move the background check process along in a timely manner so these displaced children can enter a loving and caring family and get back to a normal life.

As we all watched the devastating stories of Hurricane Katrina unfold, it was very disturbing to me to learn that several minors were raped while waiting to be rescued from the New Orleans Superdome. This is a prime example of the many negative situations that can arise as a result of a natural disaster which displaces children from their parents, or even causes the parents lives to be lost. As a parent and Chair of the Children's Caucus, I am very concerned with the well being of our nation's children. As natural disasters seem to be more prevalent in our society, we must begin to think about how we care for those children who lose their natural parents. This amendment is not intended to circumvent the precondition background check for approval of any foster or adoptive placement; it is only intended to speed the process up so we can get these displaced children with loving and caring families.

In closing, just like most other States, Louisiana has an open and searchable sex offender registry. The primary party responsible in most communities for checking up on the status of sex offenders who have served their sentences but must register is the local police. However, the police and local law officials are swamped with the task of rescuing survivors and ensuring that every one gets out of the city. This makes it difficult to monitor the moves and whereabouts of registered sex offenders. In addition, as the citizens of New Orleans and other states wait for assistance in cities around the country, sex offenders are among innocent children who have lost their natural parents and are vulnerable. In these troubled times, let us not leave our children helpless.

[September 4, 2005]

I have a feeling I could be accused of a kind of insensitivity, or at worst a sort of obsessiveness by bringing this up now, but after reading about some of the terrible things that have been said to have happened in New Orleans after the destruction wrought by Hurricane Katrina on August 29, 2005, this idea occurred to me in a kind of lightbulb moment.

Sex crimes are part of war. War produces an anarchic mindset. So does a disaster on the scale of what we have seen in Louisiana and Southern Mississippi. Just as invading soldiers from various countries in the past have made sexual assault a part of their subjugating of a native population, so the criminals loose on the streets in New Orleans and even inside the SuperDome have made sexual assault another part of their overall orgy of violence. In the entry I wrote earlier today I wrote briefly of the horrific story coming out of the SuperDome of the rape and murder of a little girl, followed by the beating death at the hands of 10 men of the perpetrator.

I began thinking about how many people must be unaccounted for in New Orleans and the surrounding region devastated by the storm. The number must be astonishing, just as we keep hearing the final death toll will be. Of the survivors who have made it this long and perhaps been able to get to refuge in other states, whatever procedures officials who run shelters in these states have in place for registering who stays there must certainly take into account the fact that many people left their homes so quickly and under such duress that they may have only the clothes on their backs—no identification, money, etc.

Registered sex offenders, of course, are more closely accounted for than other citizens. Louisiana has an open and searchable sex offender registry just like many other states across the U.S. The primary party responsible in most communities for checking up on the status of sex offenders who have served their sentences but must register are the local police. As we know, it is all the New Orleans P.D. can do at the moment to maintain their number and keep cops from walking off or getting killed themselves. Just like everyone else, the cops have lost family, homes, in a sense, their lives.

We can surmise that if the death toll from Katrina in Louisiana alone is as high as 10,000, as has been reported in the mainstream media, a number of sex offenders will have succumbed to the storm and its aftermath.

We can also guess that if the larger portion of the population of New Orleans was able to leave before the storm, or has now been taken to refugee centers in surrounding states, a larger number of sex offenders are now not just out of the residence registered in the Louisiana offender database, but quite possibly off the grid completely and free to throw off what many of them surely must view as the shackles of having to register and have their faces placed on the internet next to a summary of whatever crimes they were convicted of committing.

Of that number, a percentage will be considered what many states refer to as level III sex offender. The most likely to use violence in the commission of their crimes, and the most likely to re-offend.

Click on the thumbnail inserted into the first paragraph of this blog entry to see a screen capture of a map I made at *mapsexoffenders.com*, the service that matches up sex offender databases with maps and satellite photos and marks the registered offenders' homes with a red balloon.

The blue balloon on the large map you see when you look at the screen cap I made represents the city center of New Orleans. The red balloons, which you will see are numerous, represent all the registered offenders' addresses.

As I said, some of those offenders are likely victims of this epochal storm just like many other residents of the Big Easy. But a larger number of them probably survived. Of those who survived, there will be some who truly are trying to live the 'straight' life, and they will likely be dutiful in reporting their identities and true status as a registered sex offender. But there may even be a larger number who realize that a remarkable opportunity has presented itself.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. 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. WELDON of Florida:

At the end of the bill, add the following new section:

SEC. 5___. DEFENDANTS IN CERTAIN CRIMINAL CASES TO BE TESTED FOR HIV.

(a) IN GENERAL.—A jurisdiction shall have in effect laws or regulations with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity that require as follows:

(1) That the defendant be tested for HIV disease if—

(A) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

(B) the victim requests that the defendant be so tested.

(2) That if the conditions specified in paragraph (1) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to—

(A) the victim;

(B) the defendant (or if the defendant is a minor, to the legal guardian of the defendant);

(C) the attorneys of the victim;

(D) the attorneys of the defendant;

(E) the prosecuting attorneys; and

(F) the judge presiding at the trial, if any.

(3) That if the defendant has been tested pursuant to paragraph (2), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with paragraph (1) (except that this paragraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

(4) That, if the results of a test conducted pursuant to paragraph (2) or (3) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

(b) FAILURE TO COMPLY.—

(1) IN GENERAL.—For any fiscal year beginning 2 or more years after the date of the enactment of this Act, a jurisdiction that fails to implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(A) BYRNE.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(B) LLEBG.—The Local Government Law Enforcement Block Grants program.

(2) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this section shall be reallocated under that program to jurisdictions that have not failed to implement this section.

Mr. WELDON of Florida. Mr. Chairman, for my colleagues this amendment specifically deals with the issue where you have a situation of a sexual assault and a victim is trying to determine the HIV status of the perpetrator.

Many States have taken action on this issue. But there are several States that have yet to do so. Why am I offering this? Well, we had a case in Alabama of a 41-year-old man, HIV positive, transmitting HIV to a 4-year-old girl that he had raped. A 35-year-old man in Iowa raped a 15-year-old girl and her 69-year-old grandmother. He was infected with HIV.

Under the laws of that State, they had no right to obtain the HIV status of this rapist. He was HIV positive. And as many people may note today, if you are exposed to HIV, it is possible to take a 1-month long course of medication and dramatically reduce the likelihood of contracting human immunodeficiency disease.

I think this is an excellent amendment. This body passed this by large vote years ago.

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

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am happy to accept this amendment. I would point out that this is nearly identical to H.R. 3088, which passed the House 380 to 19 in October of 2000.

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. 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. 8 offered by Ms. WASSERMAN SCHULTZ:

Insert after section 511 the following new section (and redesignate succeeding sections accordingly):

SEC. 512. STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—The Attorney General shall make grants to jurisdictions

for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(c) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(d) DEFINITIONS.—As used in this section:

(1) The term ''civil commitment program'' means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term ''sexually dangerous person'' means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term ''jurisdiction'' has the meaning given such term in section 111.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, today I offer an amendment to provide guidelines and incentives for States to civilly confine violent sexual predators.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and his staff for this support in working with my office on this provision. I would also like to thank the gentleman from Michigan (Mr. CONYERS) for his support as well.

Most criminals deemed as sexually violent have broken State, as opposed to Federal, laws. This amendment would incentivize States to implement civil confinement programs. This is not a new or radical idea. As of 2002, 16 States and the District of Columbia have implemented some form of a civil confinement law. Under this amendment, civil confinement would encompass those who admit their illness, as well as those who are deemed too dangerous to return to society without proper treatment and rehabilitation.

Texas prisoner Larry Don McQuay is an example of the kind of person who would merit civil confinement. He is a convicted child molester who describes himself alternatively as scum of the Earth and a monster.

He is currently serving a 20-year sentence for molesting three children.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a good amendment. I would just point out that it has been carefully drafted to ensure compliance with the Supreme Court decisions approving of such laws in Kansas v. Hendrick 1997, and Kansas v. Crane in 2002.

I am happy to accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. 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. 10 offered by Mr. MCDERMOTT:

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FOSTER CHILDREN IN AREAS AFFECTED BY HURRICANE KATRINA DEEMED ELIGIBLE FOR FOSTER CARE MAINTENANCE PAYMENTS.

(a) IN GENERAL.—As a condition of eligibility for payments under part E of title IV of the Social Security Act, each State with a plan approved under such part shall, during the 12-month period that begins with September 2005, make foster care maintenance payments (as defined in section 475(4) of such Act) in accordance with such part on behalf of each child who is in foster care under the responsibility of the State, and who resides or, just before August 28, 2005, had resided in an area for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina.

(b) PAYMENTS TO STATES.—In lieu of any entitlement to payment under section 474 of the Social Security Act with respect to any child described in subsection (a) of this section, each State with such a plan shall be entitled to a payment for each quarter in which there is month in which the State has made a foster care maintenance payment pursuant to such subsection (a), in an amount equal to the sum of—

(1) the total of the amounts expended by the State during the quarter pursuant to such subsection (a) for children described in such subsection (a) who are in foster family homes (as defined in section 472(c)(1) of such Act) or child-care institutions (as defined in section 472(c)(2) of such Act); and

(2) the total of the amounts expended by the State during the quarter as found necessary by the Secretary for the provision of child placement services for such children, for the proper and efficient administration of the plan with respect to such children, or for the provision of services which seek to improve the well-being of such children.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. MCDERMOTT. Mr. Chairman, I rise in defense of children. While I stand alone at the podium, I wish we were all standing together on behalf of foster children created by Katrina.

The other day I introduced the Emergency Action for Vulnerable Children Act, H.R. 3711. Today I offer 3711 as an amendment to the Child Safety Act of 2005.

There is really not a moment to lose. We must accept responsibility for the safety and welfare of foster children affected in this crisis. When Katrina slammed into the Gulf Coast, thousands of foster children were separated from foster families in shelters, and they will fall through the social safety net unless we act.

In drafting this legislation, I worked closely with organizations like the National Foster Parent Association and the Child Welfare League of America. These organizations are working directly with others on the ground in the affected region, and they said what we needed to hear: the Federal Government must become an immediate and reliable partner for States trying to cope with the human needs that are outstripping their individual ability to effectively respond.

Late yesterday the Child Welfare League, which represents 900 public and private caregivers across the country, endorsed the Emergency Action for Vulnerable Children.

Mr. Chairman, I would like to quote from their letter: ''Many Child Welfare League of America member agencies are working in the disaster area to connect children with their families and to continue to provide services to those children in care.''

They report to us directly about their struggles in attempting to meet the needs of children and families devastated by the disaster.

H.R. 3711 begins to address these issues. It is clear that it will take a sustained effort on the part of volunteers and local, State and Federal governments, to help these children and families, quote, and continuing to quote, ''this legislation provides an assurance that the Federal Government stands as a partner with State and local governments to meet the needs of these children.''

Mr. Chairman, there are no gotchas in this amendment. Its intent is clear, and will focus much more needed Federal resources on foster children affected by the hurricane.

□ 1400

The legislation is bipartisan in spirit and humanitarian in fact. The current child welfare program simply cannot handle a crisis of this magnitude. Rules of eligibility vary from State to State. In many cases, vulnerable children may not be receiving mental health treatment or family counseling.

We must change that, and we can. Because H.R. 3711 cuts through the red tape and makes the Federal Government, appropriately in a national crisis, responsible for paying for urgently

needed care. This is no time to have a boatload of rules and regulations. This is a time to provide a boatload of help.

With one vote, we can demonstrate our leadership in this time of national crisis. With one vote, we can make every foster child entitled to immediate Federal help. There is no reason to wait. There is no justification to wait.

Katrina is a natural disaster and a national crisis. This act is a rescue mission, plain and simple.

Mr. Chairman, given the magnitude of the crisis and the urgency of the need, I urge my colleagues to allow my amendment to be voted on. If there was an alternative before us, I could accept that as a price of speaking for the minority party, but no such legislation exists.

Mr. Chairman, the question really is, if not now, when? If not us, who will defend and save these children?

We witnessed the horror and the tragedy on TV. Thousands of foster children lived through that. The image in their minds, the insecurity in their hearts is real and overwhelming. We cannot leave them alone.

As the ranking Democrat on the Subcommittee on Human Resources, this committee is responsible for protecting these children. We cannot turn our backs and hope that somehow, some way, someone somewhere will respond to the needs of these children.

Across this country, Americans are responding to the crisis the only way they know how, by stepping up with a big heart and an open wallet to help their fellow Americans in need. They are looking to us to lead the Nation through this crisis. We did it once together. We can do it again. Let us prove it by saving the children, today.

CHILD WELFARE LEAGUE OF AMERICA,
Washington, DC, September 13, 2005.

Hon. JIM MCDERMOTT,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN MCDERMOTT: The Child Welfare League of America (CWLA), with our 900 public and private child-serving member agencies, endorses H.R. 3711, the Emergency Action for Vulnerable Children Act. We applaud your leadership in highlighting the needs of vulnerable foster children and families affected by Hurricane Katrina.

Many CWLA member agencies are working in the disaster area to connect children with their families and to continue to provide services to those children in care. They report to us directly about their struggles in attempting to meet the needs of children and families devastated by this disaster.

H.R. 3711 begins to address these issues by providing federal assistance to ensure that foster children receive the supports and services they need, including mental health treatment. H.R. 3711 allows the kind of broad and flexible funding that will assist Louisiana, Alabama, and Mississippi, as well as help other states that are extending their hands in support of the relief efforts.

It is clear that it will take a sustained effort on the part of volunteers and local, state, and federal governments to help these children and families cope. This legislation provides an assurance that the federal government stands as a partner with state and local governments to meet the needs of these children.

Thank you again for your continued leadership on behalf of children and families. Count on CWLA to work with you in any way possible to help the children and families affected by this disaster.

Sincerely,

SHAY BILCHIK,
President/CEO.

POINT OF ORDER

The Acting CHAIRMAN (Mr. SWEENEY). Does the gentleman from Wisconsin (Mr. SENSENBRENNER) insist on his point of order?

Mr. SENSENBRENNER. I do, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. This amendment would provide new budget authority in excess of the allocation made under section 302(a) of the Committee on the Judiciary and thus is not permitted under section 302(f) of the Act.

I ask for a ruling of the Chair.

The Acting CHAIRMAN. Is there anyone else who wishes to be heard on the point of order?

If not, the Chair is prepared to rule on the point of order.

The gentleman from Wisconsin raises a point of order that the amendment offered by the gentleman from Washington violates section 302(f) of the Budget Act.

Section 302(f) of the Budget Act provides a point of order against any amendment providing new budget authority that would cause a breach of the relevant allocation of budget authority under section 302(a) of the Budget Act.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that the new mandatory budget authority provided by this amendment would cause a breach of the allocation of the Committee on the Judiciary.

The amendment offered by the gentleman from Washington would increase the level of new mandatory budget authority in the bill above the allocation made under section 302(a). As such, the amendment violates section 302(f) of the Budget Act. The point of order is sustained.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. NADLER:

Page 4, before line 1, at the end of the table of contents, add the following:

TITLE VI—MISCELLANEOUS PROVISION

Sec. 601. Ban on firearm for person convicted of a misdemeanor sex offense against a minor.

Page 69, after line 17, insert the following:

TITLE VI—MISCELLANEOUS PROVISION

SEC. 601. BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) DISPOSITION OF FIREARM.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting ''; or'' ; and

(3) by inserting after paragraph (9) the following:

''(10) has been convicted in any court of a misdemeanor sex offense against a minor.''.

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (8);

(2) by striking the comma at the end of paragraph (9) and inserting ''; or'' ; and

(3) by inserting after paragraph (9) the following:

''(10) who has been convicted in any court of a misdemeanor sex offense against a minor,''.

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of such title is amended by adding at the end the following:

''(36)(A) The term 'misdemeanor sex offense against a minor' means a sex offense against a minor punishable by imprisonment for not more than one year.

''(B) The term 'sex offense' means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

''(C) The term 'minor' means an individual who has not attained 18 years of age.''.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Parliamentary inquiry, Mr. Chairman. I believe the Chair has not called for further amendments to title V, and the proposed amendment of the gentleman from New York (Mr. NADLER) is to title VI. I do not think title V has been closed out yet.

The Acting CHAIRMAN. The amendment of the gentleman from New York (Mr. NADLER) proposes to add a new title after title V. The gentleman is correct that the adoption of such an amendment would close title V to further amendment. But the Chair is unaware of any further amendment to title V.

Mr. NADLER. Mr. Chairman, my amendment prohibits the transfer to or possession of a firearm by any individual convicted of committing a sex offense against the minor.

Under current law, it is illegal to transfer or sell a gun to anyone convicted of a crime punishable by more than a year in jail. It is also illegal for any individual convicted of such a crime to possess a gun. For some misdemeanor offenses that, although punishable by less than a year in jail, are of a particular serious nature, we currently prohibit all transfers of guns or possession of guns by individuals convicted of such crimes.

For example, we prohibit anyone convicted of a crime of domestic violence, whether a felony or a misdemeanor, from purchasing or possessing a gun. Shockingly, we do not prohibit the sale or possession of guns to people convicted of misdemeanor sex crimes against

a minor. We should not treat child sex offenders any more leniently with respect to possessing guns than we do domestic abusers.

If Congress is prepared in the underlying bill to require rigorous, severe and intrusive registration for 20 years from persons convicted of a misdemeanor sex offense against a minor, and is prepared to require States to verify this information four times a year, then the offense is indeed of such a serious nature that a convicted sex offender against a child must not be allowed possession of a firearm.

A criminal convicted of indecent exposure, lewd conduct or molestation against a minor should not have access to a gun. These are misdemeanor offenses, but dangerous criminals convicted of committing a sexual crime against a child, even when such offense carries a penalty of less than a year, pose too great a danger to society if in possession of a firearm.

I urge my colleagues to support this amendment to close this loophole.

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

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

Mr. SENSENBRENNER. Mr. Chairman, the amendment bans possession and transfer of firearms by a convicted misdemeanor sex offender against a minor, and I am happy to accept the amendment.

Mr. NADLER. Mr. Chairman, I appreciate the comments of the gentleman.

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

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MRS. KELLY

Mrs. KELLY. 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 Mrs. KELLY:

At the end of the bill add the following (and amend the table of contents accordingly):

TITLE VI—NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT

SEC. 601. NATIONAL REGISTER OF CASES OF CHILD ABUSE OR NEGLECT.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall create a national register of cases of child abuse or neglect. The information in such register shall be supplied by States, or, at the option of a State, by political subdivisions of such State.

(b) INFORMATION.—The register described in subsection (a) shall collect in a central electronic database information on children reported to a State, or a political subdivision of a State, as abused or neglected.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect. Except as provided in subparagraph (B), each State, or, at the option of a State, each political subdivision of such State, shall determine whether the information to be provided to the Secretary of Health and Human Services under this section shall also relate to reports of suspected instances of child abuse or neglect that were unsubstantiated or determined to be unfounded.

(B) EXCEPTION.—If a State or political subdivision of a State has an equivalent electronic register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information, except that, at the option of the entity supplying the information, the confidentiality of identifying information concerning an individual initiating a report or complaint regarding a suspected or known instance of child abuse or neglect may be maintained.

(d) CONSTRUCTION.—This section shall not be construed to require a State or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) DISSEMINATION.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall establish standards for the dissemination of information in the national register of cases of child abuse or neglect. Such standards shall preserve the confidentiality of records in order to protect the rights of the child and the child's parents or guardians while also ensuring that Federal, State, and local government entities have access to such information in order to carry out their responsibilities under law to protect children from abuse and neglect.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and succeeding fiscal years.

Mrs. KELLY. Mr. Chairman, H.R. 3132, the Children's Safety Act, is a good, commonsense bill. It seeks to protect our children from sex offenders and increase the tools for law enforcement and help defend the innocence of our children.

My amendment would strengthen this bill by adding an additional tool for our State and local child protection services and by eliminating the loophole in our local laws which allow child adjudicated abusers to find sanctuary by merely crossing a State's borders. This amendment is similar to legislation I have introduced in the House, H.R. 764, which has strong bipartisan support.

Child abuse and neglect is an issue that crosses jurisdictions. It is, therefore, vital for Federal and local officials to work together to ensure necessary laws and resources to fight child abusers are in place at every level of the government.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, as my colleague points out, under current law what does this mean? Let me offer an example.

If there is a child abuser in California who has been proven through the courts to have a history of child abuse, that history is on record in the State of California. But should that abuser decide to move to my State of Arizona, there is no documented history of his record of abuse in California that exists in Arizona. Currently, there is no national child abuse registry to show that this is a child abuser, no easy way, therefore, for localities to know this is a child abuser who is unfit to have children in their care.

This is the problem that our local governments currently encounter. Nothing is in place nationally that provides one State a direct way to report to other States that someone has an established history of child abuse, making the job for our local and State child advocacy services much more difficult.

Children are being placed in danger when child abuse offenders move to a State where their history is unknown. This national registry would be a commonsense and a necessary step in the fight against child abuse. Local authorities need a more certain way to uncover an individual's history of child abuse in another State, and this amendment will allow the Attorney General and the Secretary of HHS to work together to create this database that can be updated by data from the several States and utilized by States to keep children safe.

Child abusers can run, but they cannot hide. We will not let them hide. This amendment makes it possible to deal with this effectively. I congratulate my co-sponsor, the gentlewoman from New York (Mrs. KELLY); and I ask the House to move forward on this favorably.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I will make the gentlewoman an offer she cannot refuse. I am happy to accept the amendment if the gentlewoman will yield back the balance of her time.

Mrs. KELLY. That is an offer I will not refuse.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. PENCE

Mr. PENCE. 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. 1 offered by Mr. PENCE:

Add at the end the following new title:

TITLE VI—CHILD PORNOGRAPHY PREVENTION ACT OF 2005

SEC. 601. SHORT TITLE.

This title may be cited as the ''Child Pornography Prevention Act of 2005''.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 603. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257 of title 18 of the United States Code is amended—

(1) in subsection (a)(l), by striking ''actual'';

(2) in subsection (b), by striking ''actual'';

(3) in subsection (f)(4)(A), by striking ''actual'';

(4) by amending paragraph (1) of subsection (h) to read as follows:

''(1) the term 'sexually explicit conduct' has the meaning set forth in subparagraphs (A)(i) through (v) of paragraph (2) of section 2256 of this title;'';

(5) in subsection (h)(4), by striking ''actual.'';

(6) in subsection (f)—

(A) at the end of paragraph (3), by striking ''and'';

(B) at the end of paragraph (4)(B), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (4)(B) the following new paragraph:

''(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her delegee to conduct an inspection under subsection (c).''.

(7) in subsection (h)(3), by striking ''to produce, manufacture, or publish any book, magazine, periodical, film, video tape, computer generated image, digital image, or picture, or other similar matter and includes the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not involve hiring, contracting for managing or otherwise arranging for the participation of the performers depicted'' and inserting ''actually filming, videotaping, photographing; creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being; or digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or, inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct'';

(8) in subsection (a), by inserting after ''videotape,'' the following: ''digital image, digitally- or computer-manipulated image of an actual human being, or picture,''; and

(9) in subsection (f)(4), by inserting after ''video'' the following: ''digital image, digitally- or computer-manipulated image of an actual human being, or picture,''.

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

''(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

''(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

''(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

''(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.''.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after ''of such offense'' and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

''(b) The provisions of section 413 of the Controlled Substance Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

''(c) Any property subject to forfeiture pursuant to subjection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.''.

(b) AMENDMENTS TO CHILD EXPLOITATION FORFEITURE PROVISIONS.—

(1) CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

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

(i) inserting ''or who is convicted of an offense under sections 2252B or 2257 of this chapter,'' after ''2260 of this chapter'';

(ii) inserting '', or 2425'' after ''2423'' and striking ''or'' before ''2423''; and

(iii) inserting ''or an offense under chapter 109A'' after ''of chapter 117''; and

(B) in paragraph (I), by inserting '', 2252A, 2252B or 2257'' after ''2252''.

(2) CIVIL FORFEITURE.—Section 2254(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting '', 2252A, 2252B, or 2257'' after ''2252'';

(B) in paragraph (2) —

(i) by striking ''or'' and inserting ''of'' before ''chapter 117'';

(ii) by inserting '', or an offense under section 2252B or 2257 of this chapter,'' after ''Chapter 117,'' and

(iii) by inserting '', or an offense under chapter 109A'' before the period; and

(C) in paragraph (3) by—

(i) inserting '', or 2425'' after ''2423'' and striking ''or'' before ''2423''; and

(ii) inserting '', a violation of section 2252B or 2257 of this chapter, or a violation of chapter 109A'' before the period.

(c) AMENDMENTS TO RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting ''2252A, 2252B,'' after ''2252''.

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting ''**Production and**'' before ''**Transportation**'' in the heading of the section;

(2) by inserting ''produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly'' after ''whoever knowingly'' and before ''transports or travels in''; and

(3) by inserting a comma after ''in or affecting such commerce''.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting ''producing with intent to distribute or sell, or'' before ''selling or transferring obscene matter,'';

(2) in subsection (b), by inserting, ''produces'' before ''sells or transfers or offers to sell or transfer obscene matter''; and

(3) in subsection (b) by inserting ''production,'' before ''selling or transferring or offering to sell or transfer such material.''.

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

Mr. PENCE. Mr. Chairman, I rise today in strong support of both the Pence amendment and the Child Safety Act of 2005. I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for his tireless advocacy of families and children.

While this legislation today is very much about using the force of Federal law to confront child predators, we know that the fuel that fires the wicked hearts of child predators is child pornography; and my amendment, which is drawn from the Child Pornography Prevention Act of 2005, is designed to give law enforcement the tools to stop child pornography at the source.

It will fix a glaring loophole in the current law by requiring pornographers to keep records of the names and ages of their subject, proof of identification. This requirement, we believe, will deter the use of underage children in pornography.

Additionally, pornographers will be required to allow law enforcement to inspect their records. Failure to do so will be a criminal offense.

We also in this legislation extend Federal jurisdiction to so-called ''home pornographers'' that use downloading on the Internet and digital and Polaroid photography to essentially create an at-home cottage industry for child pornography.

It is time to protect our children. It is time to enact the Pence amendment, the Child Pornography Prevention Act of 2005 and make it a part of this truly landmark legislation, the Children's Safety Act of 2005.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I would just like to add my words of support for the amendment of the gentleman from Indiana (Mr. PENCE). I think it makes a very important addition to this bill.

Mr. PENCE. I thank the chairman for his endorsement.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the recent case of Free Speech Coalition v. Ashcroft, the Supreme Court indicated that if the material is not obscene it cannot be prohibited unless real children are involved. This amendment prohibits simulated conduct, digital images that may have been produced without real children being involved. If real children are not involved, the material has to be technically obscene to be prohibited.

The Supreme Court indicated in the decision that the fact that this material may whet someone's appetite or the nature of the case caused problems for law enforcement, those could not be the grounds for violating the Constitution in having material that is not obscene being prohibited.

The case, whether you like it or not, and bringing it up as a floor amendment means we cannot try to conform the language to the Supreme Court decision, so the only thing we can do is to vote against it if we believe in the Constitution and if we read Free Speech Coalition v. Ashcroft.

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

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment as the designee of the gentlewoman from Texas (Ms. JACKSON-LEE).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CONYERS: Add at the end the following new title:

TITLE VI—PERSONAL DATA OF CHILDREN

SEC. 601. MISAPPROPRIATION OF DATA.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

''§ 1802. Misappropriation of personal data of children

''Whoever, in or affecting interstate or foreign commerce, knowingly misappropriates the personally identifiable information of a person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of title 18, United States Code, is amended by adding at the end the following new item:

''1802. Misappropriation of personal data of children.''.

Mr. CONYERS. Mr. Chairman, this question of the well-being of our Nation's children is a result of the fact that children have increasingly become targets for identity theft. There have been sharp rises in incidents of fraud involving children's Social Security numbers which have been documented. Crimes using the stolen data are typically credit card frauds or the issuance of fraudulent driver's licenses. However, it is not too farfetched to think that the misappropriations of the personally identifiable information of a person who has not attained the age of 18 could be used in a way that could bring about many of the offenses set forth in this Act.

□ 1415

So the objective of the amendment crafted by the gentlewoman from Texas is to protect our children at all costs, and this amendment would do this by making it a crime to knowingly misappropriate the personal identification information of a minor in interstate or foreign commerce. The offense would be punishable by fines or imprisonment not to exceed 10 years.

Identity thieves often target children for these type of crimes because they are much less likely to notice that someone else is using their identity.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I am prepared to accept this amendment, but I think it needs a little bit of work on it. I am concerned about the drafting and application of the provision and am concerned about what might be construed as, quote, personally identifiable information of a person who is under age 18.

The amendment requires clarification of these issues, but I am willing to work with my colleague on this amendment to possibly modify or clarify the language at a conference later on. So I am prepared to accept the amendment and hope that it passes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am delighted to be able to cosponsor this amendment, and I thank the distinguished gentleman from Michigan for presenting this amendment on identity theft, and I thank the chairman.

I think the key element of the purpose of this amendment which we present today is to realize that children are vulnerable. Documents have

been lost, and now that we know that identity theft is as prolific, unfortunately, as Katrina was and the rain and the floods, these children need protecting.

So I would hope we could work together. I would like to work with the gentleman from Wisconsin (Mr. SENSENBRENNER) if this amendment could be accepted.

As chair and founder of the Children's Caucus, I am very concerned with the well being of our Nation's children. Unfortunately, children have increasingly become targets for identity theft. Sharp rises in incidents of fraud involving children's Social Security numbers have been documented. Crimes using this stolen data are typically credit card fraud or the issuance of fraudulent driver's licenses. However, it is not too far fetched to think that the misappropriation of the personally identifiable information of a person who has not attained the age of 18 years could be used in a way that could bring about many of the offenses set forth in this act. The objective is to protect our children at all costs. My amendment would do just that by making it a crime to knowingly misappropriate the personal identification information of a minor in interstate or foreign commerce. The offense will be punishable by fines or imprisonment for not more than 10 years.

Identity thieves often target children for these types of crimes because they are much less likely to notice that someone else is using their identity. Even infants have had their identities stolen by identity thieves. These crimes may be discovered only when bewildered parents get the bill. Some children never learn that fraudulent activity has taken place in their name until they are refused a driver's license because one has already been issued to their Social Security number. Worse still, some apply for student loans only to learn that their credit has been ruined.

Sadly, the Federal Trade Commission estimates that 9 percent of children in this situation learn that a member of their own family had actually perpetrated this fraud. Fixing these credit reports can be very time-consuming and particularly expensive for young adults just entering the job market. Victims now spend an average of 600 hours recovering from this crime, often over a period of years, at an average cost of $1,400.

These crimes against unsuspecting and defenseless children are among the most insidious that can be committed because they rob children of opportunity. Instead, their entry to adulthood is a setback with massive debt, legal bills, and an extraordinary battle just to get a fair chance in life.

This amendment provides stiff penalties to criminals who prey on a child's future. I would like to thank Mr. CONYERS for offering my amendment and therefore I join him as a cosponsor of this amendment. After being detained in a meeting on Hurricane Katrina, I was grateful that my amendment was able to be offered by Mr. CONYERS, the ranking member.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman, and I think that covers it.

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

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MR. CONYERS

Mr. CONYERS. 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. CONYERS:

At the end of the bill, add the following new title:

TITLE VI—LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION

SECTION 601. SHORT TITLE.

This title may be cited as the ''Local Law Enforcement Hate Crimes Prevention Act of 2005''.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 603. DEFINITION OF HATE CRIME.

In this title, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 604. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(6) REPORT.—Not later than December 31, 2006, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2006 and 2007.

SEC. 605. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2006, 2007, and 2008 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 607.

SEC. 607. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—In this section—

''(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title;

''(2) the term 'firearm' has the meaning given the term in section 921(a) of this title; and

''(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

''(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

SEC. 608. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

SEC. 609. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. CONYERS. Mr. Chairman, this is a very important consideration; and I offer this amendment to address a problem, the scourge of hate violence, and hope that my colleagues will carefully consider the merits of the proposal.

The larger measure before us, H.R. 3132, finally gives us an opportunity to pass a hate crimes legislation that has been supported by a majority of the House and the Senate for three Congresses. Regularly, on motions to instruct, this House voted 232 to 192 in support of hate crimes legislation. Clearly, after a series of procedural votes in favor of the bill, the time has come for us to act on the substance; and this is what brings me to the well today.

In 2003, for the most available data, the FBI compiled reports from law enforcement agencies across the country identifying 7,489 criminal incidents that were motivated by an offender's irrational antagonism towards some personal attribute associated with the victim. Law enforcement agencies have identified 9,100 victims arising from 8,715 separate criminal offenses. While every State reported at least a small number of incidents, it is important to note that the reporting by law enforcement is voluntary, and it is widely believed that hate crimes are seriously underreported.

Children are not immune from this violence. The FBI data has revealed that a disproportionately high percentage of both victims and perpetrators of hate violence were children, young people under 18 years of age. A Department of Justice report, a special one on the subject, in 2001 carefully analyzed nearly 3,000 of the 24,000 hate crimes reported and revealed 30 percent of all victims of bias-motivated aggravated assaults, and 34 percent of the victims of simple assault were under 18.

So that is the problem. Despite the pervasiveness of the problem, current

law limits Federal jurisdiction over hate crimes to incidents against protected classes that occur only during the exercise of federally protected activities such as voting. Further, the statutes do not permit Federal involvement in a range of cases where crimes are motivated by bias against the victims' perceived sexual orientation, gender disability, or gender identity.

This loophole is particularly significant given the fact that four States have no hate crime laws on the books and 21 others have weak hate crime laws.

So the amendment will make it easier for the Federal authorities to prosecute bias crimes, in the same way that the Church Arson Prevention Act helped Federal prosecutors combat church arsonists, that is, by loosening the unduly rigid jurisdictional requirements under Federal law.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation with the enhanced support of the Federal Government. Through an intergovernmental assistance program created by this legislation, the Department of Justice will provide technical, forensic, or prosecutorial assistance to State and local law officials in cases of bias crime.

The proposal also authorizes the Attorney General to make grants to State and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

I hope in supporting H.R. 3132 we can also move forward in this important area of hate crimes with reference to protecting children.

Behind each of the statistics cited above lies an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, disability or gender identity. Let us be clear that a significant number of children lie within these statistics.

These discrete communities have learned the hard way that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community. This amendment is a constructive and measured response to a problem that continues to plague our nation. These are crimes that shock and shame our national conscience and they should be subject to comprehensive federal law enforcement assistance and prosecution.

I hope that in supporting H.R. 3132 we can also move forward in this area, hate crimes, that is equally important to protecting children.

Mr. SENSENBRENNER. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, this is a poison pill to a very good and strongly supported bill; and regardless of whether or not one favors or opposes the Federal hate crimes law, I would ask the membership not to put highly controversial legislation of this nature on a bill that has attracted such strong and bipartisan support.

Earlier today, when we were considering the bill granting immunity from civil liability to Good Samaritans who are going down to help the victims of Hurricane Katrina, the Members of the minority party complained about the fact that there had been no hearings, there had been no committee consideration of this legislation, which is arguably of an emergency nature.

There have been no hearings. There have been no markups to this legislation, and we are talking about a major amendment to the Federal Criminal Code, one that poses constitutional problems of double jeopardy and whether Congress is exceeding its constitutional authority, which is something that should go through the regular order. I do not think the changes to the criminal code should be taken lightly.

Statistics on hate crimes prosecution should be fully considered in a very thoughtful way, including testimony that scholars have presented that says that hate crimes legislation actually increases those types of crimes, rather than decreases them.

We also should consider the case of United States v. Morrison, where the Supreme Court considered whether or not section 8 of the Commerce Clause or section 5 of the 14th amendment would allow Congress to enact a Federal civil remedy for victims of gender-motivated violence. There the Supreme Court said the Congress did not have the constitutional authority to do that.

I think both on the merits and on the process and on the practicalities of putting a controversial piece of legislation such as this amendment on a bill that has attracted broad and bipartisan support, this amendment should be strongly rejected. Do not kill the bill with this amendment. Vote it down.

Ms. BALDWIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the underlying bill that we are dealing with today is about safety and protection, and so is the Conyers amendment, which is why I rise in strong support of it.

It is tragic when hate crimes occur, but they do. It is irresponsible and naive to deny that there are people out there who seek to commit violence against others because they are gay, lesbian or transgender or because they are female or because they have a disability. It happens far too often, and we must not be silent about it.

The FBI collects statistics on these crimes; and for the past 10 years, violent hate crimes committed on the basis of sexual orientation have been the third highest number of hate crimes committed. The problem is real, and people are dying solely because of who they are.

Enactment of Federal hate crimes protections is important for both substantive and symbolic reasons. The legal protections are essential to our system of ordered justice; but on a symbolic basis, it is important that Congress enunciate clearly that hate-motivated violence based on gender-sexual orientation or disability is wrong, because, quite frankly, too much of what we do in this Chamber conveys the message that we really do not believe in equality for all, and that is sort of like a wink and a nod, that a little discrimination is okay.

I want to speak briefly about why hate crimes differ from other violent crimes. A senior Republican Member of the other body said a few years ago: ''A crime committed not just to harm an individual, but out of motive of sending a message of hatred to an entire community is appropriately punished more harshly, or in a different manner, than other crimes.''

Hate crimes are different than other violent crimes because they seek to instill fear and terror throughout a whole community, be it burning a cross in someone's yard, the burning of a synagogue, a rash of physical assaults in a gay community center. This sort of domestic terrorism demands a strong Federal response because this country was founded on the premise that persons should be free to be whoever they are, without fear of violence.

Both in the 107th and 108th Congresses, the House of Representatives voted in favor of motions to instruct conferees to retain the Local Law Enforcement Hate Crimes Prevention Act as part of the Department of Defense authorization bill. Unfortunately, despite the support of a solid bipartisan majority in both this body and the other body, the provisions were dropped in conference.

The urgency to pass hate crimes legislation and protections is as great as ever. Just last year, in separate instances, two men in Mississippi were brutally murdered based on their sexual orientation.

□ 1430

Scotty Joe Weaver was strangled, beaten, and stabbed before his body was carried to a wooded area and set on fire. The following week, Roderick George was shot in the forehead. Authorities have concluded that anti-gay animus was a motivating factor in both cases.

All Americans, regardless of their race, gender, disability, or sexual orientation, have a right to feel safe in their communities. Gays and lesbians should not have to live in fear anywhere in the United States of America.

For far too long this body has failed to act to prevent or respond to hate crimes. We have the opportunity to do so today. I urge my colleagues to recognize that both the underlying bill and this amendment are about safety and protection of our citizens. I urge my colleagues to support this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and I yield to the gentleman from Michigan (Mr. CONYERS),

the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Virginia for his generosity in yielding to me.

Members of the Committee, there is an historical underlying importance about what we are discussing here. I mention its importance. We have never had on the Federal books, in Federal law, a prohibition against killing someone because of their race. Dr. E.B. DuBois and the NAACP brought this up in the 1930s. It was debated even further back during Reconstruction. We are at a very critical, important point.

This House has approved this, but we have never dealt with it substantively before this afternoon. So I urge the Members to seriously consider the historical nature of what it is we are considering here. This is the first substantive consideration of a hate crimes measure that makes it a Federal violation of criminal law to kill a person because of their race. It is exceedingly important from that point of view.

As I said, it has been debated down from Reconstruction times. It was debated during the 1930s. It has been dealt with indirectly here on the floor. The majority of the Members have concurred with it through other procedures. But today, for the very first time, we are now considering this matter.

I commend this to the careful attention of all of my colleagues in this 109th Congress. We have a tremendous opportunity of an historical nature before us, and I hope that we will successfully move this part of the bill forward with this amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the hate crimes prevention amendment offered by the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary, and I thank him for his strong leadership on this subject.

I disagree with the distinguished chairman of the committee. This is not a poison pill. This amendment does nothing to weaken the underlying bill. We all agree we must take strong measures to protect our children from sexual predators. As a mother of five and grandmother of five, I appreciate fully the underlying bill and intend to vote for it.

This is, Mr. Chairman, another issue; and it relates to hate crimes. This vehicle is one that gives Congress the opportunity to go on record, and hopefully in the majority, to reject hate crimes in our country. Hate crimes prevention is long overdue. Hate crimes have no place in America. All Americans have a fundamental right to feel safe in their communities. Federal hate crimes prevention legislation is the right thing to do, and we must do it now. We have waited far too long.

A year ago, a majority of this House voted to support including hate crimes prevention legislation in the Department of Defense authorization bill, on the heels of a strong vote in the Senate. Similarly, the House acted in September of 2000. Twice, the Republican leadership defied the will of the majority of the House and stripped these essential provisions out in conference. Today, we should not be denied. We will have a vote that counts.

Our Nation was founded on the principle that all are created equal, all are entitled to the protections of the laws, and all are entitled to justice. It violates this principle to have individuals in our country targeted for violence because of who they are, the color of their skin, how they worship, and who they love. The perpetrators of violence intend to send a message to certain members of our community that they are not welcome.

Mr. Chairman, this amendment is based on H.R. 2662, the Local Enforcement Hate Crimes Prevention Act of 2005, introduced by the gentleman from Michigan (Mr. CONYERS), and joined by 142 Members as cosponsors, of which I am proud to be one. It will help prevent violence visited upon individuals because of their race, sexual orientation, sexual identity, religion, national origin, gender, or disability.

As the gentleman from Michigan (Mr. CONYERS) explained, these protections are necessary and must be enacted into law. Who can ever forget the brutal murders of James Byrd in Texas, Matthew Shepard in Wyoming, Waqar Hasan in Texas, Gwen Araujo in California, and so many others who have died because of ignorance and intolerance. This legislation would increase the ability of local, State and Federal law enforcement agencies to solve and prevent a wide range of violent hate crimes.

Mr. Chairman, I call this very specifically to your attention and to that of our colleagues, that numerous law enforcement organizations, including the International Association of Chiefs of Police support the need for Federal hate crimes legislation.

Mr. Chairman, as we deal with the aftermath of Hurricane Katrina, we must remember that we are one America, a Nation that must be united not just in common purpose but in common effort and common community. We must work to end false distinctions among us.

In the words of my good friend, the gentleman from Georgia (Mr. LEWIS), who I consider to be the conscience of this House, we must strive towards our ''Beloved Community.'' ''We must move our resources to build and not to tear down, to reconcile and not to divide, to love and not to hate.''

Let that be our call. Let us live up to the ideals of equality and opportunity that are both our hope and our future. Let us pass this amendment to secure justice for all. We must continue to vote for justice, for hope, and for freedom by ensuring that hate crimes prevention provisions are enacted into law. I urge my colleagues to vote for this important amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just wanted to commend the minority leader on the legislative history she has recounted for the benefit of us who have dealt with this across the years and add that this is a bipartisan measure. I only wish that all of our colleagues on the other side of the aisle who support this measure would also join with their voices and their votes with us on this very important day.

We can track back a record that goes back to reconstruction where we have been trying to attempt to successfully pass this measure. So I congratulate the gentlewoman on her explanation of why we are here.

Ms. PELOSI. Reclaiming my time, Mr. Chairman, I would just say to the gentleman that we passed this legislation, as I mentioned, at least two times on the floor with Republican votes. As the gentleman knows, we do not have the majority on the Democratic side, so it was with Republican votes that we passed it before.

I, too, hope those votes will be here today because we do have an historic opportunity to pass the underlying bill but, more importantly in terms of this historical opportunity that is presented to us, to pass this amendment as well.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to address some of the misconceptions that arise when we deal with this legislation. I and many of the strongest proponents of hate crimes legislation are also among the strongest proponents of free expression in this House, and I want to be very clear. A belief in free expression means the belief in the right of obnoxious people to say hateful things. This is not an effort to prevent people from engaging in racist or homophobic or sexist insults. I regard that to be a very unpleasant but fully constitutionally protected practice, and there have been mistaken assertions in this.

There was in fact a case in Philadelphia which lent itself to the interpretation that unpleasant speech was being prosecuted. That case was thrown out of court, and it was wrong. Nothing in this law in any way, this amendment that the gentleman from Michigan, who happens to be one of the greatest defenders of freedom of expression in the history of Congress, nothing in this amendment impinges in any way on anybody's right to say or write anything they want.

What it says is that if you commit an act which is otherwise a crime, because the predicate for this is that you have to commit a physical act which would be a crime against a person or property, but generally against a person, that it becomes an aggravating factor

if it is demonstrated to be motivated, and the courts have made it clear that you have to demonstrate this is an element of the crime in some way, you must demonstrate that it was motivated by prejudice.

Now the argument is, well, why is one kind of crime worse than any other? Well, in fact, of course, our laws, State and Federal, are replete with examples where the exact same act is treated more harshly depending on the motivation. We have laws that particularly single out crimes against the elderly. We have laws that say if you desecrate one kind of property it is worse than if you desecrate another.

Here is the rationale for this. If an individual is assaulted and the individual chosen for the assault was chosen randomly, that is a very serious problem for that individual, and the crime ought to be punished and the individual protected. But where individuals are singled out for assault because of their race, because of their sexual orientation, because of their gender or identity, and transgendered people are among those who have been most recently viciously and violently attacked, it is not simply the victim of the violent assault who is assaulted. Other people in that vicinity, in that area, who share those characteristics, are also put in fear. And it is legitimate for us to say that when you have individuals being singled out because of a certain characteristic, this becomes a crime that transcends the assault against the individual. It does not mean we do not protect the individual. It means that we go beyond that.

Now there are people who say, look, if you hit anybody, it is exactly the same thing. I doubt their sincerity, Mr. Chairman. Because, as I understand it, under Federal law, if one of us were to be walking out in the street with a private citizen and we were both assaulted, the individual assaulting us has committed a greater crime than the individual assaulting a private citizen. That is, we have one category of hate crimes in that it is a more serious crime to assault a Member of Congress.

Now, by the way, it is obviously not in any way constitutionally inappropriate to denounce Members of Congress. We all know that. So anyone who thinks that when you have enhanced a sentencing by singling out an individual you have immunized him or her from criticism, just look at us. I do not know anybody who is proposing that we get rid of that.

So here is what we are dealing with. We are dealing with a law which in no way impinges on anyone's freedom of expression and says that when individuals are physically harmed in part because of who they are that others who share that characteristic are also put in fear, and that is a way to try to diminish that form of activity.

I should add, too, that we have recently seen more of an outbreak of this sort of violence against people who are transgendered, and it is important for us to come to people's aid.

Of course, when people say, oh, well, this whole new thing is here, of course, the parent of hate crimes legislation is the anti-lynch laws of the 1930s. We tried in the 1930s to pass laws which were Federal hate crimes. The lynch laws were laws that said murder is murder, but where people are murdered for racial reasons in parts of the country where the individuals may not be protected, where law enforcement might be complicit, that is a Federal law.

Now it is true that while this House continuously passed such legislation, the Senate never did because of other things.

□ 1445

But the fact is that the principle of Federal intervention to protect individuals against crimes of violence that are ordinarily State crimes, in those cases where there is a pattern of nonenforcement, which is a predicate again for activity in this bill, goes back to anti-lynch laws, and I think many of us regret that those laws have not been passed.

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

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

Mr. CONYERS. 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. CONYERS) 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. 9 offered by the gentleman from South Carolina (Mr. INGLIS) and amendment No. 25 offered by the gentleman from Michigan (Mr. CONYERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. INGLIS OF SOUTH CAROLINA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. INGLIS) 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 106, noes 316, not voting 11, as follows:

[Roll No. 468]

AYES—106

Abercrombie
Ackerman
Baird
Baldwin
Becerra
Berman
Bishop (GA)
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Carson
Case
Clay
Cleaver
Conyers
Crowley
Cummings
Davis (IL)
Deal (GA)
DeGette
Delahunt
Dingell
Ehlers
Engel
Evans
Farr
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lungren, Daniel E.
Maloney
Markey
Matsui
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pastor
Paul
Pelosi
Price (NC)
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwarz (MI)
Scott (VA)
Serrano
Sherman
Smith (WA)
Snyder
Solis
Stark
Stupak
Tierney
Towns
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Woolsey
Wynn

NOES—316

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Berkley
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
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, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larson (CT)
Latham
Leach

Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
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
Rothman
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Beauprez
Clyburn
Gilchrest
Harman
Hoekstra
Melancon
Payne
Royce
Walsh
Weiner

□ 1510

Ms. ZOE LOFGREN of California, Mrs. CUBIN, Messrs. BOYD, GREEN of Wisconsin, NUSSLE, WICKER, WILSON of South Carolina, DAVIS of Florida, RENZI, KINGSTON, EMANUEL, BACA, BARTLETT of Maryland, LARSON of Connecticut, HOBSON, COOPER, and Ms. ESHOO changed their vote from ''aye'' to ''no.''

Messrs. BROWN of Ohio, SMITH of Washington, and McDERMOTT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. CONYERS

The Acting CHAIRMAN (Mr. SWEENEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) 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 223, noes 199, not voting 11, as follows:

[Roll No. 469]

AYES—223

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
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
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn

NOES—199

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
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
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Barton (TX)
Beauprez
Clyburn
Gilchrest
Harman
Hoekstra
Melancon
Payne
Royce
Walsh
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SWEENEY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1520

Mr. NUSSLE changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. SWEENEY, 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. 3132) to make improvements to the national sex offender registration program, and for other purposes, pursuant to House Resolution

436, 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.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 52, not voting 10, as follows:

[Roll No. 470]

YEAS—371

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
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
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
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
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Wasserman Schultz
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Akin
Barrett (SC)
Blunt
Bonilla
Buyer
Conaway
Davis (IL)
Deal (GA)
Duncan
Flake
Gingrey
Gohmert
Hefley
Hinchey
Holt
Honda
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
Kingston
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Miller (FL)
Mollohan
Moran (KS)
Norwood
Oberstar
Paul
Price (GA)
Rahall
Ryun (KS)
Sabo
Schakowsky
Scott (VA)
Shadegg
Souder
Stark
Tancredo
Thornberry
Velázquez
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Westmoreland
Woolsey

NOT VOTING—10

Barton (TX)
Beauprez
Camp
Clyburn
Gilchrest
Melancon
Payne
Royce
Walsh
Weiner

□ 1541

Messrs. FLAKE, WAMP and DUNCAN changed their vote from ''yea'' to ''nay.''

Mr. BURTON of Indiana and Mr. MANZULLO changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GILCHREST. Mr. Speaker, I was unavoidably detained for the vote on passage of H.R. 3132, the Children's Safety Act of 2005. If I had been present for this vote, I would have voted ''yea.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3132, CHILDREN'S SAFETY ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3132, the Clerk be authorized to correct section numbers, cross-references, punctuation and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

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

There was no objection.

PUT OUR FEDERAL POLICIES IN ORDER

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

Mr. BLUMENAUER. Mr. Speaker, for several years I have come to the floor of the House using the perilous situation that faced New Orleans as a rallying cry for us to get our policies right dealing with water resources, floods, and disaster mitigation.

We now have a wide variety of plans and proposals that are flying about, which is encouraging. But it is important that we do it right, that any plan that we undertake is comprehensive and harnesses the forces of nature to solve problems rather than create them.

It is important that we start now with the vast sums of Federal money that is flowing into the gulf region, and it is critical that we involve the local people in shaping their own destiny.

Last but not least, we must implement long overdue reform to the way the Corps of Engineers operates, and even more important, how Congress treats the Corps of Engineers. This will go a long way towards not just helping New Orleans and the Katrina damaged area; but it will make all our families safer, healthier, and more economically secure.

RANJAN MANORANJAN

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

Mr. BROWN of Ohio. Mr. Speaker, I rise today to recognize a distinguished Ohioan, Ranjan Manoranjan. A native of Sri Lanka, Mr. Manoranjan is a tireless advocate of humanitarian efforts here in his adopted country and throughout the world.

In July, Mr. Manoranjan was awarded the Ellis Island Medal of Honor, which honors American citizens who through struggle and sacrifice help build our Nation while preserving their own cultural identity.

Past Ellis Island recipients include Bill Clinton, Rosa Parks, and Colin Powell. Co-founder of the International Relief Foundation, Mr. Manoranjan has raised millions of dollars to combat global poverty including significant support for tsunami relief.

□ 1545

Mr. Manoranjan's commitment to social and economic justice is evidenced in a letter I received from his business partner of 18 years.

Nanda Nair wrote, ''He has been an example to me for giving back to the community, mentoring others, and preserving ancestral ties while celebrating America's tradition as the land of opportunity and self-improvement.''

HIDDEN HATE CRIMES BILL

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

Mr. GOHMERT. Mr. Speaker, we just passed a hate crimes bill. There is no Federal nexus, not sufficient to satisfy the requirements of the Constitution, but then again we have a Supreme Court that often does not recognize the Constitution as written. It rewrites it to suit its own whims.

As a former judge, I was a tough sentencer when that came about, but I am telling you, 10 years from now, when your preacher or even a Muslim leader says something about the Bible or the Koran or something saying that this sexual preference is wrong and they get arrested, then there will be people in this body that say, you know what, maybe I should have voted against that amendment.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GUTKNECHT). 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.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a friend of mine has sent me a short and moving poem; and I want to share it tonight.

She writes, ''I weep for my country. We seem to have completely lost our way. I want the government to be as generous as private people are. I want my government to do as well as WalMart is doing. I weep for my country. I want black faces to count as much as mine. I need hope, not statistics, platitudes and phony, staged playacting. I weep for my country. We need a Marshall Plan. We need a New Deal. We need leaders in Congress to start talking about conservation, pulling together, car pooling, not opening the Alaskan oil fields. Oh, God, how I weep for my country.''

I was moved by my friend's words, and I am committed to turning her words into action. Tomorrow morning at 10 o'clock I will be convening a hearing to discuss concrete strategies for ending the war in Iraq. We will hear from Middle East experts, military leaders, and others as they offer their ideas for how we can bring our troops home and move toward a peaceful but constructive role in the rebuilding of Iraqi society.

This morning brought news of a deadly series of bombings in Iraq, killing American soldiers and Iraqi civilians, more than 150 people in all, making it one of the deadliest days of this horrific war.

Is this what the march of freedom looks like? Is this what Vice President CHENEY meant when he said the insurgency was in its last throes?

It is more clear than ever that the American military presence is inspiring terrorist insurgents rather than defeating them. Al Qaeda has taken credit for this wave of violence and al Qaeda was not even a factor in Iraq before the U.S.-led occupation began.

The American people understand this. Nearly two-thirds of them give the President poor marks on his handling of Iraq. They are desperate to hear alternatives to the administration's disastrous policy. That is why I have organized this hearing tomorrow, to give voice to a widely held conviction, to spark a national debate, to demonstrate that many of us do not want to just speak out against the war. We want to discuss pragmatic, nuts-and-bolts solutions, in fact, a road map to our very disengagement.

That discussion should eventually go beyond Iraq to include a complete reassessment of our national security priorities. It is time to end the reflexive impulse of using military force to solve our international conflict. It has, by the way, the appearance of strength, but, as Iraq has shown us, it often undermines our national security, rather than enhancing it.

I have proposed a new approach. It is called SMART Security. It stands for Sensible, Multi-lateral American Response to Terrorism. SMART is based on the belief that war should be an absolute last resort, to be undertaken only under the most extreme circumstances. But that does not mean SMART is not serious and smart about protecting America. It is vigilant about fighting terrorism and weapons of mass destruction, but it does so with stronger multi-lateral alliance, improved intelligence capabilities, vigorous inspection regimes, and aggressive diplomacy.

SMART would shuffle our national security budget. No more billions thrown at outdated Cold War weapons programs. That money would instead be invested in energy independence and other efforts that truly are relevant to the modern security threats that we face.

SMART also includes an ambitious international development agenda to help address the root causes of terrorism, democracy building, education for women and girls, addressing resources scarcity. These are key ingredients to building stable societies in Iraq and elsewhere.

It is my hope and belief that the grievous mistakes we made in Iraq will lead us to this new, smarter national security policy. SMART Security protects America by relying on the very best of American values: our capacity for global leadership, our dedication to peace and freedom, and our compassion for the people of the world.

GREAT AMERICAN RICE TRADE IN TROUBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to praise September as National Rice Month and honor those who grow it, process it, transport it, and all those who bring it to the dinner tables of America and the rest of the world.

National Rice Month was established in 1991 when both Houses of Congress agreed and the President of the United States sought to increase awareness of rice and recognize the contribution made by the U.S. rice industry to America's economy. National Rice Month celebrations will take place all across America this month in grocery stores, restaurants, schools, in festivals in many rice-growing communities, including the 36th Annual Texas Rice Festival just outside my district in Winnie, Texas.

Rice is an important part of American history and heritage. It has been grown in North America since 1696, when an improved variety of rice, reportedly from Madagascar, was grown on the Carolina coast. Early Americans recognized the promise of this crop throughout the world; and by 1726 the port of Charleston, South Carolina, was a major rice port in the United States.

As America earned independence, rice was growing as one of our largest exports. Over the years, rice became

less and less important to the Carolinas as crops such as cotton and tobacco were better suited for that climate. But it was not until the war between the States, as advancing Union armies in the 1860s put the great rice plantations to the torch, that farmers picked up and moved west to the rich, fertile land of the Mississippi Delta and the lowlands off the gulf coast of Texas and Louisiana.

Today, there are only six States that have land and climate suitable to produce rice. As a $2 billion cash crop, rice is the fifth most valuable food crop grown in the United States. Ninety percent of the rice consumed in the United States is grown here.

The people of the United States consume approximately 18 pounds of rice per person per year. That amount continues to increase.

Until recently, the combined acreage of rice farms in the State of Texas was over the size of the State of Rhode Island.

Rice is vital to agriculture producers through exports, too, as the United States is one of only two or three major players in the world rice market. We export rice to more than 120 countries and supply 14 percent of all the rice in the world trade. It is one of the world's most important foods. It is a primary staple for more than half the world's population.

The U.S. rice industry has a long, successful past. However, Mr. Speaker, its future is much in jeopardy. These are tense and troubling times. The American rice farmer is becoming an endangered species.

Ray Stoesser, a constituent and friend of mine down in Liberty County, Texas, is struggling like many other rice farmers. Ray, like most farmers, simply wants a market to sell their product. They want a sanction-free world.

American political policies keep prices of rice depressed while increasing costs to American farmers. World markets are being lost to others. While farmers like Ray are doing the most to improve their yields, they have nowhere to sell their rice. Rice farmers do not want more government subsidies. They want markets for the rice that they sell.

The three largest foreign markets of United States rice producers has historically been Iran, Iraq and Cuba, countries in which the United States has heavily sanctioned against. Those sanctions do not hurt those countries. They hurt American rice farmers. We need to have free rice trade with these countries. The people of these nations are going to eat and buy rice. They should buy rice from America, because that is where they want to buy their rice. But in the name of politically correct sanctions, American rice farmers are hurt because the government does not allow complete free trade with these nations.

The Cuban market and its $64 million in sales last year has been lost to more government sanction, red tape, regulation and lack of common sense. Mr. Speaker, however, this resolution, H.R. 3058, the Transportation, Treasury appropriations bill, contains a very important provision to keep rice sales thriving. So as we recover from the stress of the hurricane and fuel price increases, it makes sense that we would want to ship rice to generally a close country such as Cuba who wants to buy it. If we get rice moving to Cuba, it would solve many problems.

We need to make it easier to sell rice to Iraq. We need to drop the agricultural sanctions to that nation.

As we celebrate National Rice Month and look back on its historical importance to America, we must ensure our government gives our rice producers the opportunity to keep the tradition long and strong and end those stupid sanctions. We need to keep the great American rice farmer like Mr. Ray Stoesser on his combine harvesting rice in Southeast Texas.

FORGOTTEN POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, for too long we have borne witness to relentless attacks on America's poor and working families. Abandoned by corporate America, betrayed by the political right, largely ignored by the mainstream media, our Nation's poor have become little more than an afterthought, most recently evidenced by what we as a Nation saw in New Orleans after Hurricane Katrina.

While productivity and profit in America are up, wages are falling, and poverty is increasing. Since 1973, not coincidentally the year this country went from a trade surplus to a trade deficit, since 1973 the average worker has seen his or her wages go up about 10 percent in real dollars, while productivity has increased to almost 90 percent.

It used to be in this country since World War II that when productivity went up that workers' wages went up roughly the same amount, that workers shared in the wealth that they created for their employer.

□ 1600

Those days, unfortunately, have passed.

An August census report revealed that in the United States the number of uninsured Americans has increased dramatically. In the last 5 years, the total number of Americans with employer-sponsored health coverage has fallen by almost 4 million. Because 1.1 million Americans dropped into poverty in 2004, almost 2 million more Americans enrolled in Medicaid that year; and yet in the face of growing poverty, the rising number of uninsured Americans, this administration and Republican leadership are demanding that we cut $10 billion from Medicaid.

Just think about that again. More and more people need Medicaid, not just because of Katrina, but because of layoffs, because of plant closings, because more and more employers are dropping their coverage. More people need Medicaid. More people need health care because they have lost it. The congressional response is cutting Medicaid by $10 billion in order to continue to give even more tax cuts to the wealthiest 1 percent of people in this country. That is a choice this Congress is about to make, and it is scandalous.

Household incomes fell for the fourth year in a row in 2004, something we had not seen in this country perhaps ever, at least since the Depression.

The reality is that every segment of American society, except for the very wealthy, has seen its income decline under this administration. Men working full-time have seen their earnings drop below what they earned 6 years ago. Women working full-time have seen their annual incomes decrease also. America's men and women working full-time are the reason our Nation's productivity is up; and yet they are earning less every year.

The number of people living in poverty increased in 2004 by 1.1 million people. Eight million children are uninsured. Thirteen million children live in poverty. The infant mortality rate is rising in the U.S. The infant mortality rate in Washington, D.C., is double that of the infant mortality rate in Beijing. This is the first year infant mortality has increased in this country since 1958.

A U.N. report on global equality sheds light on the shadows of this administration's policies. This report said there are parts of the United States that are as poor as the Third World. One nation cannot survive as a thriving democracy, certainly our Nation cannot, under policies that rely on trickle-down economic theories.

The aftermath of Katrina, when government should be at its most proactive to ensure the return of a thriving economy, this administration is working actively to lower wages in that region. An executive order handed down by President Bush will allow companies that win Federal contracts, companies that are the President's contributors, Halliburton, which is still paying Vice President CHENEY retirement benefits of $3,000 a week, companies like that, while those companies are rebuilding, the President's executive order allows them to pay lower prevailing wages indefinitely.

The community hit hardest by Katrina is the working poor. These men and women will literally do the heavy lifting in rebuilding the region. Yet the President is saying cut their wages. Cheating workers out of fair wages robs them of the ability to take ownership in their own community. One must ask why the President could depress wages for a community in crisis. It makes no sense.

Mr. Speaker, these issues represent a divide in government policy, a betrayal of values that I thought Americans hold dear, that most of us do. These issues represent a moral obligation in the fight for dignity of every American.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). 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.)

ORDER OF BUSINESS

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent to claim my time for my Special Order at this time.

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

There was no objection.

SEVENTH ANNUAL HOOPS FOR HOPE BASKETBALL GAME RESULT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise and have the privilege perhaps on a lighter note to report the outcome of the seventh annual Hoops For Hope basketball game between Washington, D.C.'s elite lobbyists and Members of Congress. Perhaps the broad smile on my face or the gleaming hardware to my left might provide some clues as to the outcome of last night's contest.

Seven years ago, Paul Miller of the American League of Lobbyists hit upon the idea that perhaps lobbyists and Members of Congress could move away from the political arena and actually have a contest on the court. While I will report to my colleagues the games have been intensely competitive, the game has had a more noble purpose, and that is to raise money for kids in the inner city of Washington, D.C.

Last night, through the generosity of a lot of people, we raised $50,000 from just last night's event, bringing the running total of these several contests to over $200,000. Again, there were a lot of people that deserve a lot of credit for helping make that event a success.

Certainly our former colleague, Jack Quinn of New York, who, of course, now has gone over to the lobbyists side. When Jack Quinn was a colleague here and was our coach, he had an undefeated record. Unfortunately, his former colleagues last night marred that record and gave him a defeat; but, again, I appreciate all the work that Jack did, that Paul Miller did.

George Washington University was very gracious in hosting the event yet again.

I would also like to talk about someone who donated his time, that is, Missouri men's basketball coach Quin Snyder, who is a personal friend who accepted my invitation to come, who came at his own expense, at his own effort, to prowl the sidelines to give some guidance for us. The game got a little close in the waning moments, and it was his presence on the sidelines, maybe working the officials just a little bit, but I really appreciate my friend Quin coming here to Washington, D.C. again for this purpose, his executive assistant Donna, as well as my own executive assistant Eileen, who helped work on the logistics.

Finally, this was a bipartisan, bicameral team. When you think that, on paper at least, the universe of lobbyists is about 10,000, and of course, House Members and Senators, there are only 535 of us from which to draw this team, we really on paper should not even be on the same court with these lobbyists; and, nonetheless, thanks to Senators ENSIGN and THUNE, thanks to my colleagues here in the House, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Kansas (Mr. TIAHRT), the gentleman from Arizona (Mr. FLAKE), the gentleman from Ohio (Mr. OXLEY), the gentleman from Washington (Mr. LARSEN), the gentleman from Washington (Mr. INSLEE), and the gentleman from Wisconsin (Mr. KIND), we happened to have a winning margin in the double digits. The final score was 44 to 33; and yet the real winners are the kids from the inner city D.C. area who are the beneficiaries of the proceeds that we raised.

We had a chance at half-time to personally interact with dozens of these kids. Again, this is a community effort to provide a solution for some kids growing up in some really tough circumstances. So they are the real winners of last night's contest; but even as they are the beneficiaries of those proceeds, we will proudly hang on to this gleaming hardware for yet another year.

I thank the Chair for allowing me this time.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to take the gentleman from Illinois' (Mr. EMANUEL) time.

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

There was no objection.

HONORING THE OREGON NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to thank the Oregon National Guard. There is a lot of discussion here about the things that went wrong with the response to the Hurricane Katrina disaster; but yesterday, I had the experience of accompanying the adjutant general, Major General Fred Rees of the Oregon National Guard, to New Orleans to see the guard units there in action.

We have one of the largest, if not the largest, contingents in New Orleans. They have one of the most difficult sectors, a large portion of the city, particularly the portion of the city that is still submerged; and I had an opportunity there to meet with the troops. They are basically living in battlefield conditions, eating meals ready to eat, sleeping in an abandoned school and a university that is vacant at the moment, and they are doing extraordinary work.

One of the first people I met from the city when we made our first stop was a woman who was still in her house. I went to ask her why she was still in her house, because they have been trying to encourage people to evacuate. She said, well, I feel safe. I said, well, I can understand that. She said, no, thank God for the National Guard; I feel safe. She says, you do not understand. She was telling me that she felt safe in her neighborhood for the first time in years, an incredibly high crime neighborhood, because of the Oregon National Guard presence.

Then we went on from there to the flooded areas where, in the preliminary stages, they are still rescuing people. The day we were there they rescued people; 570 people rescued so far by the Oregon National Guard.

They have begun in their own small way to contribute to the restoration effort of the school, the high school that they are living in which was pretty trashed and this other university campus that they are on, beginning cleanup; but their efforts are just extraordinary.

The thing about the National Guard is they do not just bring the military precision to these sorts of efforts. I mean, they have got the discipline, the training, the logistic support, the unit cohesion, those sorts of things; but they have something else special. They are citizen soldiers, and they have other skills, and those other skills are needed more than ever in a disaster, more than regular Army troops.

They can certainly restore order. We have quite a number of police officers who have been heavily relied upon by other troops and other units of Guards not from Oregon in dealing with the residents and some of the problems still in the neighborhoods that they are assisting.

We have firefighters. We have people with expertise in heavy equipment. They found and repaired an abandoned bulldozer to begin clearing streets for

access around one of the headquarters. We have electricians who are trying to wire the school so that they can use the generators, at least have some basics for the troops.

This is the National Guard at their finest. Many of these troops have just recently returned from Iraq. They have not even been home 6 months, and many are signed up to go to Afghanistan next March; but I did not hear a single complaint. They said, this is a great mission. We are saving people's lives. We can see we are making a difference here. We are proud to serve.

I am proud as an Oregonian to represent many of these individuals. The Guard is a tremendous success story in a disaster which has too many other problems, things that must be investigated by Congress in terms of the Federal Emergency Management Agency, returning it to being an independent, professionally run, high-functioning agency. Many of us objected to putting it in Homeland Security. We were all too right, unfortunately.

We must oversee the relief and recovery effort. The government is borrowing and spending $500 million a day. That must be strictly overseen to make sure there is not crisis profiteering that has happened after some other disasters and other hurricanes. Congress has a role in that, and Congress then is going to have to look at the rebuilding effort in terms of the infrastructure that serves that area, the intricate infrastructure, the Corps of Engineers and what steps we are taking for the future, where we will rebuild, and how we will protect those things.

It will be massively expensive; and in the face of that massive expense, in addition to a deficit, I hope that the President and the majority party drop their push for more tax cuts for the wealthiest among us. Those who earn more than $300,000 a year and those who have estates worth more than $6 million, should they not contribute to this effort? Are they not part of this country, or do they just live behind walled compounds with their private security and their private jets?

We are all in this together, as was demonstrated by my citizen soldiers who are not paid a whole heck of a lot of money to do this. So let us do this right. Let us recognize the National Guard and others who volunteered and have done so well. So far let us support their effort, and let us enter into this rebuilding effort in a wise and cost-efficient way, protecting both the taxpayers and the people who have been ravaged by this storm.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased that the Congressional Black Caucus has decided to discuss poverty.

I am a cosponsor of H. Con. Res. 234 and would like to see the President present a plan to eradicate poverty by 2010.

Hurricane Katrina devastated the lives of people who were already living well under the poverty level. I have concerns with the slow response and weak leadership of the Federal and State agencies. I have concerns that many of the affected States have Medicaid-eligibility criteria that are too harsh. I have concerns about our overcrowded and underfunded safety net hospitals.

I have concerns that since our current President took office there are 5.4 million more people in poverty, 6 million more without health insurance, and the median income is down more than $1,600 a year.

□ 1615

As relates to these statistics, the most affected State is the home State of the President, Texas. What we saw on television during the hurricane was the face of poverty. People with resources left early. Only ones with the least resources had to depend on their government for a safety net. The safety net had holes that need repair. Denying minimum wage to help with the clean-up and the Halliburton Company in charge, opportunities are dismal. Only the President can correct this.

We still are being asked, was it racism? My response to the question: It is the face of poverty U.S.A. Was it racism? You answer the question. If it was, it did not start with Katrina. We need measures to eradicate poverty. Mr. President, let us not continue the trends of the rich getting richer and the poor getting poorer. As we move closer to a rich and poor society with the middle income disappearing, I plead with all of us, and the President, to address this problem.

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

(Mr. MCCAUL of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

POVERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I want to begin by thanking and applauding our colleague, Congresswoman BARBARA LEE, who will lead the next hour for the concurrent resolution she has introduced and which I cosponsor which everyone ought to support which affirms the obligation and leadership of the United States to improve the lives of the 37 million Americans living in poverty, 13 million of which are children.

The entire country and indeed the world got but a glimpse of the big picture as we watched in horror as the floods washed away the facade and exposed the poverty that exists in this the richest and most powerful Nation in the world. The added tragedy was the insensitivity and lack of urgency with which Katrina's victims were treated.

The moral question we are faced with today and which every person in this country must answer is, what are we going to do about it? As leaders of this Nation, we have the obligation to begin that answer now.

My colleagues and I tonight will be joining Congresswoman LEE to lead us in that response.

What everyone else saw perhaps for the first time was not a surprise to us. We have come to this body, to task forces and committee meetings, here to the well of the House and to countless press conferences to tell the world that this level of poverty exists, that it disproportionately includes African Americans and other people of color. And we have called on the Congress and the White House through our budget proposals and legislative agenda to repair the breach in our human condition, largely to no avail.

While the events of the last 2 weeks have spoken volumes in ways our words could not, we must not let what happened in Alabama, Mississippi, and even more so in Louisiana ever happen again. So as we appropriate dollars to fix the levees and other infrastructure that has been damaged or destroyed, we must also fix the social and economic infrastructure which failed so many and exacerbated the tragedy, and we must repair broken lives for the short and long term. That includes repairing a very deficient and dysfunctional health care delivery system in rural areas, the territories, and communities of color.

Almost as a last warning before the storm hit and the flood waters surged came the new numbers from the Census Bureau on income, poverty, and health insurance status in this country. Louisiana, Mississippi, and Alabama are three of our poorest states. In these states, about six in every ten African Americans are living at or below the Federal poverty line.

In the wake of the storm and even before the waters began to recede came a second report as a reminder of how deep we have to reach into America's psyche to repair the damage. That report, Closing the Gap: Solutions to Race Based Health Disparities, assessed and analyzed the impact that social determinants, such as economic,

social, environmental, and cultural inequities, have on health and health care. These inequities provide a medium in which poverty not only continues to exist but thrives.

Poverty is perhaps the most closely aligned determinate of ill health. It then should follow that the elimination of poverty would go a long way to eliminating the long-standing health care inequities that result in health care disparities for African Americans and other people of color that are the shame of this wealthy Nation.

It is my hope that this country, my country, will never forget Katrina and recognize that what was laid bare is only a fraction of what exists, particularly in the South but throughout this country.

As leaders, I hope my colleagues will join us to ensure that the infrastructure is put in place so that nowhere across the United States will such a preventable travesty ever happen again.

Part of that would be to pass our legislation to create health empowerment zones in communities such as those in which poverty and the concurrent ill health trapped their victims. This legislation would assist and empower them to address health care challenges and improve the public health infrastructure as well as mitigate the social, environmental, and economic determinants of health.

It is part of a larger legislative initiative for which we also ask your support, the Heal America Act of 2005, a comprehensive bill, a sort of Marshall Plan for health that would reverse the dynamics that lead to the disproportionate death, disease, and disability which people of color suffer.

Lastly, not allowing this to ever happen again includes not cutting Medicaid. Not only is it needed in this crisis, which has been described as in biblical proportions, but it is needed in the everyday crises that result in over 100,000 preventable premature deaths in people of color every year. My colleagues, this, too, is the annual unacknowledged catastrophe that we can and must prevent.

Mr. Speaker, let us honor the memory of the victims of Katrina and the suffering of the survivors by eradicating poverty, by creating a fair, equitable and just health care system and by building a better America where there is the guarantee of life, liberty, and the pursuit of happiness for all.

The SPEAKER pro tempore. 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.)

DOWNING STREET MEMOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, today, the occupation of Iraq continues and we learn that another bomb blast, in fact a series of bomb blasts in Iraq have resulted in the loss of more than 100 lives. So far, the loss of American servicemen and women's lives is almost 2,000. We have lost almost 2,000 American servicemen and women in Iraq.

The American people are asking now with greater frequency a very significant question: Why did we invade Iraq and why are we continuing to occupy that country?

Today, the House Committee on International Relations defeated a Resolution of Inquiry, which I introduced, and that defeat came essentially along party lines. Every Democratic member of the House Committee on International Relations voted for the resolution; one Republican voted for it; one Republican did not oppose it. But the resolution lost by one vote because all of the other Republicans on the committee opposed it.

What this resolution asked was simply this. It asked the administration, the White House, and the Defense Department to provide to the Congress information with regard to that information which is contained in the so-called Downing Street memos.

The Downing Street memos are very interesting. They were first revealed by the Sunday Times of London on May 1, 2005. What these Downing Street memos are, are high-level communications between some of the most significant members of the British Government, including Prime Minister Tony Blair; Richard Dearlove, who was the head of British intelligence; Jack Straw, the foreign secretary; and others.

These Downing Street memos were communications between these high-ranking officials of the British Government. They reveal the essence of conversations which took place between members of the British Government and members of the Bush administration here in Washington, including Condoleezza Rice, Vice President CHENEY, Secretary of Defense Rumsfeld, and others.

What the Downing Street memos reveal is that, from the very beginning, the Bush administration was obsessed with Saddam Hussein and that they used the attack of September 11 not to go after the perpetrators of that attack, Osama bin Laden and the al Qaeda network, but to twist and distort the facts in order to justify an attack against Iraq, given the obsession that they had with Saddam Hussein.

So the resolution that I introduced today, and which was defeated by the House Committee on International Relations, called upon the executive branch of government, the White House and the Defense Department, to provide to the Congress information with regard to those conversations from the American perspective. All we have now is the British perspective. And the British perspective is quite damning indeed, damning of the intentions of the Bush administration and the way in which this ensuing occupation has been carried out.

The Downing Street memos make it clear that high-ranking members of the Bush administration were determined to twist and distort the intelligence and the facts to fit the policy which they had already decided to put into action; and that policy, of course, was to attack Iraq and to remove Saddam Hussein as the head of that government.

Many people across our country, including an increasing number of the House of Representatives, and I believe the Senate as well, are asking the question: How could that attack be justified when we now know that the ostensible justification, the justification which was set forth by the administration, was completely false?

First, that justification was that Iraq had something to do with the attack of September 11. Then the administration had to back off from that assertion when it became clear to almost everyone that there was no validity in that assertion whatsoever. Rapidly, the administration moved to an assertion that it was important for us to attack Iraq because Iraq possessed so-called weapons of mass destruction, biological and chemical weapons. And the suggestion was even made over and over and over again, by the highest ranking officials of the Bush administration, that the Iraqi government was acquiring nuclear weapons, that they had imported enriched uranium from Niger into Iraq in order to manufacture atomic bombs, and that we were in danger of having those nuclear weapons used against us. So, therefore, they sought in that way to justify an attack against Iraq.

It is now clear to almost everyone, even the most myopic of persons, that Iraq possessed no weapons of mass destruction program and was nowhere near the development of any nuclear weapons.

And as is made clear by the information that is possessed in these Downing Street memos, other countries were much more dangerous, including Libya, Iran, and North Korea, because they were much closer to developing nuclear weapons than was Iraq, which had essentially abandoned all of its large-scale weapons programs in 1991. That information had been made clear as a result of investigations which were carried out by the International Atomic Energy Agency and by weapons inspections teams, two of them in fact from the United States. They found no evidence of any weapons of mass destruction.

So information from the administration about these Downing Street memos is essential. Why the Committee on International Relations defeated that resolution today remains to be seen, but we will be back. We will be

back until we get the truth about what started this war in Iraq, why it was instigated in the first place, and why it is continuing to be carried out in such a failing manner.

POVERTY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, there is not a lot that I can add to what my colleagues have said about the tragedy of Hurricane Katrina, about the hundreds of lives that have been lost and the billions of dollars in property damage that has been experienced. But perhaps in the midst of this horror, there might be a silver lining. And if there is a silver lining, it might be that we begin to take a hard look at some of the realities of America, realities that are very rarely talked about here on the floor of the House or in the media.

Clearly, one of the realities that we did observe in New Orleans is that there were thousands and thousands of people there who could not flee the flood because they did not have money, they did not have a car, and they had no place to go. And some of them died because they are poor.

But poverty exists well beyond New Orleans. The fact of the matter is that millions of Americans today live in abject, humiliating poverty. And, tragically, in the last 5 years alone, since President Bush has been in office, the number of poor people in America has grown by 5 million.

□ 1630

So not only are we not addressing the problem of poverty; it is becoming significantly worse. And at a time when a lot of my colleagues talk repeatedly about family values, some 17 percent of the children in America live in poverty, which is by far the highest rate of childhood poverty in the industrialized world. Some of the other industrialized countries have poverty rates of 3, 4 percent. We are over 17 percent.

So if there is a silver lining in Hurricane Katrina, it may be, it may be, it might be that we refocus on the needs of ordinary Americans, and we make fundamental changes in the priorities that have been established in this country in the last 5 years.

Mr. Speaker, it is not just that poverty in America is increasing; it is that the middle class in this country is shrinking. We all know about the explosion in technology. We all know that worker productivity in America is rapidly rising; but in the midst of that, what we are seeing is that real wages, inflation accounted for wages, for millions and millions of workers is going down. People are working two jobs, they are working three jobs, and yet they are further behind economically than they were 20 or 30 years ago.

Mr. Speaker, in America when we talk about priorities, when we talk about our kids, we have got to ask ourselves about our educational system and why it is that throughout this country, in Vermont and virtually every other State in America, our child care situation in America is an absolute disaster. Every psychologist will tell you that the most important years of a person's life are the first few years, and yet in America today we have kids being warehoused in America in facilities where there are inexperienced, underpaid teachers and people who are minding the children. We have millions of other Americans today who would like to go to college, but cannot afford the $35,000 or $40,000 a year that it costs.

To my mind we are wasting huge amounts of intellectual capital by not making college available for all Americans. It is a national disgrace that for the first time in recent years, fewer low-income kids are going to college than used to be the case.

Mr. Speaker, while the middle class is shrinking, poverty is increasing. While some 46 million Americans have no health insurance, while the average American today is paying the highest prices in the world for prescription drugs, there is another reality taking place in America, and that is that the wealthiest people in our country have never had it so good.

What we are seeing today in America is the widest gap between the rich and the poor of any industrialized nation on Earth, and it is wider in America today than at any time since the 1930s.

Mr. Speaker, to my mind a great nation is measured not by the number of billionaires it has, not by the number of nuclear weapons that it has, but in fact how we treat the least amongst us, the elderly, the sick and the poor. By that definition, we are not doing very well at all.

Mr. Speaker, while average Americans were struggling last year just to keep their heads above water economically, maybe to make a few bucks more than inflation was taking away from them, the CEOs of the Forbes largest 500 corporations in America saw a 54 percent increase in their compensation; 54 percent for the CEOs of the largest corporations, while millions of Americans are seeing a decline in their standard of living.

Mr. Speaker, in the midst of the disaster of Hurricane Katrina, in the midst of a period when we are going to be spending tens of millions of dollars rebuilding the gulf coast, at a time when we are spending $300 billion in Iraq, our Republican friends and the President of the United States want to repeal the estate tax and provide hundreds of billions of dollars more in tax breaks for the wealthiest 2 percent who are the only people who will benefit from the repeal of the estate tax and half of those benefits are going to the richest one-tenth of 1 percent.

Yes, we can cut Medicaid by $50 billion. Yes, we can underfund the Veterans Administration so the veterans go on waiting lists all over America. Yes, we can have children sleeping out on the street. There is no money to take care of those needs, but apparently we have hundreds of millions to give to the wealthiest 2 percent, which will drive up our deficit, drive up our national debt and leave all of that to our children.

I would hope that common sense will prevail and that the President and Republican leadership, at a time of a record-breaking national debt, record-breaking deficits, will not give huge tax breaks for people who do not need them. Instead, let us move forward to lowering our deficit. Instead, let us pay attention to the middle class and low-income Americans who need help.

So once again, Mr. Speaker, if there is any silver lining in the disaster and the horror of Hurricane Katrina, it might be that today we begin reevaluating our priorities.

TWO AMERICAS LIVE IN THE UNITED STATES

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. LEE. Mr. Speaker, first, let me just remind those who are listening tonight that there have always been two Americas here in the United States. I was quite taken aback right after the very recent catastrophe of Hurricane Katrina that reporters and many individuals kept commenting that this is not America, we do not know this place, this cannot be America. But my response consistently has been, this is the America that I know and this is the America that brought many of us here to Congress.

By race or class, there are two distinct and separate societies surviving on sheer will and determination here in our own country. It just does not make sense that the richest, most powerful Nation in the world has some of the poorest, unhealthiest, and most vulnerable people in the world. In many ways, Hurricane Katrina has brought to light the shame that the United States really, quite frankly, has tried to sweep under the rug for decades.

Now, the Congressional Black Caucus has represented this hidden America for nearly 40 years in this Congress. The Congressional Black Caucus has consistently worked to eradicate poverty throughout our country. Just look at the disparities agenda put forth by the Congressional Black Caucus under the leadership of our great chairman, the gentleman from North Carolina (Mr. WATT). Whether it is unemployment rates, whether it is health statistics, whether it is statistics as it relates to decent and affordable housing, the gaps are glaring. The disparities are glaring.

The disparities of poverty severely and disproportionately affect African

Americans and people of color in our country. Let us just for a minute, and I put this chart up here so we can look at the poverty rates right now in the United States and where they were in 2000, in 2000, 11.3 percent was the poverty rate, increasing every year to 2004, which, of course, the Census Bureau has just put out, 12.7 percent, and it is climbing.

So who are the poor? Newsweek magazine, and I hope everyone reads Newsweek this week, September 19, and what Newsweek says. Let me read a paragraph from that article where it describes who the poor are: ''With whites making up 72 percent of the population, the United States contains more poor whites than poor blacks or Hispanics. In fact, the Center on Budget and Policy Priorities reports that the increase in white poverty in nonurban areas accounts for most of the recent uptick in the poverty rate, but only a little more than 8 percent of American whites are poor.'' That is 8 percent compared with 22 percent of Hispanics and nearly 25 percent of all African Americans, 25 percent in a country that is 12 percent black. That is the point that we need to make, that people need to understand.

So those naysayers who say we are playing the race card, which we are not, they need to look at the facts. They need to look at the disproportionate numbers of Americans living in poverty who are African American and who are Hispanic. The facts speak for themselves.

We are going to talk tonight about the impact of Hurricane Katrina on people who are poor and who did not have the money to leave and to evacuate, most of whom happen to be black. We are going to talk about that tonight. I hope those who are listening and watching understand that this America that many of us here understand and know, these two Americas that unfortunately we have been faced with, is one of the reasons why we fight each and every day against the budget cuts, against the tax cuts, against putting unnecessary resources into an unnecessary war.

That is why many of us here are here tonight as members of the Congressional Black Caucus, as Americans, as Members of Congress to really call to the attention of the American people the huge impact of poverty, the disproportionate numbers of individuals who happen to be black and Latino in our country. Here we have the greatest, most industrialized, most technically developed country in the world; and we have this unbelievable number of American citizens who are poor.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS), who has been all of his life a warrior, a fighter for the poor, who organized the Poor People's Caucus here in Congress and who will talk to us now with regard to why he has embraced this agenda as his life's mission.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE) and also thank the gentlewoman from Florida (Ms. CORRINE BROWN), who has been working on this issue.

First of all, I want to continue the discussion that the gentlewoman has been a leader on since she arrived in Congress. There are a few things that I want to add to this discussion because we have to speak truth to this great tragedy.

The first understanding that we have to arrive at is that many people in New Orleans were in dire straits before the hurricane and the mishandling of the hurricane and floods ever occurred. We are talking about a poverty that is so devastating that many of us, including myself, come in and out of New Orleans and never see what is really going on.

Mr. Speaker, 84 percent of the folks there are African American and poor. We have a tragedy that was waiting to happen. Ever since President Lyndon Johnson made the first efforts against a war on poverty, which was aborted shortly after that, we have neglected, generation after generation, to address this problem.

□ 1645

So the second thing that I would make clear to everybody is that New Orleans is not just the only place that there is such devastating poverty that it shocks one to know what it is. When we go to many other parts of this country, there are huge places of depressed areas, of deprived people, of great suffering, of high unemployment, of tragic failings, and hope is missing in a lot of these places.

So what we are doing is speaking not only about Katrina and New Orleans, but we are really talking about this condition of poverty that spreads across this entire country. And we are now forced, with the classic tragic mishandling of the flood, and this is the first time in the President's public career that he has ever admitted that, because of this Federal bungling, that the responsibility is at his level. Now I can suggest to the Members that one of the reasons that he is doing this is that his ratings are now lower, that in seven previous administrations no second-term President has ever been in the situation that he has. Whether that will change what we do remains to be seen. It may be another Rove tactic to get him to go up, but this discussion precedes what the President is going to say almost at the same time tomorrow. What he says will tell us where we are going and what they do.

At the same time that we are getting ready for the President's mea culpa, let us remember that there has been nobody here talking about rolling back the Medicaid cuts and the food stamp cuts and other restrictions. Those are quietly going forward at the same time that we are saying we have got to do more. And this is not just about volunteer help, which we are grateful for, and corporate contributions. We are talking about the government dealing with this problem.

The last point is that we now have a plan in progress in which the Halliburtons are now coming not only from Iraq but all over to begin to take over the reconstruction efforts. From our members in Mississippi and Louisiana, we find that there are no plans for the small businessmen to participate in the rebuilding. So this is a major issue which requires us not just to get the President straightened out. We have got a budget that will take us into an absolute no-way-out trap if we do not really change the terms of what we are doing.

Poverty is now being challenged. We might not be here were it not for the revelations that have been made by most of the press. And for us to be unaware that the black and the poor in this country are now the victims of one of the most federally bungled cleanups in America, we have gotten rid of the FEMA Director, but that is only the tip of the iceberg.

Ms. CORRINE BROWN of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, would the gentleman please explain to me, because I quite do not understand it. I heard what he said about the Halliburtons of the world. But could he explain why minorities and women, the people that are most affected by this hurricane, cannot participate in the recovery.

Mr. CONYERS. Mr. Speaker, because these are no-bid, multimillion dollars contracts for which they are not even eligible to bid; and then when they subcontract them out, they subcontract them out to other large corporations and not to the small business people who can best contribute and bring the economy back together.

Ms. CORRINE BROWN of Florida. Just a follow-up, Mr. Speaker.

Can he give me the criteria, how they participate? Is it some kind of campaign contribution? Is there some kind of criteria? I need to be able to go somewhere and tell my small businesses who want to participate how to participate. Whom do they have to write the checks to?

Mr. CONYERS. Mr. Speaker, what I am trying to do is draw the parameters of where we are today. Today, we are not dealing with the people on the ground that can be of the most help. We have business people, construction people, who actually could be helping, and they cannot get in the door because they do not have the answers to the gentlewoman's questions of where do they go. I have been trying to call the Mayor of New Orleans, and he does not have a phone. Only cell phones, and everybody in America is probably calling him on those one or two phones.

I commend the leader of this Special Order.

Ms. LEE. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his comments.

Let me just say I believe, unfortunately, that this Congress and the administration suspended the requirements to include minority- and women-owned businesses in the upcoming contracts, which to me is appalling and unacceptable; and we need to go back and repeal what they repealed.

Mr. Speaker, I now yield to the gentlewoman from Florida (Ms. CORRINE BROWN) to come forward and make her statement.

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me commend the congresswoman for her leadership in this area. Let me commend the Congressional Black Caucus for their leadership; and I also want to commend the American people, because the American people have come forward, the private businesses, the private organizations.

What has been blatantly clear to all Americans is that the Federal Government has been missing in action. We have two Americas. It is tragic. We have one black. Yes, I said it, black, African American. One white. One rich and one poor, and the poorest Americans are still the most vulnerable. We need to ensure that all Americans, regardless of where they live, can find a quality of life and work.

This hurricane has put a spotlight on the tragic situation that exists with this administration, and I call it reverse Robin Hood, robbing from the poor and working people to give tax breaks to the rich. I am going to repeat that. Reverse Robin Hood, and I have said it over and over again. Robbing from the poor to give tax breaks to the rich. That has been the policy.

There are two things that I want to discuss today. In light of the hurricane, why are we doing away with Davis-Bacon? And, two, why are we doing away with affirmative action contracting programs?

Almost as disturbing as this administration's horrible response to the hurricane is their suspension of all labor rules for hurricane-related contracts. Just like in the past, the Bush administration is taking every opportunity to destroy organized labor but has taken it to a new level by suspending all affirmative action programs in contracting. This is a new mandate by this administration, and it will do absolutely nothing to ensure quick or better service for those suffering from the hurricanes but will certainly ensure that none of them are involved with rebuilding their homes and communities. The very same people whose tax dollars will be paying for the reconstruction will be shut out of the opportunity to participate in the cleanup.

Just like in Iraq, where we never had any oversight, we cannot afford to see the repeat of this situation in the gulf States. And let me say again, Iraq, no oversight, over $1 billion, no accountability. If this had been a Democratic administration, somebody would be in jail, and certainly the Congress would be investigating and investigating, and there would be hearings and hearings and hearings.

Nothing, nothing goes on in the people's House. The only thing that we do is vote on somebody's courthouse. No discussions about the issues of the day. If it was not for this Congressional Black Caucus, no discussion.

As always, President Bush talks the talk. In fact, I have come to the conclusion that our government is a paper tiger. We talk the talk, but we do not walk the walk. He and his political cronies continue their assault on minorities and the working poor, while lining the pockets of their political cronies and filling their campaign coffers.

Lo and behold, whom do we see getting the biggest contract in the cleanup of the hurricane? I heard one of my sisters last Tuesday night ask the Secretary, the Secretary that was here, can anybody do any business with the Federal Government other than Halliburton? A $588 billion contract, no bid, no opportunity for anybody else to participate. If I am incorrect, please somebody speak up. None other than Dick Cheney's Halliburton. So while the poor in Louisiana, Alabama, and Mississippi suffer from Federal neglect, DICK CHENEY and his cronies keep getting rich. I said it. If Hurricane Katrina's high winds, rain, and furious power were not enough, the Federal Government's inadequate response to this tragedy just adds gasoline to the fire.

I want to take a moment to thank the people locally in my area of Jacksonville. We have sent over 18 tractor trailers full of goods and services. Goods. I asked them to give me their wish list, and everything on their wish list we filled. And, in fact, I got a call today. We have got another one filled, and we are getting ready to send it to Mississippi.

And let me tell my colleagues something. People from Mississippi and Louisiana are calling me. To this day no one has been to their community. They do not have communication. They do not have water. They do not have lights. What is the problem in the richest country in the world? We are not a third world country. We still have not gotten services to these local communities.

As I bring it to a close, remember to whom God has given much, much is expected. We cannot continue to run around the world talking about our fighting for democracy, fighting for our neighbors, when we do not fight right here at home for the people who pay the taxes. We have got a lot of work to do in this Congress, and it is not just passing a bill naming a post office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHL of New York). The Chair would remind Members that personally offensive references toward the President or the Vice President are not permitted under the rules of the House.

The gentlewoman may proceed.

□ 1700

Ms. CORRINE BROWN of Florida. Mr. Speaker, on that question, I understand I cannot discuss their personal motives, but I understand that I can raise their names.

This inquiry should not be on the time of the gentlewoman from California.

The SPEAKER pro tempore (Mr. KUHL of New York). The gentlewoman is reminded that innuendo relating to personal pecuniary gain by the President or Vice-President is improper under the Rules of the House, as I am being informed by the Parliamentarian.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I did not understand what you are saying, sir. Would you repeat what you just said?

The SPEAKER pro tempore. The gentlewoman will continue with her time.

PARLIAMENTARY INQUIRIES

Ms. WATERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. WATERS. Mr. Speaker, the gentleman just stated a rule that is unclear. The gentleman was questioned by the gentlewoman from Florida about the rule. The gentlewoman basically said, are you saying we cannot refer to the President of the United States or to the Vice President of the United States? I would like clarification on the rule that you attempted to describe.

The SPEAKER pro tempore. The Parliamentarian informs me that the rule of the House does not restrict reference to policies of the administration, including criticism or critique, but prohibits personally offensive references, including accusation or innuendo of malfeasance.

Ms. McKINNEY. Mr. Speaker, I have a parliamentary inquiry. I do not want to take away the time of the gentlewoman from California (Ms. LEE).

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. McKINNEY. Mr. Speaker, I would like to know if indeed it is a fact that the Vice President of the United States receives a salary in the form of deferred compensation from Halliburton which, in turn, received a no-bid contract to do the cleanup work for Katrina, are we prevented from saying that on the floor of the House?

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

Ms. McKINNEY. I thank the Speaker. That means we can speak about these kinds of things.

The SPEAKER pro tempore. Members should refrain from personally offensive remarks related to pecuniary gain of the President or Vice President. That is improper under the Rules of the House.

The gentlewoman may continue. Thirty-seven minutes remain.

Ms. LEE. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from California for yielding. More importantly, I want to thank her for her passion, her leadership, and her dedication to trying to make sure that America does in fact become the land that we often hear about but the land that we have not yet experienced.

Katrina has pulled the cover, in a real sense and in many ways, off the whole question of poverty, which is something that we do not talk about nearly enough. We often talk about other kinds of issues and other kinds of things, but very seldom do we get to the core of it in terms of saying that poverty continues to be a major problem for a large segment of the American population. As a matter of fact, we saw, and people have already indicated, individuals who did not have enough resources, could not put together enough money, did not have transportation money, who simply could not get away, who could not get out of the path of the oncoming hurricane because their purses were empty.

But they are not empty only in New Orleans. When we look across America, we see large population groups. I think of young men, for example, in my city, the City of Chicago, the city that we call the ''city of the big shoulders,'' a city where more than 50 percent of all of the young African American males between the ages of 16 and 22 do not have a job, do not go to school. How could there be anything other than poverty in a situation like that? I run into individuals in their early 30s who have never had a job in their entire lives, never had a job, who automatically then become a part of the underground economy in many of these areas where we see concentrations of poverty.

I was hoping that we would use this opportunity, but it is clear that that is not the direction in which we are headed. This provides us with a tremendous opportunity to develop massive training programs for individuals so that they can go back and rebuild their own communities, rebuild their own homes. They could develop the skills, and they could experience something that they have never done before in their lives: They could have a job. They would have the opportunity to work.

But even if they get the opportunity, are we saying that they can be paid less than minimum wage in some instances? Where they are almost put back into a slave-like condition, where they are working but at the end of the week have not earned enough for basic food, shelter, and clothing?

So I am afraid that not only is the mishandling something that happened immediately, but it looks as though we are going to mishandle the rebuilding and the reconstruction and the redevelopment of those affected areas.

So I join with my colleagues in suggesting and calling for a real effort on the part of the administration to make sure that those individuals get a chance not only to live, because a fellow named Thomas Wolf said something once: ''To every man his chance, his golden opportunity, to be and to become whatever his talent, manhood, ambition, and hard work will combine to make him.'' And, of course, if Wolf was around today, he would probably say ''him and her,'' or ''her and him.'' That is supposed to be the promise of America, and that is what we call upon the American people to make sure comes out of the tragedy of Katrina.

Ms. LEE. Mr. Speaker, I want to thank the gentleman from Illinois for that very eloquent statement.

Let me just say in reference to the comment made by the gentleman from Michigan (Mr. CONYERS) earlier and the gentleman from Illinois (Mr. DAVIS) in terms of the President taking responsibility, which he just said he would take, I think it really warrants us to ask the question, why was he so irresponsible early on in responding to this great tragedy? And that answer has to be gotten, I think, for all of us to be able to understand the direction in which he is going to move. Tomorrow he is going to talk I think about his plan and response, but I would just hope that he would talk about his plan to eradicate poverty by the year 2010, and that is what many of us are working toward.

I would like to now yield to the gentlewoman from California (Ms. WATERS) who all of her life has worked to eradicate the conditions which give rise to this very obscene and immoral condition which so many millions of Americans live in.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from California (Ms. LEE) for organizing us this evening to talk about poverty. As a matter of fact, I know that the gentlewoman from California (Ms. LEE) had already began to organize around the issues of poverty and had been trying to focus us for some time to really get involved in unveiling what is going on in America. And, despite the fact that there are so many competing interests and despite the fact that not enough Members of Congress have the courage to talk about poverty or race or class, Katrina has brought us face to face with what is wrong in America.

As we stand here today with this picture from Newsweek, with this child's face, this baby's face with the tears running down, the caption: ''Poverty, Race, and Katrina: Lessons of a National Shame,'' we are forced to have to deal with these issues of poverty, race, and class.

There was an interesting debate going on when this hurricane first struck. The journalists would say to African American legislators, did race have anything to do with this? They were looking for the confrontation, helping to draw out the right-wing conservatives so that they could say what they normally say when we begin to describe what is wrong in America: Ah, there they go, playing the race card again, or trying to marginalize someone when they dare to get up and talk about race, poverty, and class.

Well, what is interesting about this discussion is every journalist who confronted an African American legislator raised the question until finally I said to them, you are asking this question so often, you must know something. You must know something that you want to talk about. Do you think this is about race? And so I say to my colleagues I have decided, based on what has happened with this horrendous disaster, that we must talk about class, race, and poverty.

As a matter of fact, as I sat in my bedroom watching the 20,000 or more people sitting outside the convention center and I heard the head of FEMA, Mr. Michael Brown, say that he did not know they had been sitting there for 3 days, they were without water, they were without food, they were without lights, and that coming on the heels of what had happened in the dome where the evacuees were placed, no electricity, toilets not working, food ran out, water ran out, I got up from my seat and caught a plane and went to Louisiana, because I could not sit there any longer watching what was happening to the most vulnerable people in the world.

Going there, going to these shelters, going to the Louis Armstrong Airport, watching people suffering, thousands of people without water, without food, without medical care, old women in wheelchairs who needed their medicine, people with diabetes and high blood pressure and the morgue that was being placed right there in the airport to accommodate the people who were dying on the sidewalks, I decided that it may not be politic to talk about race or class or poverty, but, Mr. Speaker, when I came to this place, I came to talk about those issues, and I decided that I, too, had been organized by the right-wing and others not to confront the issues in ways that I know I feel deeply about.

So I do not care what happens and from whence it shall come. In addition to everything that I do, call me whatever you want to call me, say that I am playing the race card, say whatever you want to say. I am going to talk about race, I am going to talk about poverty, and I am going to talk about the class issues of America.

We are brought face to face with these issues, looking at what happened in New Orleans. The population of New Orleans is 448,000 people; 67 percent of the city's population is African American. About 27 percent of the population lives below the poverty line. The city's median household income is $27,514. Two in 10 households in the disaster area had no car, compared with 1 in 10 nationwide. About 4.5 percent of the disaster area received public assistance. Nationwide, the number was about 3.5 percent. In 2000, New Orleans had the fifth highest poverty rate and the fourth lowest household income of major American cities.

In the lower ninth ward neighborhood, which was inundated by the floodwaters, 98 percent of the residents are black, and more than a third live in poverty. Sixty-five percent of these families are one-parent families. The housing in New Orleans is much older than the national average, with 43 percent built in 1949 or earlier, compared with 22 percent for the United States and only 11 percent of them built since 1980, compared with 35 percent for the United States.

□ 1715

New Orleans public schools are 93 percent black; 55 of the State's 78 worst schools are in New Orleans. The State of Louisiana rates 47 percent of New Orleans schools as academically unacceptable, and another 26 percent are under academic warning.

About 25 percent of New Orleans adults have no high school diploma, and we can go on and on and on. Louisiana has the largest percentage of children living in poverty, 30 percent.

Louisiana and Mississippi have the highest infant mortality rate in the Nation, 10.3 percent per 1,000 births. Louisiana and Arizona have the biggest teen dropout rate in the Nation. Well, as we travel around the Nation and we take a look at poverty, today we are talking about New Orleans, but let us take a look in St. Louis, Missouri, let us take a look in Philadelphia, let us take a look up in Harlem, let us take a look in Appalachia. Let us take a look at poverty in America.

We cannot continue to place our heads in the sand. Why do we have this poverty? Why it is that public policy no longer discusses poverty, race, and class? It is because the right wing conservatives have been very successful at silencing those of us who should be discussing it.

They have pulled every trick in the book. They have their talking heads on Fox Television and other right wing stations that are basically undermining us and basically denigrating us whenever we talk about these issues.

But, ladies and gentlemen, I am convinced that we are going to have to do this, not only for ourselves but for America. The attitudes that have come out of this hurricane, the President's mother, Mrs. Barbara Bush, said the people in the Dome were disadvantaged anyway, they were better off.

Attitudes. You know, people want us to say the President went into the White House and said, we are not going to go to New Orleans to help the black people. No, we are not saying that. We are not saying that it is that obvious, that it is that overt. It is about attitude. It is about the kind of attitude that drives your actions.

When you have Barbara Bush saying, well, they are better off. People who are dying in the Dome, people who are dying outside of the convention center, they are better off, so why should we care? I mean, it is that kind of attitude that leads to the kind of policies and the kind of marginalization that leads to a lack of concern and resources for the people who so desperately need it.

Attitudes. We have one of the Members of my committee that I serve on, the gentleman from Louisiana (Mr. BAKER), who said God had done what we had not been able to do in getting rid of public housing. Attitudes that lead to the kind of decisions that result in racist actions.

In addition to all of this, we find that there are things still going on in Louisiana that we thought we would never see again in life. There were a group of people who were told to cross a bridge to get to safety and to high land.

These African American women and men, for the most part, with a few whites with them, started across the bridge to a little town called Gretna, I believe. And they were met by the police officers with guns. And they shot their guns over the heads of women and children, mostly African American women and children, and said, get back over to New Orleans, this is not the Superdome, we do not want you over here. You cannot come over here.

And for those people who managed to get past them at the end of the bridge, they came and they took their food and their water away from them and drove them back on the other side of the bridge.

Ladies and gentlemen, I would not be worth my salt if I did not direct my attention to these atrocities. I would not be worth being elected to the Congress of the United States of America if I did not stand up for the least of these and the most vulnerable of these.

We have seen the face of poverty. It was reflected in a profound way, people trapped and died because they did not have transportation. People died because they did not get rescued. Their government let them down. People said do not point the finger. How many fingers do I have?

I am pointing them all. Because in addition to whatever mistakes were made at the local and the State level, in the final analysis, we have the most powerful government in the world, and they let the people down. They let the people down even though we had the resources, we have the helicopters, we have Navy bases. We found a Navy base over in Alexandria, Louisiana, England Air Force Base, that is boarded up that has 450 rooms, dormitories, that are not being used.

We had ships fully equipped with all of the medical equipment right there right off the coast. Unused. We have the resources. We have the National Guard. We have the money. We have what it needs.

Now, people want to ask me, did it happen because of race? I submit to you that when you have the kind of attitudes that speak like the President's mother, Barbara Bush, who spoke like the gentleman from Louisiana (Mr. BAKER), who acted the way the police officers acted that drove my people back across the bridge shooting guns over the heads of women and children, that results in racist acts.

It results in the kinds of decisions that marginalize, that deny, that cause people to die and to be harmed unnecessarily. And so poverty is an issue that we must pay attention to.

Today, we are focused on New Orleans; but tomorrow, we have got to focus on poverty all over the United States of America, whether we are talking about New Orleans or any of the other cities that many of us represent.

I am grateful to be able to be in good strength, and I am grateful that I have found my courage again, the courage to do what we should always do. I am so grateful that I am resigned, and I have resolved that this Congress is going to hear about this day in and day out.

Never again shall I find myself in a position where I am crying and lamenting after the fact. I have got to be in the faces of those who make public policy. I have got to use my influence. I have got to do everything that I can possibly do.

The President of the United States does not back up. They are in our faces. Yes, Mr. Speaker, he gave another no-bid contract to Halliburton. We have criticized him time and time again about Halliburton and the fact that they stole our money in Iraq, they cheated us. But they do not back up. They stay in our faces with their policies, and we have got to stay in theirs.

Ms. LEE. I want to thank the gentlewoman from California (Ms. WATERS) for that very clear and powerful statement also. If there was any doubt who was left behind in the Gulf region, I think the entire country knows now who was left behind.

Let me yield now to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I would like to take this opportunity to commend my sister colleague, the gentlewoman from California (Ms. LEE), for introducing comprehensive poverty legislation of which I am a proud cosponsor.

It is high time that we talk about poverty; and when we talk about poverty, I would like for everyone to see this beautiful black face, this beautiful black baby, who has a tear rolling down her cheek, which epitomizes in so many ways the conditions of Black America which now have been revealed for all of the world to see.

But I came down here not to take very much time, but to say to my sister colleague that she said she was not going to play the race card.

Well, you do not have to, because the gentleman from Louisiana (Mr. BAKER) already has, if the reports from The Wall Street Journal are correct. And so I would just like to read into the RECORD what it is that The Wall Street Journal says that the gentleman from Louisiana (Mr. BAKER) had to say.

He said, according to The Wall Street Journal: ''We finally cleaned up public housing in New Orleans. We could not do it, but God did.''

Now, when the gentleman from Louisiana (Mr. BAKER) made that comment, he was talking about that baby. And there are some of us, some of my colleagues outside of this body, who are very concerned about what the gentleman from Louisiana (Mr. BAKER) had to say.

But I also know that the mainstream media do not always get it right. So I would like to hear publicly from the gentleman from Louisiana (Mr. BAKER) to see if this is exactly what he said and what he meant.

Because, if it is, I can guarantee you there will be many people who will have something to say to him. The public policy we make here is all about attitudes, and when you have got this kind of an attitude making public policy, you cannot help but have tear drops rolling down the faces of America's children.

Ms. LEE. I want to thank the gentlewoman from Georgia (Ms. MCKINNEY) for her very passionate statement and for asking the tough questions, as she always has and will continue to do.

I would like to now yield to the gentleman from Alabama (Mr. DAVIS). We all know that poverty knows no boundaries. We see high incidences of poverty all over our country in rural and in urban areas.

We know much of your community is a rural community steeped in poverty.

Mr. DAVIS of Alabama. Thank you for organizing this Special Order tonight. Because our time is limited, I want to make my remarks suitably brief. But I want to pick on something that has been a theme of what I have heard from a lot of my colleagues in the last several minutes.

We have talked a lot, appropriately, about the question of national will in this country of ours, and I am reminded that several hours ago we passed a resolution on the floor honoring a woman named Rosa Parks who was a seamstress in the city I was born in, Montgomery, Alabama.

When Rosa Parks made the decision to stand up by sitting down, by refusing to give up her seat on the bus, my grandmother was a 46-year-old woman who lived in Montgomery; my mother was a 12-year-old child. And they both vividly remember at times when they were escorted or asked to leave the front of the bus, to go to the back.

And in that generation of Americans, there was a certain percentage of people who felt that, well, it is just the way it was. There was a certain percentage of people who felt that racial segregation, separating people based on color, was just in the fabric and the atmosphere of what we were as a country.

And when the Rosa Parkses of the world asserted themselves, a lot of people dismissed their effort. A lot of people said that it is a quixotic venture.

And here we are 50 years later with a whole lot of political power for this community, a whole lot of an ability to stand here and to talk about these kinds of questions. We are a long, long way from the Montgomery, Alabama that Rosa Parks and my mother and grandmother lived in.

What has changed about that 50 years is our will changed as a country. Our sense of what we would and would not tolerate changed over a period of time, and that which seemed tolerable many years ago, all of a sudden came to be seen as intolerable. It is my sincerest hope, as a Member of this House, that when our time is long done, when the youngest of us here have left this body, that some group of Americans will look back and they will say that we managed to take these questions of poverty, impenetrable, cutting, wounding poverty, off the table, that we somehow managed to find a way to build enough of a net in this country that everyone who tries to build a family has a maximum opportunity to do it, that we managed to build enough of a net in this country that when anyone gets sick, that we find a way to give them a quality of care, that we found a way to build enough of a net in this country, so that if there is an ambition in our children, the ambition will always be rewarded.

The hope that I have is that we will one day reach a point where these kinds of questions come off the table, just as the question of what side of the bus you can sit in came off the table. If we are going to get to that point, it will require a lot more than the reaction to Hurricane Katrina.

It will require a lot more than the reaction to the Gulf that was exposed in New Orleans. It will require a sustained commitment to be serious about these questions. It will require a sustained commitment to talk about issues of day care for working mothers, issues of health care for indigents, issues of exclusion for all kinds of groups who have been marginalized in America.

But I think those things are within our reach. The reason I think so is because I think that we have the capacity as a country to come back to a vocabulary and a dialogue of national greatness. We have the capacity as a country to talk about a vision that will make America great, that will not simply be based on the force of our arms, that will not simply be based on our intercontinental ballistic missiles, but will be based on the quality of the institutions that we build.

□ 1730

I will end by mentioning someone that I know inspired many of my colleagues in this body, Robert F. Kennedy, the Senator from New York who died seeking to change the country by winning the presidency.

He often ended his speeches by saying, ''Some men see things as they are and say why? I see things that never were and say why not?''

That has to be the constant challenge of all the Members of this institution who style themselves as progressives. The constant challenge has to be that we will see a range of visions, a range of opportunities and quality of life for our people that we have not previously seen and that we will have a national will to move toward that time.

So I thank the gentlewoman for organizing this event. I thank my colleagues for speaking.

In the final seconds I have here today, I will simply make the point that all of our citizens in this country ought to understand that we are impacted when some of our people do not share in the same circle of opportunity, but yet they are working and striving and pushing themselves every day to do it. That exclusion and that absence does not just wound African Americans, it does not just wound Latinos, it wounds everyone in this country that shares our national identity.

Ms. LEE. Mr. Speaker, I thank the gentleman for his statement also raising the need for sustained commitment, because that is what this country and the President must do and develop a plan to eradicate poverty by 2010.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to commend the gentlewoman from California (Ms. LEE) for her bill, H. Con. Res. 234, to require the President to immediately present a plan to eradicate poverty by 2010. Her resolution is indeed timely.

Hurricane Katrina has rubbed away the scar tissue from a festering national wound which is poverty and the growing economic divide that continues to afflict our great Nation.

Mr. Speaker, only a few weeks ago, the U.S. Census Bureau released its annual report on poverty income and health insurance coverage. The report documents that poverty rose by 1.1 million people from 2003 to 2004. The number of Americans without health insurance also rose from 45 million in 2003 to 45.8 million in 2004. Shame.

The facts presented by the Census Bureau report are incontrovertible. Poverty is on the rise throughout the United States of America, and let me briefly cite a few other startling facts taken from the latest Census report.

In 2004, 37 million Americans lived in poverty, up by 5.4 million from the previous year.

More than one in six American children now lives in poverty.

The poverty rate for African Americans was 24.7 percent in 2004. The poverty rate for Hispanics stood at 21.9 percent for the same year.

The real income of American households declined in 2000 among all income groups.

In my home State of California, 13.2 percent of its residents, or 4.4 million people, currently live in poverty; and 18.5 percent of Californians, or 6.7 million people, do not have insurance coverage.

The U.S. Census report is not the only recent document that details the

growth of poverty in the United States. Today, President Bush addressed the opening of the United Nations World Summit on Poverty and Reform. Earlier this month, the U.N. released a shocking report on global inequality that is critical of American policies towards poverty abroad as well as here at home.

Among its many startling conclusions, the U.N. report reveals that infant mortality has been rising in the United States for the past 5 years and now is the same as Malaysia. America's African American children are twice as likely as whites to die before their first birthday.

The U.N. report also notes that although the U.S. leads the world in health care spending, this high level goes disproportionately to the care of wealthier Americans. It has not been targeted to eradicate health disparities based on race, wealth and the State of residence.

Countries that spend substantially less than the United States have, on average, a healthier population.

For a century in the U.S. there has been a sustained decline in the number of children who died before their first birthday. But since 2000 this trend has sadly been reversed.

The U.S. is the only wealthy country with no universal health insurance system. Shame on us.

The United States, along with Mexico, has the dubious distinction of seeing its child poverty rate increase to more than 20 percent.

The U.S. ranked 17 out of the 18 OECD countries in the highest level of human and income poverty. The only OECD country the U.S. is ranked ahead is the country of Italy. Even Ireland ranks higher.

Poverty is a systemic issue, and we need to move on it now.

ERADICATE POVERTY

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes.

Mr. WATT. Mr. Speaker, I simply want to thank my colleagues in the Congressional Black Caucus who are taking the time and consistently putting forward this message that poverty and race and the convergence of them in this country must be an issue that we deal with.

I found it extremely ironic as Chair of the Congressional Black Caucus that it has taken a disaster like Katrina to refocus attention on the issue of poverty in this country. In fact, it has been interesting to see how this has evolved, because the Congressional Black Caucus has been dealing with this issue of poverty and the disparity in economic means between African Americans and other Americans in this country this entire year.

We developed an agenda in January of this year which was printed, released, covered and written about in the press. Press people were calling me, saying you have positioned this in a different way than it has been positioned in the past. And then all of a sudden what I found was quietly into the night the discussion about poverty and the convergence of poverty and race and class went quietly into the background.

What has been interesting since Katrina occurred is that the same press people who wrote about our positioning of this issue have been on the phone to me, saying why have you all not been talking about this? Why have you not kept this issue of race and class and poverty in front of us? We should have been talking about this.

And I have to remind them that, yes, look, you wrote about this in January and February of this year, and you must have forgotten about it. We have not forgotten about it. We have been talking about it all year.

It did not take a hurricane to make us patently aware that poverty exists in this country. In fact, what I would submit to you is if the same kind of catastrophe occurred in any city in America and the same amount of advance notice was given to the people of that city, the people who would get out would be the high-income people. They would heed the notice. They would have the resources to move away from the disaster that is coming down the pike. And the people who would not be able to heed the notice and the entreaties to get out of harm's way would be poor people; and in every city in America, every place in America they would be disproportionately African American, Hispanic and other minorities.

That is not only true of a hurricane. When you are poor, you cannot get away from bad health conditions, because you cannot take the preventative steps that you need to take to get treatment. When you are poor, you do not have the option of sending your kids to private school to get them away from bad schools. You do not have the option of doing a lot of things that we take for granted in this country.

So maybe my staff member is right. We do not like to talk about that in this country. We do not like to talk about poverty in this country because we have this notion that we all are equal. We are not equal except in writing.

Under our Constitution, we are created equal. We are supposed to be given equal opportunity, but when somebody starts at the 70 yard line in a race of 100 yards and somebody else is starting at the zero yard line, making up that difference is an impossible task, and we have got to recommit ourselves to making up that difference. It cannot be done just by people running faster and harder and longer. We have got to commit ourselves as a Nation to fighting poverty and its convergence with race.

WINNING THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I thank the Speaker for the opportunity to address the House this evening, really by way of reporting on a congressional delegation trip that I had the privilege of leading at the very turn of this month, the very last days of August, the very first days of September.

Our journey took us on a diplomatic mission through Egypt. We met with military commanders at Central Command in Qatar. But clearly the most memorable and meaningful time of our trip, which included the gentleman from Texas (Mr. HENSARLING), who we will hear from in a few moments, and three of our Democratic colleagues, the gentleman from Tennessee (Mr. DAVIS), the gentleman from Hawaii (Mr. CASE), and the gentleman from North Carolina (Mr. MCINTYRE), it took us for two full days into Iraq.

I rise tonight anxious to hear my colleagues' reflections on this trip and trips that they have taken as the gentleman from Iowa (Mr. KING) will join us. But I rise today to make a very simple assertion, that from what I saw on the ground, flying into Baghdad on C–130s, flying around to outpost bases far outside the Green Zone in Baghdad, far outside the safety net of the center of our operations in Iraq, what I herald from the soldiers, not just in official meetings but in informal interactions and what I heard from our commanders was a simple message: We are winning the war in Iraq.

□ 1745

I know, Mr. Speaker, that that is a very different message than most of the American people, some of whom may be looking in tonight, are getting from national television and from the newsprint.

The headlines today were resplendent with over 100 killed in a series of car bombs and suicide attacks in Iraq; but let me say emphatically again, from our meetings with General Abizaid at CENTCOM, to General Petraeus in Baghdad, our meetings with members of the 3rd Infantry Division and A Company of the 138th Signal Battalion from Indiana in Ramadi, I heard it again and again: we are winning the war in Iraq.

That is not a slogan. It is an objective fact, based on a few simple observations, because as many who are strenuous critics of the war would assert, we have endured casualties, the precise number still less than 2,000, but every single loss, including the 10 heroes from my congressional district, is grievous to every single family. I will not for a moment trivialize a single American loss; but as we heard from one soldier after another, some with four stars, some with one, some with

corporal bars sitting on top of amphibious assault vehicles in Ramadi, as I was with Lance Corporal Ty Cotton, but soldiers understand that you do not define victory in war by the absence of casualties.

When the U.S. Marines went ashore in Okinawa in 1945, April, we lost 10,000 soldiers in that military engagement and we won. We won the battle on Okinawa. It remains one of the great military victories in American history, because as we lost 10,000 American soldiers, the Japanese lost 200,000 soldiers in the same engagement.

Let us begin there in the definition of victory in Iraq. While we have lost somewhere shy of 2,000 soldiers in 4 years of fighting, and today we have 140,000-some-odd soldiers within Iraq, according to information we received, enemy casualties run from 20 to 30 to one American casualty; and more compellingly to me as we were informed, the number of Iraqi military personnel fighting on our side in uniform compared to our casualties is three to one. Three Iraqis in uniform, fighting for their own freedom, have died for every American fighting for their freedom in Operation Iraqi Freedom.

Beginning with that large statistic, Mr. Speaker, it is undeniable: we are winning the war in Iraq. As I will discuss later, literally hours before the gentleman from Texas (Mr. HENSARLING) and I and our colleagues touched down at the landing zone at the military base at Balad, there had been a mortar attack, a pretty typical engagement with the enemy, as near as was represented to us.

Two mortars were fired into the American base. They were tracked through extraordinary technology and professionalism from literally moments after they were fired, several thousand yards from the base. The incoming mortars were determined to be landing in an area where they did not threaten a significant amount of American military personnel. They did destroy two trucks, I believe, both of which were still on fire as we were landing on the base; but when we went into the command center at the Balad Air Base and saw the full report on that engagement, we learned that within 3 minutes of the launch of the mortars, American military personnel had identified where the mortars were fired.

Within minutes after that, American surveillance drones, known as Predators, flying overhead were able to surveil and identify up to 13 different insurgents who were making egress from the site where they had launched the mortar; and within 12 minutes from the time of the launch, all 13 of those insurgents were killed in a Hellfire missile attack on their location.

The intelligence, the military precision, no American casualties, 13 Iraqi casualties. We are winning the war in Iraq.

As we sat with General John Abizaid at Central Command in Qatar, pictured here in this photograph, we had a very intense and intimate hour with the four star general at Central Command; and before I yield to the gentleman from Texas (Mr. HENSARLING), my colleague, I want to share with my colleagues, without compromising any confidence, a conversation that I had with the general, which basically was derived from a recent stop that I made at the American Legion Hall in Selma, Indiana.

Mr. Speaker, Selma, Indiana, probably has the population of this House of Representatives when it is filled, maybe 500, 600 people. I popped into the Legion Hall about a week before I went to visit Iraq. I walked into the Legion Hall, and there were several guys, a few of them bellied up to the bar, a few more sitting around tables and chairs and playing cards; and as I said to General Abizaid, the guys at the Legion in Selma, Indiana, were concerned about what they were seeing on television. They wanted to know what is going on, did the soldiers over there have a cause, are we in this for the right reasons. I took by their meaning how are we doing in Iraq.

I told them I was leaving in about a week and I called the question and I had asked the brass and the regular soldiers. So I asked General Abizaid that very question. I said, General, what do I tell the guys in the Legion Hall in Selma, Indiana? Four Star General John Abizaid said in words that still ring in my ears, sitting at this table, he turned and looked at me, me here, him there, in his private office and he said, Congressman, you tell them we are winning the war in Iraq.

Then he explained it. He talked about that ratio of, yes, there are Americans that are dying, but 20 to 30 enemy insurgent soldiers are dying for every American that has fallen. Then he went on to point out that at no time in 4 years of fighting have we ever lost a military engagement to this enemy, never. Every time the enemy has engaged our forces, we have defeated them and defeated them summarily.

Another statistic that General Abizaid shared with me was the simple statement that we have never lost a full platoon in a military engagement with the enemy in this theater of combat.

He conceded that being a combat soldier, being a military man, knowing the ruthless nature of the perhaps even 10,000 insurgents that we are dealing with in Iraq, that he had assumed that maybe at this point they would have figured out how to launch and ambush, as they had done many, many times and maybe catch us unawares.

The Confederate Army caught the Union Army at Shiloh completely unawares. In war, people make mistakes, people end up exposed. The general basically said, in 4 years of fighting, I would have thought that they would have figured out a way to defeat a full platoon, but they have never done it. Every time they have engaged our forces, we have defeated the enemy.

He went on to say that the answer here is not entirely military; but, rather, that as we went out to Camp Caldwell along the Iranian border, as we went up to Balad, as we went out to Ramadi, we saw these are soldiers that are not only engaging the enemy successfully and not only defeating the enemy in military engagements, one after another, with professionalism and courage and precision, but they are also training Iraqi soldiers.

These are the two hands. The American soldier in Iraq today is doing the work of defeating the enemy, and at the same time, many of the same personnel are also training Iraqis to provide their own defense, and the statistics are rather overwhelming and impressive.

In the last 12 months, we have stood up in uniform over 100,000 Iraqi soldiers for the defense of their own country. Literally, 100 battalions have been stood up, a little bit more than 100 battalions, but roughly 100,000. As the general told us and the men on the ground told us who are training these soldiers, they are on track to stand up another 100,000 Iraqis within 12 months, Iraqis who would be able to take over their own security of their nation, both internal and ultimately external security.

Of the 100,000 Iraqis, roughly 30,000 of those are deploying every day with American soldiers. One full battalion, we were told, is fully independent and has to do with old tribal loyalties, and they can handle themselves and we let them handle themselves; but the balance of some nearly 29 battalions of nearly 1,000 men each are deploying either on point as we did along the Syrian border last week when literally Iraqi military personnel led the charge, defeating insurgents and killing insurgents along the Syrian border, or they are going right alongside with us.

So for those who want to minimize that, it is an extraordinary thing.

I will never forget it was Labor Day, the day that we were at the military base at Camp Caldwell near the Iranian border. So, of course, it is a military base, there was a Labor Day picnic going on. As the gentleman from Texas (Mr. HENSARLING) and the gentleman from Hawaii (Mr. CASE) and the gentleman from Tennessee (Mr. DAVIS), who had an awful lot of Tennessee Volunteers there, National Guard from Tennessee, urged us, we went to the Labor Day picnic. What a sight it was to see the American military personnel letting off a little steam, of course playing blue grass music; but the most awesome thing was walking on to a volleyball court and half of the people playing volleyball in T-shirts and shorts were Iraqis. Here I am at a Labor Day picnic at a military installation, along the Iraq-Iran border, and half the people playing volleyball with the Americans were Iraqis, the people that we were training.

In fact, we learned there at Camp Caldwell that in a matter of 3 to 6

months, when the Tennessee Volunteers, the National Guard, head back to Tennessee, they are not going to be replaced by American military personnel. They are going to be replaced by Iraqis, which is a statement of success. It affirms we are winning the war in Iraq. We are standing up an army, 100,000 now, and 12 months, 200,000 Iraqis in uniform. We are defeating the enemy. We have never lost a platoon or a military engagement.

I say, Mr. Speaker, with great respect to my colleagues and anyone else listening in, we are winning the war in Iraq; and it is time the American people began to hear that and hear that consistently. We are winning the peace.

As we prepare, we met with Prime Minister Jafari, we met with the ministers of interior and defense. October 15, the people of Iraq will vote to ratify, and it is my fondest hope and prayer that they will ratify, a constitution of their own making. This standing up of a legitimate government in Iraq, the standing up of an independent army of Iraqis in Iraq, and ultimately, the drawing down of American troops as Iraqis take responsibility for their political and security future is in the cards. It is happening. I know it is not making it on the evening news, Mr. Speaker; but I have seen it with my own eyes. I have heard it from our soldiers, not a one of which does not believe in the mission.

I will yield to the gentleman from Texas (Mr. HENSARLING) with this final thought. We must have talked to thousands of soldiers in the field, and I say that with absolute sincerity. We spoke to them in official meetings. We spoke to them on C–130s flying into the country. We talked to soldiers who knew where we were and who we were and soldiers who did not know who we were and knew that we would never see them again. I did not meet a single soldier anywhere in Iraq in the uniform of the United States of America who did not believe in this mission.

Every single soldier with whom I spoke said variations of the theme: we need to be here, sir; everything I have seen, we are doing what needs to be done; we have got to stop these guys right here.

We are winning the war in Iraq because of that kind of courage, that kind of determination. So allowing for my passion on this point, I yield to the gentleman from Texas (Mr. HENSARLING), a colleague who journeyed with us on this trip; and if I may say without embarrassing him, at a time when his own family was dealing with the tragic circumstances around Katrina, his own father-in-law, grandfather of his children, out of communication in New Orleans, but he was still willing to go into harm's way to be among the soldiers, and I commend him. I commend his wife, Melissa, for their dedication to our country.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I especially thank him for his leadership in this body. As the chairman of the Republican Study Committee, the largest caucus in Congress, the gentleman from Indiana (Mr. PENCE), my colleague, his leadership is second to none in this institution.

□ 1800

I am happy to call him my leader in the Republican Study Committee and to call him my friend. I was very grateful, Mr. Speaker, that he would invite me to join him on this trip over to Iraq.

It was very important for me, Mr. Speaker, that I travel over to Iraq. I thought it was important for a couple of reasons.

Number one, I thought it was very important to say ''thank you'' in person to the brave men and women who don our Nation's uniform and put themselves in harm's way so that we can live in a safer and more secure America. It was very important, I think, that these people hear in person, face to face, where they are sitting and fighting the battle for freedom and security, that they hear from us in person the Nation's gratitude for what they do.

I know it has been said before, but I do not know where our Nation finds such brave men and women to go and do this. It is so heartwarming that we in America have an all-volunteer military that produces such great men and women. So I wanted to thank these people in person.

Second of all, Mr. Speaker, as a Member of the United States Congress who has supported these troops in the field, we all know here in this institution that we are privy to a lot of briefings by three- and four-star generals. It is not that often, however, that we can get briefings from three- and four-stripe sergeants, those who are truly on the front lines of this effort; and I thought it was very important that I speak to these men and women as well.

I want to echo what my colleague had to say, and that is that we are winning this effort. That is not to deny the reality of what we see on the news every night and, as my colleague said, not to trivialize it, because the cost of this war is incredible. It is a terribly costly war in terms of blood and in terms of money. There is no denying that reality.

But in our living rooms back home, Mr. Speaker, and I come from Dallas, Texas, there is another reality that somehow never makes the 6 o'clock news, nor does it ever make the front page of my daily newspaper.

For example, no television station has ever shown up at my home in East Dallas at 8:30 p.m. to film either my wife or myself tucking our two children into bed in a safer, more secure America. No film crew has ever come to film that.

In my home of Dallas, no film crew has ever gone to the Northpark Shopping Mall and reported, ''Today there was no suicide bomber at Northpark Mall.'' You will never read that story back home in Dallas, Texas.

You will never read a newspaper headline saying, ''Today no one rammed a car filled with explosives through Mesquite Poteet High School.'' You will never read that story.

Yet I believe that because of what we are doing in fighting this war against terrorism, because of Operation Iraqi Freedom, we do live in a safer and more secure America.

Now it is no accident there has not been another attack since 9/11. That is not to say one could not happen tomorrow, but we will never win this war playing defense. We will only win this war playing offense. For the sake of our Nation, for the same of this generation and the next, we must win this war on terror. And there is no substitute for actually going to a place, Mr. Speaker, and talking to people and observing for yourself.

There are a lot of different statistics I could quote in how we are winning the war on terror, but let me share a few stories, a few observations I have which really spoke volumes to me.

First of all, traveling around Baghdad in an Army helicopter, all over Baghdad we saw the rooftops riddled with satellite dishes, something that was illegal in the regime of Saddam Hussein. The seeds of freedom of speech that have been planted in that country are fundamental to growing this democracy, this nascent democracy in this very vital part of the world. Satellite dishes all over Baghdad with now multiple sources of information and news that has not been seen in Baghdad in decades and decades and decades.

Now one of the programs they apparently receive on this satellite dish, and I did not see it myself but I had a soldier describe it to me, is a program entitled ''Angry Mothers.'' I guess in America the show would be part of our reality TV series. But when we watch American television, we only get the indication that all of the Iraqi people are either insurgents and terrorists or they cower in their homes. But that is not the reality that we saw. In this program entitled ''Angry Mothers,'' apparently when some of the insurgents are captured, they allow the mothers of those who have been wounded or killed by the insurgents to confront them. And although I do not know nor do I care to know how to curse in Arabic, I assume a fair amount of the show has to be censored.

We never see those pictures of the Iraqi people themselves confronting the insurgents and confronting them about their evil deeds and their evil purposes, but, Mr. Speaker, it takes place. It takes place every day, and it is taking place throughout the Iraqi television network.

Something else. In going to these various military bases that my colleague, the gentleman from Indiana (Mr. PENCE), described, whether it be Camp Caldwell or Camp Liberty, it was described to us that about 6 months

ago there might be two or three mortar attacks every day, and today it may be two or three a week. Mr. Speaker, it is still war, but it is progress. It is progress.

We heard a tragic story, and we have seen it in the news before, how at one of the many recruitment stations, where the Iraqi people will volunteer to help rebuild their country and be a part of their military service or to be a part of their police force, how at one of these recruitment stations the insurgents successfully bombed and killed many of the recruits. Well, Mr. Speaker, 24 hours later they had that recruitment station back open, and the exact same number of recruits showed up again. They knew what had happened. They wanted to be a part of building the new Iraq. Again, Mr. Speaker, I believe that is progress. That is helping win this war.

Human intelligence is a very vital aspect of fighting this war. Now, increasingly, more of the Iraqi people are helping locate the bad guys. We heard a story about an insurgent who was armed and who broke into a house. When Iraqi and American troops, working together, managed to go to this home and knock on the door, this insurgent informed the troops that he was the cousin from Baghdad of the lady of the house. Notwithstanding the fact she knew this insurgent had a gun, she said, ''No, sir, he is a terrorist. Take him away.'' That might not have happened 6 months ago in this country, but it is happening today, Mr. Speaker. And that is more and more progress in this war against terrorists.

Mr. Speaker, again let me just go back and talk a little about all the troops we met and reinforce a point that was made by my colleague from Indiana. Again, I am just so proud that I had an opportunity to meet with these brave men and women.

I remember hopping on a C–130 with a corporal out of Las Vegas, Nevada. He had just come back from 2 weeks of R&R, rest and relaxation, back home, and he has a family. He is married, and he has children. I said, ''Corporal, I guess you wish you were still back home.'' And he said, ''No, sir. Today my unit needs me more than my family.'' Mr. Speaker, that is the incredible level of commitment that we see.

I remember meeting a young captain from Indiana, the home State of my colleague who led this delegation. We asked him about what does it mean to him and his family to be there. He said, very sincerely, ''I hate being here. I hate being here, but I love my job, and I know how important it is to my country and my family that I succeed.'' Mr. Speaker, that is an incredible, incredible level of dedication that we have.

So some days, Mr. Speaker, it may be three steps forward and two step backwards. I am not here to say that this is easy work. I am not here to say that it is going to happen tomorrow. We cannot pick up democracy through a drive-in window. There is no such thing as McDemocracy. It takes a long time to develop it. But, Mr. Speaker, it is not democracies that threaten us, it is these authoritarian, despotic regimes that harbor terrorists, that train terrorists, that finance terrorists, and that seek weapons of mass destruction.

I agree with our President, though some do not, but I agree with him that there are some threats that you must meet before they fully develop.

Who, looking back at the pages of history, if they had an opportunity to stop Nazism and Adolf Hitler in 1930 would not have done it? Who would not have done it? If you had an opportunity to stop what the Soviet Union did in taking over Eastern Europe and holding it captive for 50 years, who would not have stopped that?

Well, I think we have an opportunity to stop this terrorist movement that is taking place and emanating from the Mideast. But we as an American people have to realize that this is not a sprint, Mr. Speaker, this is a marathon. It is a marathon.

The cost of cutting and running is too high, because the elements that would come back and take over in Iraq are the same people who were part of the Hussein regime. They are the same people who put together the despotic regime in Afghanistan. These are the people that would threaten the lives of our fellow countrymen, and that cannot be tolerated.

So, again, Mr. Speaker, I was very proud to be a part of this delegation led by the gentleman from Indiana (Mr. PENCE). I learned so much. I am so proud of our soldiers, and I wish everybody could see the day-to-day progress, this kind of sloppy, halting, but inexorable progress towards democracy that is taking place in Iraq today. Like I said before, some days it is three steps forward and two steps backward, but it is progress. We see it, we know it is happening each and every day, and because of it, I believe ultimately our country will be more safe and more secure.

With that, Mr. Speaker, I will yield back to my friend from Indiana.

Mr. PENCE. Mr. Speaker, I thank my friend for his powerful reflections on an extraordinary trip.

Before I yield to the gentleman from Iowa (Mr. KING), who led his own delegation in August to Operation Iraqi Freedom, I wanted to reflect for just a few minutes, Mr. Speaker, on a few of the soldiers I met from Indiana, the kind of people the gentleman from Texas (Mr. HENSARLING) was just talking about.

In fact, a very detailed version of this appears on my Web site, MikePence.House.gov on our Web log, or blog as it has come to be known. I literally sat down on the airplane flying back from Iraq and typed up my reflections and remembrances while they were still fresh, and I want to excerpt them for just a second, if I can.

This first photograph is my conversations with Sergeant Matt Wright, an extraordinary young man from Muncie, Indiana, and part of A Company of the 138th Signal Battalion stationed in Ramadi. To speak about the kind of dedication that my colleague just reflected on, as I talked to Sergeant Wright, he said, with the same kind of smile you see in this photograph, he said, ''Yes, sir, it is good to have you here. Yesterday was supposed to be my wedding day.'' And I said, ''Did you put it off?'' He said, ''No, sir. We moved it up 9 months so we could be married a couple of months before I deployed for 18 months to serve my country in Iraq.'' I mean, here was a man's dedication to his beautiful wife and his dedication to his country on full display. Sergeant Matt Wright.

We began making our way to the mess hall that evening, Mr. Speaker, in Ramadi. And Ramadi is principally the location of an enormous division of Marines who engage every night in the very dangerous patrols of this provincial capital of the west, of Iraq. In fact, many of the military commanders with whom we spoke said, even more than Baghdad, in the months ahead as we make that steady, to use my colleague's term, sometimes halting progress towards democracy and stability, much of the future fighting will take place in Ramadi, and it will be done by these brave Marines.

□ 1815

So we stopped on our way to the mess hall, and these five politicians started reaching up and shaking hands on these enormous amphibious vehicles, and suddenly I heard a voice say, Are you not going to say hello to the only Hoosiers here?

I stopped and looked up and saw this bright, freckled red head, a huge, strapping Marine named Ty Cotton from Anderson, Indiana. Ty leaned down and helped me climb up on that vehicle where we had a chance to visit for just a few minutes. As I talked to Ty about his mom, Marla, back in Anderson, I promised to look in on her and give her a report on how well he looked. We heard the commander in the background yell, 5 minutes.

I asked if there was anything we could do, if he had everything that he needed. And he said shyly, Sir, we have everything we need. I am with a great unit. Then I heard a shout, 2 minutes.

As I started to move toward the edge, I said, Ty, I want you to know the people back in Anderson are praying for you, and he looked at me with that shy smile, and he said, Glad to do it, sir.

We made our way to the mess hall to meet with the balance of the 138 Signal Battalion. I do not know what I expected when we went there. I sure did not expect to see this bright, good-looking group of men and women, faces shining like the morning, morale high, proud to be where they are, even though they are 8,000 miles away from their families. I sure did not expect to hear the optimism in their voices. One of the soldiers said it got way better in

Ramadi in the last year. To hear soldiers say it has got way better, the people on the ground living it, was very encouraging to me.

I was profoundly moved when one soldier after another asked about the families and communities affected by Hurricane Katrina. These soldiers are 8,000 miles away from their families, moms and dads, wives and kids, in 110 degree heat, and they are asking about New Orleans. They are Americans. They are an extraordinary lot.

As our Black Hawk helicopter lifted off from Ramadi, I watched the front lines on the war on terror, and I felt humbled by the men and women of the 138th that you see in this picture; and I felt more confident than ever in the justness of our cause and the war against terror and the belief it is vital to provide these men and women the resources to succeed. That begins by understanding that they are winning the war now, based on their professionalism, their commitment, their courage and the faith I encouraged in them, faith in God, faith in the country, and I say again, their faith in this mission.

I am going to go home this weekend and spend time with people at home, but I know the most bone-jarring thing that I have said to my constituents and colleagues, in two 20-plus hour days in Iraq, I did not meet a soldier who did not believe in the mission. General Mark O'Neill of the 3rd ID, I looked at him and said we appreciate your leadership. He said to me, Sir, it is a privilege to be here, but we have to stop these guys right here.

General Abizaid said to us, I think the most unreported story in America is how dangerous these guys are. If they get hold of this country the way they want to and become a petroleum power, these guys are the Nazis from the 1920s.

To understand that in this environment, as tough as it is, these soldiers are winning the war in Iraq. They are winning it because we have never lost a military tactical engagement. We have never so much as lost a platoon. They are winning it because we have stood up 100,000 Iraqis in uniform in the last 12 months and are on track to stand up another 100,000 in the next 12. And they are winning it because democracy is steadily advancing in a nation conditioned by thousands of years of authoritarianism, but it is advancing nonetheless with a constitutional referendum around the corner. We are winning the war in Iraq.

Mr. Speaker, I am happy to yield to the gentleman from Iowa (Mr. KING), who has been a tireless advocate of our soldiers in the field in Iraq and Afghanistan. He has just returned from leading his own delegation there, and I thought it altogether fitting that he and other colleagues associated with his travels might seize the opportunity of this Special Order to reinforce our firsthand account of what is really happening in Iraq, because what is happening is we are winning in Iraq.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Indiana (Mr. PENCE) and count it a privilege to stand on the floor of the United States Congress with the gentleman from Texas (Mr. HENSARLING) and a number of our colleagues who have come down here to speak out in defense of our country.

I consider it also a duty to go to the Middle East from time to time and Iraq in particular and visit with our soldiers over there. The first time I went was in October 2003. I had some trepidation on my way over there, not so much concerned about myself because once the decision is made to go, security is out of my hands and into the hands of others. But I did not want to be in the way. I did not want to go over there and have people who had a duty to do look and say, What is that Member of Congress doing here? Is he here for political reasons? What is his gig, so to speak.

I had that same feeling when I went to the hospitals at Bethesda and Walter Reed to visit the wounded soldiers. I asked myself, how are they going to react? I found out that they are glad to see a face that cares, a face that is interested in what they are doing and is part of the team. We are part of the team.

As the gentleman from Indiana (Mr. PENCE) mentioned, the kind of spirit, the shining faces that are there, and I wrote down a couple of things. It shifted my agenda here. One is it is an image that I will never forget and it was perhaps a year ago. I went to the hospital at Bethesda and I am scheduled to do that about every quarter to make sure that I have the feel for the kind of sacrifice that these brave men and women are making.

I remember walking into a room. There was a Marine captain in the room who had lost a leg right below the knee. His spirit was good, and he was strong. I said, what is in your future? And he said, I am going to stay in the Marine Corps. I am going to get therapy and get this prosthetic leg and be going, and maybe I cannot get back into combat; but I am a Marine, and that is my profession.

I asked, Is anything else going to change? He said, Yes, my wife and I are going to start a family right away. That is the kind of dedication that is there.

Also, one of the other anecdotes that came to me, when I visited with the 168th National Guard unit out of Sheldon, Iowa, and fortunately I was able to break bread in the mess hall with them, a couple of them had been back home for their 14 days of leave. They were the two with suntans, and they had gotten their suntan in Iowa. One of them said, I have been here, serving here for months and I went home for my 14 days of leave and I started watching television. I thought gracious, things have gotten a lot worse since when I went on leave. I wonder what it is going to be like when I go back. He came back, and it was just the same as when he left.

The question I continually get asked is, It is our duty to fight the enemy, but why do we have to fight the United States media at the same time?

The media is always looking for the very worst component of the worst element they can find so they can get the maximum kind of sensationalism, but not get that broad perspective of what is going on over there.

So I went over on the 15th of August and came back on the 20th. The heat got up to 128 degrees. A piece of information that I received from those Iowa farm boys, I could never figure out why is it nothing was growing along the irrigation ditches, why there was water and not a blade of grass next to it. Those Iowa farmers, they put a thermometer in the soil, 154 degrees was the soil temperature. We plant corn at 54 degrees. At 154 degrees, it sterilizes the seed and would cook anything to some of the level that they do in the restaurants in this city.

We went to some unusual places. I asked to go to some of those places because I think we need to hear some from that area. I believe we were the first congressional delegation to go down to Basra in the south. We went in there to that region, and there are two ports where the Tigris and the Euphrates rivers come together. There are two ports and most of the water freight that comes in and out of Iraq has to go through there. We visited a port where there is an Iraqi manager who has been there for 8 months. He increased production by 400 percent in 8 months. He did not understand the free enterprise system, however. He did not understand that gross receipts were not profit; you had to subtract the expenses. They are missing a little free enterprise culture, and we can help them with that.

I took a ride in an Iraqi navy patrol boat. Most Americans do not think about Iraq having a navy. They have an 800-man navy being trained by the British Royal Navy. We took a flight right around the harbor. They are proud of what they do.

I was standing there in the headquarters at the command central, the command headquarters in Basra of all of the provinces in the southern part of Iraq, and I looked around me and I started to identify where some of these soldiers were from. I started to look at the flag on their shoulders. In that group of about 15 or 18 soldiers, I picked out soldiers from the U.S., Britain, Australia, Iraq, they are part of the coalition, they are with us, the Netherlands, Romania, and Denmark, all in that cluster of 15 or 18 soldiers, that many different countries represented. I hear the criticism, this is not a coalition. Yes, it is. They are working with each other.

I received a briefing from the British general, General Denton. He filled us in on the current events and the tactics. It is fairly stable in the southern part

of the country. One of the things that he said that will stick with me is, ''I can think of no alternative but optimism.'' I like that phrase. If you do not believe that Iraq can be a free people, it can be a stable country, an oil-producing country, a country that starts to export dates again and the 28 million people there can put their lives back together again, what is your belief? How would you construct an Iraq? How would you want to direct that country if you were not an optimist?

I do not want to be involved in any planning done by anyone other than by optimists. I cannot have a pessimist there, I cannot even have one of those realists there because realists, just by definition, cannot follow a dream. They want to drag down someone else's, but they cannot follow a dream. Our soldiers are there, and they are following a dream. The Iraqi people are following a dream. They have their first grasp at freedom.

We looked at the oil field in the south, the distribution lines, the platforms where they load the oil out on supertankers. There is a lot of oil in the south in Basra. The equipment that is there is archaic. It goes back to the 60s, and it is going to take a lot of capital to get those oil fields back up to the level they need to be to get the country back on a fiscal track so they can fund their own construction and fund their own growth and development of Iraq. They are a long ways away from that.

The country is far more stable, but they need outside capital from other countries in the world and from multinational corporations that will go in and place a bet on Iraq. It will be a very safe bet because the oil is there. There is no question the market is there. With $70 a barrel oil, that makes Iraq look even better from an economic viability standpoint.

From there we boarded some British helicopters, and the British are great. Their service is good; they are professional. They give you a sense of security. They showed us the ports, and then we landed and walked around and took a look and had a briefing. After we looked at that, we flew over the wetlands where 800,000 Iraqis lived up until a little more than a decade ago when some of them rose up against Saddam Hussein, and he went down and killed about 120,000 of them, drove between 400,000 and 450,000 out of there, and shut the water off.

□ 1830

That area is twice the size of the Everglades, 8,000 square miles; and Saddam drove the population from 800,000 down to about 200,000 by drying them out, starving them out, and just going down and killing them. That was an impressive thing to see; and it is another place that has now been recovered, about 40 percent of the 8,000 square miles, because we have turned the water back into the wetland rather than diverted it away.

And then from there we went up to another place that a lot of Members have not gone to, but some have been up there, and that is up to Kirkuk to the oil fields in the north. And up there, there is so much oil that some of the oil seeps to the top of the ground. Where there is a pool of oil in what one might call a sand trap, there is a puddle of oil in there. It is not a spill. It is natural flowing oil that seeps to the top of the ground.

And there were oil spills too, as one might expect in a country like that. A lot of oil in the north that needs a lot of development, too; and they need to be able to get it to market. And here is one of the reasons why not. This is a pair of bridges, and these bridges were blown during the liberation of Iraq. If I have got the bridges right, and I believe it was this one, there were nine pipelines tied to that bridge that went underneath there, and, of course, all nine pipelines got knocked out.

So we put a lot of those pipelines back together, but one of them is a 40-inch pipeline, a pretty good size pipeline, 40 inches in diameter, so 3½ feet; and each time we would put that back together, then the enemy would blow it again. So we brought a contractor in there to take that 40-inch pipeline and lay it underneath the Tigris River, 25 feet under the Tigris River, by the way, so it is a little hard for them to dig down there and blow that up, and that will give it a little more security. It is one of the pieces of the infrastructure that has been put together.

After Hurricane Katrina, $18.4 billion almost sounds like loose change but $18.4 billion across a country of 28 million people the size of California that had been allowed to depreciate, erode, dilapidate itself over the last 35 years or more and a country that needs to be brought back up into the modern era. A country that could not produce enough electricity so they had to turn the lights off periodically, even in the cities that got the preferred power. And now we are distributing power to everybody equally, and the power is up to about 13 hours a day, kind on an average for everybody in Iraq.

But every time we raise the generation up and produce more electricity, then more Iraqis go out and buy the satellite dish, I say to the gentleman from Texas (Mr. HENSARLING), or they go out to buy an air conditioner. And if I had to choose between the two, I would take the air conditioner and skip the television, by the way. But when they buy the air conditioners, the demand for power goes up and up and up, and we cannot quite catch up with the equation of how much generation do we have to put in place before it meets the demand. But we are putting generation in place.

I have here a picture of the mother-of-all-generators. This generator came across 1,057 kilometers of not always friendly territory. In fact, a lot of it was hostile territory. It came in several loads, but there were two big loads. For me, I am a guy who has hauled some heavy loads. A 400-ton generator, 325-ton turbine, and they came in a caravan with other equipment that was about a mile long, and this has all been set up now and up and going. Actually, it is going to be formally put on line in about January.

But this mother-of-all-generators has been brought all across that territory, could not have a bullet wound in the generator, came through safe and sound, the generator, the turbine, and the rest of that. And they have constructed this together near Kirkuk, and this power will go to a number of the outlying communities as well as Kirkuk, and it dramatically kicks up the generation capacity.

So I went to see where the money went that would build the infrastructure of Iraq. And I saw renovated swamps. I saw sewer plants and lines that have been constructed. This generation that is here, I am watching them as they are constructing, not exactly a refinery, but it is a preliminary process to, I think, take the sulfur out of the oil that is there. I have watched work around that country, and I have watched the spirit of the people. And then from Kirkuk, we flew across in Black Hawks down to Baghdad across that vast open space and arrived in Baghdad.

We had to push and hurry because I was scheduled to meet with the Iraq Chamber of Commerce. I did not think about Iraq as having a chamber of commerce, and they are affiliated with the Americans in a way; so I believe they call it the American-Iraq Chamber of Commerce in Baghdad. They asked me if I would give a speech.

Yes, I will do that, but where is my interpreter?

Well, you do not need one because these people all speak English.

And I thought that was kind of a telling thing, and there were, I think, 56 of them there, somewhere between 55 and 60 Iraqi business people that are members of the chamber of commerce that want to do business. They want to get free enterprise going, and they just want to have a chance. The message that I carried to them was a message that America is not going to be the economic salvation for Iraq. Iraqis are going to be the economic salvation for them. They are going to need to build those traditions of free enterprise. They are going to have to build the institutions of business that go along with this free enterprise structure and culture that we have in the United States of America.

They have got a great start if that many of them can communicate with the rest of the world through a common form of communication currency called English. But they have got a lot of cultures to establish. If the manager of the port city down near Al Basrah does not understand the equation between gross receipts less expenses equals net income, it does not mean he is not a good manager. It just means

that there is a blank space in their upbringing, and I want to see the free enterprise culture established and grow. We can use American business people over there.

The security part is the part that I have the least amount of advice for because we have the highest degree of professionals that are there providing security. Soldier after soldier, when I looked them in the eye, I came back from that country, my third trip over there, more confident than ever in the job that they are doing and the security that is being provided. I believe that because of the National Guard and our Reservists, added to our active duty personnel, the people that have more experience than most, that bring their professionalism with them, I believe that we have fielded a military here of the highest quality of people ever to go to war, and that is our soldiers that are over there who are putting their lives on the line.

General Casey said something that I think we need to remember, and that was, ''The enemy cannot win if the politicians stay in the fight,'' and I believe that he meant the politicians here on the floor of Congress, Mr. Speaker. I believe he meant the House and the Senate. I believe he meant the people who believe, that are setting up quasiforeign policy, the people that the enemy are listening to. We need to send a solid message over to them: we stay in the fight here; the Iraqis stay in the fight there.

As the politicians and the military, we will have 200,000 in uniform by next spring, and they are leading the battle over there; and Americans are stepping back. And we have handed over a base now to the control of the Iraqi troops. Signs are positive. The free enterprise side is coming along. They will get a constitution ratified. When they do, they can sign a contract to develop that oil. When they develop that oil, that money will come into their coffers, and they can develop their country. That is the formula for success in Iraq.

I appreciate the gentleman from Indiana (Mr. PENCE) yielding to me, and I appreciate his leadership on this; and I look forward to the day that we can celebrate a victory in Iraq.

Mr. PENCE. Mr. Speaker, reclaiming my time, I thank the gentleman for his tireless efforts to see firsthand. This is a congressman from Iowa who, when there are controversies in the Federal courts, is on the steps of the courthouse. I know for a fact this weekend that he was in a Black Hawk helicopter flying over New Orleans and dining and supping with the people that are dealing with Hurricane Katrina. For him to be here tonight to add this critical, important dimension, as the gentleman from Texas (Mr. HENSARLING), whom I will yield to in a moment, and I were there focusing on the security in the Sunni Triangle, for him to come here and add to the record tonight that in realtime in the last several weeks the investment the American people are making in reconstructing this country is working. It is having its good effect. An Iraqi chamber of commerce is not something we are seeing on the CBS Evening News, but it is happening; and I am grateful to the gentleman from Iowa for bringing that perspective to bear and just for being who he is.

Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING) for any closing remarks he might have.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to say that I have been privileged to have a number of profound moments in my life; but I have to tell the Members, Mr. Speaker, one of the most profound moments I had was traveling to Baghdad, traveling to these military installations, meeting with our brave men and women, and reaching into my wallet, Mr. Speaker, and pulling out this very small photo of my two children, and looking these privates and corporals and sergeants in the eye and saying, Thank you. Thank you for what you do to keep my little 3½-year-old Melissa and my almost-2-year-old Travis alive in a safer, more secure America. And having them pull out photos of their children and having them tell me how they know how important it is that they fight for their families many, many thousands of miles away.

That was a profound moment in my life because, Mr. Speaker, I still do not know if the American people realize what the threat is. There are terrorists who have sworn publicly. This is not hyperbole. This is not exaggeration. They have said on the record they want to kill our children. It is that serious. They want to get their hands on weapons to attack and annihilate Western Civilization as we know it. This is their aim.

Mr. Speaker, the insurgents have proven very adept at taking innocent human life. They are very good at it. But what they have not proven adept at is halting this occasionally slow, awkward, clumsy, but inexorable, march towards democracy in Iraq. They have not stopped it, Mr. Speaker. People show up. They brave bombs and bullets to cast their ballots. And as we help this democracy flourish in Iraq, not only are we helping this people in this great and wonderful civilization. More importantly, we are making America safer and more secure. And that is what it is all about, Mr. Speaker.

Mr. PENCE. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

I cannot add to that closing, but will simply repeat, Mr. Speaker, we are winning the war in Iraq. And, Mr. Speaker, to anyone who is listening in tonight to hear the passion of the gentleman from Texas (Mr. HENSARLING), to hear the progress on the ground on civil society that the gentleman from Iowa (Mr. KING) described and to hear about these soldiers and our effectiveness, we have never lost a military engagement in 4 years with this enemy. We have never lost so much as a platoon. We are taking the enemy down at a rate of 30 to one that they are taking down our military personnel. That all spells victory. We are winning in Iraq.

But let me leave with one image. As we flew over Baghdad and over Ramadi, 150 feet off the deck, Black Hawk helicopters flanked by Apache helicopters, really scary-looking aircraft, I lost count of the number of men and women and little boys and little girls running from their homes and waving at our helicopter as we sped by.

And then what broke my heart was to see the helmeted soldier take one hand off that enormous 50 caliber machine gun and extend a gloved hand hurriedly out of the helicopter to wave back to those children and men and women. They were running towards the American helicopters. They were waving at the American soldier.

This was not a put-up job for some politicians flying through Baghdad. It was hundreds and hundreds and hundreds of people in Baghdad and Balad and Ramadi throughout the Sunni Triangle who were giving the thumbs up in a wave of friendship to their liberators, to the people who are fighting and sacrificing and succeeding in bringing them freedom and stability, which they so richly deserve.

With that I thank the gentleman from Iowa (Mr. KING) and the gentleman from Texas (Mr. HENSARLING) for joining me tonight. And I close with the thought we are winning the war in Iraq. Never doubt that.

TWO DAYS IN IRAQ

(By Representative Mike Pence)

SEPT. 6, 2005.—Our two days in Iraq began with a prayer and a brief reading from Psalm 91. After a short delay caused by an engine failure, we lifted off in the cargo hold of a C–130 aircraft filled with soldiers and materials returning to Operation Iraqi Freedom. On the faces of the soldiers we met aboard the aircraft, most of whom were returning from leave, was the evident anxiety of men returning to battle and sober determination. I overheard one soldier tell a colleague, ''I'm here for my family, my kids and my grandkids . . . so they don't have to deal with these guys.''

Upon arriving at Baghdad airport, we donned the helmets and body armor that would be our wardrobe for the duration of our stay and climbed aboard a Blackhawk helicopter, destination Phoenix Base, Green Zone, Baghdad.

The copters moved fast and low across the landscape of this city of several million. Different from my visit to Baghdad in 2004 when the streets were barren, the city sweeping past me below our helicopter was filled with people bustling about and large roads filled with traffic. The city of Baghdad is no longer the deserted war zone I saw before. Despite the violence of insurgents, Baghdad is alive again.

We landed at Phoenix Base in the Green Zone and attended meetings with the American Commander and the American Ambassador for situation reports. In our previous meetings in Qatar, the diplomatic and military authorities spoke of steady progress and a determined enemy, but there was no hint

of defeatism or pessimism. As we learned of over 100 Iraqi Battalions deployed with American forces, schools, basic services, agriculture, one is left with the sense that our folks in Baghdad have a plan and are working the plan 24/7. As one soldier told me, ''defeat the enemy, rebuild the country and give it back to the Iraqis.''

From our meetings with American leaders, we boarded our motorcade for meetings with the Prime Minister of Iraq and the Ministers of Defense and Interior, three of the most important leaders to the present and future of Iraq.

Prime Minister Jaafari greeted us in a formal setting and spent the first 15 minutes expressing the heartfelt condolences of the people of Iraq for the loss of life in Hurricane Katrina. He seemed most determined to convey that the insurgents engaged in violence do not represent the feelings of the people of Iraq. I asked him, ''Who is the enemy?'' and he replied with a litany referring to Beirut in 1983, 9–11, Sharm El Sheik, as all the work of ''the terrorists.'' He actually seemed slightly indignant about the question . . . as though anyone, with any common sense, would see that the enemy in Iraq is simply ''terrorists.''

In our meetings with two government leaders, two moments stood out. The Minister of Interior, a studious, bearded man, said the greatest challenge he faced was ''changing the culture of authoritarianism'' that followed the repressive history of Iraq. As we walked out, he and I spoke further about this point and I was moved by his ambition for his people to live under a just system of law and not of men.

The other moment came when another Congressman asked the Minister of Defense, ''what neighboring nation represents the greatest challenge to peace within Iraq'' to which he replied, ''all of them'' then added, ''Kuwait is ok.'' It was an illuminating moment. I will never forget that this new Iraq is, with one exception, floating in a sea of authoritarian regimes with long histories of association with terror among their people and their governments.

Our helicopters set us down at ground zero for American forces in Baghdad: Camp Liberty-home of the legendary 3rd Infantry Division under the Command of General Mark O'Neill. As we learned earlier, most of the terrorist violence in Iraq is taking place in 4 of the 18 provinces . . . all 4 are in the area under the control of the 3rd ID. But Gen. O'Neill, a thick-necked warrior with the mind of a CEO, said, ''Hey, it's what we do sir and we're glad to do it . . . we gotta stop these guys right here.''

After getting an update on action and progress, we headed to dinner with the troops including Evansville native Sgt. Dave Newland. Dave is part of force protection for the 3rd ID and is approaching 20 years and retirement but, from what he told me, there is no place he'd rather be. When I asked about the mission, he replied with a smile, ''We need to be here sir.'' We spoke of home, of his plans to move to Washington, Indiana and work for Crane. We spoke of the White Steamer, a diner in Washington, which turned out to be his Dad's favorite stop and one of mine. For that time we were not what we are doing (soldier/congressman), we were just a couple of Hoosiers swappin' stories from home. I told him everybody back home was praying and was proud and he said quietly, ''I know that, sir.''

As our C–130 took off from Baghdad airport, I thought of the men of the 3rd ID. I thought of the mission. And I thought of Sgt. Dave Newland. By God's grace does this nation still produces men like that.

Day two began at 3:30 a.m. as we headed for a day that would take us to four American bases in some of the most violent sectors of the ''Sunni Triangle.'' First stop, Camp Caldwell, near the Syrian border which is home to the 278th of Tennessee. We were the first delegation of elected officials to ever visit this base and the soldiers seemed delighted to see us...especially Tennessee Congressman Lincoln Davis. When Lincoln presented the command group with a coin bearing the US Capitol and spoke of the time when these Tennessee Vols would ''be a 'comin home,'' there wasn't a dry eye in the room.

It being Labor Day, the base had a picnic going on for soldiers off duty, so we made our way over to throw horseshoes and listen to blue grass music. I asked one soldier after another, ''What would Labor Day be without havin' a bunch of politicians show up to spoil your picnic?!'' While the atmosphere was festive, when I would ask ''How ya doin?'' or ''How's everybody back home holdin' up?'' one soldier after another would pause and get that far away look that you would expect from any soldier on a distant frontier. This unit has lost 12 men but defeated the enemy in every engagement. Their effort in training Iraqis has been so successful that their unit actually will not be replaced by American forces when they head home in a few months. Iraqis will take over Camp Caldwell. Mission Accomplished Tennessee.

Our Blackhawk helicopters and their Apache helicopter gunship escorts lifted off from Camp Caldwell at midday for the American airbase at Balad, another region of recent and intense insurgent activity. As we approached the base by air, I took note of a large column of black smoke billowing from the far end of the base. As we learned upon our arrival, at approximately 6 a.m. the base came under mortar attack by insurgents. While some equipment was damaged, as we learned later in the command center from a videotape replay, the enemy fared much worse.

Using our battlefield technology and real time intelligence, our forces identified where the mortar was fired and tracked 10 insurgents evacuating the area. With incredible precision, a hellfire missile scored a direct hit on the enemy as the eerie infrared video replay showed. The professionalism of these forces, young men and women who had to make split second decisions to save American lives, left most of us speechless.

We spent lunch with American soldiers in Balad at a huge mess hall while our colleague from Hawaii, Rep. Ed Case, held his own townhall meeting with the 29th National Guard out of Hawaii.

Our last stop of the day was Ramadi, the new home of the Anderson, Indiana based 138th Signal Battalion under the command of Captain Keith Paris of Marion, Indiana. Capt. Paris and Sgt. Matt Wright of Muncie met us at the landing zone and escorted us to the long, sand colored two-story building that these Hoosiers will call home for the next year. Capt. Paris is a determined professional whose patriotism, love of family and God exude from every pore of his body. In a short briefing in his modest 12x12 headquarters office, he explained how A Company was actually supplying all the real time communications for the ongoing battle in Ramadi, a city of some 500,000, that is the provincial capital of the west and a Sunni elite dominated area. Their sandbag reinforced and camouflaged operations are smack dab in the middle of a bustling base filled with moving tanks, armored vehicles and soldiers . . . and they all depend with confidence on the 138th.

Sgt. Matt Wright of Muncie was an impressive young married man who actually told me that his wedding was to have occurred the day before I arrived, but when word came of his deployment to Iraq, he and his fiancée decided to move it up nine months to accommodate their devotion to each other and our nation.

On the way to the mess hall, we encountered a Marine unit of armored vehicles headed out for maneuvers. As we reached up and shook hands with one soldier after another, I heard a voice from atop a tank yell, ''Hey, aren't you gonna say hi to a fellow Hoosier?!'' I looked up to see the broad smile of redheaded Cpl. Ty Cotton of Anderson, Indiana. He reached down and shook my hand as a voice cried out, ''5 minutes!''. . . the time the unit would roll to its duties in Ramadi. I climbed up the side of the vehicle so we could talk over the din of engines and troop movements. He told me to say hello to his mom, Marla, back in Anderson and I told him I'd look in on her and tell her how good he looked. As the commanding officer yelled, ''2 minutes!'' I told him the folks back home were praying for him, proud and grateful for his service. As I climbed down the side of the combat vehicle, Ty smiled and said modestly, ''Glad to do it, sir.''

In the mess hall, the young men and women of the 138th joined me for dinner. I don't know what I expected to find among these troops but what I did find was good spirits, high morale, fitness and a matter of fact attitude about the work ahead. I asked about the war and many spoke of steady progress, even in Ramadi. One soldier who had already seen a year in theatre said, ''It's gotten way better here in Ramadi from a year ago.'' They were confident Americans doing a hard job in a hard place, but no complaints.

Mostly they wanted to ask about home. We talked about Indiana's response to Hurricane Katrina. They were concerned about how the country was holding up after such a tragedy. In a war zone, working in 110-degree heat, sleeping behind sandbags and 8,000 miles from Mom, Dad, wife and kids . . . and they were worried about us. Where do we get men and women like these?

As our Blackhawk helicopters lifted off from Ramadi, I watched the sun set over this desert encampment on the front lines of the war on terror and I felt humbled by the men and women I saw, especially the Hoosiers of the 138th. I scribbled the names of the men and women I met and purposed to pray for them and their families until they return home . . . victorious, safe and sound.

And I felt more confident than ever that this war is just, the battle against terror is vital and the enemy can and will be defeated here and now. I believe that not because of the armor, the firepower or the technology that swept beneath me as we passed over one base after another. I believe that because I have looked into the eyes of the men and women fighting this war at every level, and their faith and courage has never and will never be defeated.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. DENT). Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, in a continuing effort to combat the adverse effects that illegal immigration is having on the United States, I have introduced a concurrent resolution that expresses the sense of the Congress that the President should immediately and unequivocally call for the enforcement of existing immigration laws in order

to reduce the threat of a terrorist attack and to reduce the massive influx of illegal aliens into the United States.

□ 1845

I will summarize the text of that resolution without the whereas clauses.

A primary duty of the Federal Government is to secure the homeland and ensure the safety of the United States citizens and its lawful residents.

As a result of the attacks on this country on September 11, 2001, perpetrated by al Qaeda terrorists in the United States, the United States is engaged in a global war on terrorism.

Four years after those attacks, there is still a failure to secure the borders of the United States against illegal entry.

The failure to enforce immigration laws in the interior means that illegal aliens face little or no risk of apprehension or removal once they are in this country.

The Government of Mexico actively encourages illegal immigration into the United States by, among other things, publishing how-to books and urging State and local entities to accept the metricula consular as valid identification.

Granting amnesty to illegal aliens, or even proposing legislation or efforts for amnesty for illegal aliens, serves only to generate more illegal immigration.

If illegal aliens can enter and remain in the United States with impunity, so, too, can terrorists enter and remain while they plan, rehearse, and carry out their attacks.

The failure to control and to prevent illegal immigration into the United States increases the likelihood that terrorists will succeed in launching catastrophic or harmful attacks on United States soil.

Mr. Speaker, I believe that we should resolve four things.

First, that the President and the Secretary of Homeland Security should immediately use every tool available to them to secure the borders against illegal entry.

Second, the President should announce publicly that he will oppose any proposal to grant legal status or amnesty to illegal aliens and that he and the Secretary of Homeland Security will use every tool available to stop illegal immigration into the United States and to announce efforts for the removal of illegal aliens from the United States.

Third, the President and the Secretary of Homeland Security should seek the assistance of State and local law enforcement personnel in enforcing immigration laws, whether through formal agreements to cooperate or through the elimination of sanctuary policies.

Fourth, the President and the Secretary of State should warn Mexico that any further action it takes to encourage illegal immigration to the United States will be viewed as interference with our domestic laws, in violation of the Vienna Convention on Consular Relations.

Mr. Speaker, I would like to close by reemphasizing how important it is for the position of this body and this government to say ''no'' to illegal immigration, to say ''no'' to amnesty. When amnesty occurs or is expected to occur, the floodgates are wider and more open for illegal aliens and those who might harm this country. Our future will be much safer and more secure if we will secure our borders and stop illegal immigration and give a resounding ''no'' to any amnesty policy.

RECESS

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

Accordingly (at 6 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2116

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 9 o'clock and 16 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 437, ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–221) on the resolution (H. Res. 439) providing for consideration of the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–222) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

June 29, 2005:

H.R. 483: An Act to designate a United States courthouse in Brownsville, Texas, as the ''Reynaldo G. Garza and Filemon B. Vela United States Courthouse''.

H.R. 1812. An Act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

July 1, 2005:

H.R. 3021. An Act to reauthorize the Temporary Assistance for Needy Fam1lles block grant program through September 30, 2005, and for other purposes.

H.R. 3104. 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.

July 12, 2005:

H.R. 120. An Act to designate the fac1llty of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the ''Dalip Singh Saund Post Office Building''.

H.R. 289. An Act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Sergeant First Class John Marshall Post Office Building''.

H.R. 324. An Act to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the ''Arthur Stacey Mastrapa Post Office Building''.

H.R. 504. An Act to designate the fac1llty of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building''.

H.R. 627. An Act to designate the facility of the United States Postal Service located: at 40 Putnam Avenue in Hamden, Connecticut, as the ''Linda White-Epps Post Office''.

H.R. 1072. An Act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the ''Judge Emilio Vargas Post Office Building''.

H.R. 1082. An Act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the ''Francis C. Goodpaster Post Office Building''.

H.R. 1236. An Act to designate the facility of the United States Postal Service located at 750. 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''.

H.R. 1460. An Act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the ''Captain Mark Stubenhofer Post Office Building''.

H.R. 1524. An Act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the ''Ed Eilert Post Office Building''.

H.R. 1542. An Act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the ''Honorable Judge George N. Leighton Post Office Building''.

H.R. 2326. An Act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the ''Floyd Lupton Post Office''.

July 20, 2005:

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.

July 1, 2005:

H.R. 1001. An Act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the ''Sergeant Byron W. Norwood Post Office Building''.

July 22, 2005:

H.R. 3377. 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.

July 27, 2005:

H.R. 3071. An Act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

H.J. Res. 52. An Act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

July 28, 2005:

H.R. 3453. 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.

July 30, 2005:

H.R. 3512. An Act to provide an extension of administrative expenses for 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.

August 1, 2005:

H.R. 3423. An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

August 2, 2005:

H.R. 38. An Act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

H.R. 481. An Act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 541. An Act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 794. An Act to correct the south boundary of the Colorado river Indian Reservation in Arizona, and for other purposes.

H.R. 1046. An Act to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming.

H.R. 2361. An Act making appropriations for the the Department of the Interior, environment, and related agencies for the fiscal year ending September 30., 2006, and for other purposes.

H.R. 2985. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3045. An Act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

H.J. Res. 59. An Act expressing the sense of Congress with respect to the establishment of an appropriate day for the commemoration of the women suffragists who fought for and won the right of women to vote in the United States.

August 8, 2005:

H.R. 6. An Act to ensure jobs for our future with secure, affordable, and reliable energy.

August 10, 2005:

H.R. 3. An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

August 11, 2005:

H.R. 1132. An Act to provide for the establishment of a controlled substance monitoring program in each State.

September 2, 2005:

H.R. 3645. An Act making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending September 30, 2005, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

June 29, 2005:

S. 643. An Act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

July 9, 2005:

S. 714. An Act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

July 12, 2005:

S. 1282. An Act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

July 9, 2005:

S. 544. An Act to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

August 2, 2005:

S. 45. An Act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 571. An Act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the ''Congresswoman Shirley A. Chisholm Post Office Building''.

S. 775. An Act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenvllle, Oklahoma, as the ''Boone Pickens Post Office''.

S. 904. An Act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the ''Brian P. Parrello Post Office Building''.

S. 1395. An Act, to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARTON of Texas (at the request of Mr. DELAY) for today and September 15 on account of the birth of Jack Kevin Barton.

Mr. ROYCE (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. PAUL, for 5 minutes, September 15.

Mr. HULSHOF, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. WATT, for 5 minutes, today.

Mr. GOODE, for 5 minutes, today.

ADJOURNMENT

Mr. DREIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, September 15, 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:

3868. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation, ''To amend the Cooperative Forestry Assistance Act to authorize the Secretary of Agriculture to provide certain financial assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau''; to the Committee on Agriculture.

3869. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Seventh Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

3870. A letter from the Secretary of the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-226, ''Sense of the Council in Favor of Fair Compensation Resolution of 2005,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3871. A letter from the Chairman, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form

and Content Reports for the third quarter of FY 2005 as prepared by the U.S. General Services Administration; to the Committee on Government Reform.

3872. A letter from the Acting Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3873. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year ending September 30, 2004, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

3874. A letter from the Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan under the Indian Tribal Judgement Funds Act, 25 U.S.C. 1401et seq., for the use and distribution of the settlement funds to the Confederated Tribes of the Warm Springs Reservation (Tribe); to the Committee on Resources.

3875. A letter from the Acting Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Framework Adjustment 1 to the Atlantic Deep-Sea Red Crab Fishery Management Plan [Docket No. 050510127-5190-02; I.D. 050305D] (RIN: 0648-AS35) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3876. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's 2004 report to Congress on the ''The Status of U.S. Fisheries''; to the Committee on Resources.

3877. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 08045C] received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3878. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #4 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 072205G] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3879. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 0722205F] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3880. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery [Docket No. 050209033-5033-01; I.D. 071505C] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3881. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2 — Adjustment of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 040429134-4135-01; I.D.072205E] received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3882. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D.071505B] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3883. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2004 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3884. A letter from the Secretary of the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 16-225, ''Sense of the Council in Favor of the Renewal of the Voting Rights Act of 1965 Resolution of 2005,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on the Judiciary.

3885. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a recommendation of the Army Coprs of Enginneer's plan to deepening and widening of a section Jackson Harbor, Florida; to the Committee on Transportation and Infrastructure.

3886. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP Tampa 05-093] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3887. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP Tampa 05-095] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3888. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Albert Whitted Air Show; Tampa Bay, FL [COTP Tampa 05-027] (RIN: 1625-A00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3889. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River Mile Marker 50.0 to Mile Marker 187.0, IL [COTP St. Louis-05-001] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3890. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3891. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass, Sabine, TX [COTP Port Arthur-05-007] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-05-006] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine Pass, Sabine, TX [COTP Port Arthur-05-008] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Port Neches, TX [COTP Port Arthur-05-009] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3895. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal; Port Arthur, TX [COTP Port Arthur-05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [COTP San Diego 05-011] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3897. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Napa River, California [COTP San Francisco Bay 05-005] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3898. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Las Mareas Bay, Guayama, Puerto Rico [COTP San Juan 05-046] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3899. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, 500 feet North and South of Mile Marker 103.2, in the vicinity of the Jackson Street Bridge, Pineville, LA [COTP New Orleans-05-026] (RIN: 1625-AA00) received August 25,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3900. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jefferson Parish, 4 Nautical Miles West of Barataria Pass, extending from the North Shore of Hackberry Bay to the South Shore

of West Champagne Bay, in the vicinity of Mendicant Island, LA [COTP New Orleans-05-027] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3901. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Louis Bay, Bay St. Louis, MS [COTP New Orleans-05-028] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3902. A letter from the Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River, Mile Markers 124.0 to 125.0, Clarksville, TN [COTP Ohio Valley-05-001] (RIN: 1625-AA00) received August 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3903. A letter from the Deputy Director, Bureau of Transportation Statistics, Department of Transportation, transmitting the Transportation Statistics Annual Report 2004, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

3904. A letter from the Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Council Bluffs, IA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

3905. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 071205A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3906. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's report entitled, ''The Year in Trade 2004: Operation of the Trade Agreements Program,'' prepared in conformity with Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

3907. A letter from the Deputy Associate Administrator for Congressional Relations, Environmental Protection Agency, transmitting two proposed bills to amend the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); jointly to the Committees on Agriculture and Energy and Commerce.

3908. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, pursuant to Public Law 108–188, section 104(e)(8); jointly to the Committees on Resources and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 437. Resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109–220 Pt. 1). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 439. Resolution providing for the consideration of the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (Rept. 109–221). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 440. Resolution providing for the consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes and providing for consideration of motions to suspend the rules (Rept. 109–222). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on House Administration discharged from further consideration. House Resolution 437 referred to the House Calendar and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KUCINICH (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Ms. CARSON, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RAHALL, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SABO, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 3760. A bill to establish a Department of Peace and Nonviolence; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. MARCHANT, Mr. JINDAL, Mr. BAKER, and Mr. ALEXANDER):

H.R. 3761. A bill to provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself, Mr. MARKEY, Mr. PLATTS, Mr. LEWIS of Georgia, Mr. KIRK, Mr. MENENDEZ, Mr. GILCHREST, Ms. ESHOO, Mr. BARTLETT of Maryland, Mr. MILLER of North Carolina, Mr. LEACH, Mr. OLVER, Mr. SHAYS, Mr. CARDOZA, Mr. GERLACH, Ms. SOLIS, Mrs. JOHNSON of Connecticut, Mrs. CAPPS, Mr. LAHOOD, Mr. HINCHEY, Mr. JOHNSON of Illinois, Mr. PALLONE, and Mr. LOBIONDO):

H.R. 3762. A bill to require higher standards of automobile fuel efficiency in order to reduce the amount of oil used for fuel by automobiles in the United States by 10 percent beginning in 2016, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. OWENS, Ms. PELOSI, Mr. VAN HOLLEN, Mr. BROWN of Ohio, Ms. DELAURO, Mr. MARKEY, Mr. HOLT, Mr. LEVIN, Mr. DOGGETT, Mr. GRIJALVA, Mr. ROTHMAN, Mr. STARK, Mr. FARR, Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mr. ANDREWS, Mrs. MCCARTHY, Mr. HINOJOSA, Mr. WU, Mr. NADLER, Mr. RYAN of Ohio, Mr. AL GREEN of Texas, Mr. MCDERMOTT, Mr. DEFAZIO, Mr. LANGEVIN, Mr. HONDA, Ms. LEE, Mr. KILDEE, Mrs. MALONEY, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. REYES, Mr. MICHAUD, Mr. SKELTON, Mr. RANGEL, Mr. ENGEL, Mr. FILNER, Mr. OBERSTAR, Mr. HIGGINS, Mr. VISCLOSKY, Mr. LANTOS, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. SHERMAN, Ms. SLAUGHTER, Mr. DINGELL, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. SCOTT of Virginia, Mr. UDALL of Colorado, Mr. DICKS, Mr. JEFFERSON, Mr. RAHALL, Mr. MCGOVERN, Ms. WOOLSEY, Mr. UDALL of New Mexico, Mr. KANJORSKI, Mr. HOYER, Mr. MORAN of Virginia, Ms. BALDWIN, Mr. PETERSON of Minnesota, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mr. STUPAK, Mr. TIERNEY, Mr. BLUMENAUER, Ms. KAPTUR, Mr. RUSH, Mr. COSTELLO, Mr. SANDERS, Mr. SABO, Mr. BRADY of Pennsylvania, Mr. MENENDEZ, Mr. SCHIFF, Mr. OBEY, Ms. ZOE LOFGREN of California, Ms. MILLENDER-MCDONALD, Mr. CARDIN, Mr. CARNAHAN, Mr. THOMPSON of California, Mr. GENE GREEN of Texas, Mr. COOPER, Mr. DELAHUNT, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HERSETH, Mr. EVANS, Mr. HINCHEY, Ms. SOLIS, Mr. LYNCH, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. ALLEN, Mr. TOWNS, Mr. PASCRELL, Mr. TAYLOR of Mississippi, Ms. BERKLEY, Mr. HOLDEN, Mr. BISHOP of New York, Mrs. JONES of Ohio, Mr. PALLONE, Mr. SNYDER, Ms. KILPATRICK of Michigan, Mr. COSTA, Mr. CLEAVER, Mr. ISRAEL, Ms. DEGETTE, Mr. DOYLE, Ms. ESHOO, Mr. MOLLOHAN, Mr. CONYERS, Mr. OLVER, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Mr. LARSON of Connecticut, Ms. VELÁZQUEZ, Mr. MCNULTY, Mr. RUPPERSBERGER, Mr. NEAL of Massachusetts, Ms. CARSON, Ms. NORTON, Mr. PRICE of Georgia, Mr. HASTINGS of Florida, Mr. EMANUEL, Mr. WEXLER, Mr. CAPUANO, Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. WYNN, Ms. CORRINE BROWN of Florida, Mr. CHANDLER, Mr. FRANK of Massachusetts, Mr. BOSWELL, Mr. BECERRA, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. CARDOZA, Mr. BERRY, Mrs. LOWEY, Mr. PAYNE, Mr. LARSEN of Washington, Mr. STRICKLAND, Ms. ROYBAL-

ALLARD, Mr. SCOTT of Georgia, Mr. MATHESON, Mr. ORTIZ, Mr. POMEROY, Mr. MELANCON, Mr. WEINER, Mr. PRICE of North Carolina, Mr. BAIRD, Mr. KIND, Mr. SMITH of Washington, and Mr. KENNEDY of Rhode Island):

H.R. 3763. A bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. MENENDEZ, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Ms. SLAUGHTER, Mr. DINGELL, Mr. MCGOVERN, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, Mr. GORDON, Mr. LANTOS, Mr. LARSEN of Washington, Mr. RANGEL, Mr. SKELTON, Mr. SPRATT, Ms. VELÁZQUEZ, Mr. ACKERMAN, Mr. AL GREEN of Texas, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CARDIN, Mr. CARNAHAN, Ms. CARSON, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. COSTA, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Mr. CLAY, Mr. BOUCHER, Mr. FORD, Mr. DAVIS of Tennessee, Mr. DOYLE, Mr. UDALL of Colorado, Mr. BACA, Mr. CHANDLER, Ms. KAPTUR, Mr. NADLER, Mr. BECERRA, Mr. HINOJOSA, Mr. CUELLAR, Mr. STARK, Mr. TANNER, Mr. CAPUANO, Mr. SMITH of Washington, Mr. BERMAN, Mr. SALAZAR, Mr. TIERNEY, and Ms. HARMAN):

H.R. 3764. A bill to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future; to the Committee on Transportation and Infrastructure.

By Mr. BAIRD (for himself, Mr. DICKS, Mr. INSLEE, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. REICHERT, Mr. SMITH of Washington, Mr. HASTINGS of Washington, and Miss MCMORRIS):

H.R. 3765. A bill to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits; to the Committee on Transportation and Infrastructure.

By Mr. MARCHANT (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3766. A bill to simplify Federal procurement procedures for emergency and disaster relief, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTERT (for himself, Mr. HYDE, Mr. EVANS, Mr. COSTELLO, Mr. GUTIERREZ, Mr. MANZULLO, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LAHOOD, Mr. WELLER, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mrs. BIGGERT, Ms. SCHAKOWSKY, Mr. JOHNSON of Illinois, Mr. KIRK, Mr. EMANUEL, Ms. BEAN, and Mr. LIPINSKI):

H.R. 3767. A bill to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building''; to the Committee on Government Reform.

By Mr. MCCRERY (for himself, Mr. JEFFERSON, Mr. BAKER, Mr. ALEXANDER, Mr. JINDAL, Mr. BOUSTANY, and Mr. MELANCON):

H.R. 3768. A bill to provide emergency tax relief for persons affected by Hurricane Katrina; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. EMANUEL, Mr. DOGGETT, and Mr. NEAL of Massachusetts):

H.R. 3769. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. CHOCOLA (for himself, Mr. VISCLOSKY, Ms. CARSON, Mr. PENCE, Mr. BUYER, Mr. BURTON of Indiana, Mr. SODREL, Mr. HOSTETTLER, and Mr. SOUDER):

H.R. 3770. A bill to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the ''Grant W. Green Post Office Building''; to the Committee on Government Reform.

By Mr. DAVIS of Kentucky (for himself, Mr. LEWIS of Kentucky, Mr. JEFFERSON, Mr. ENGLISH of Pennsylvania, and Mr. JINDAL):

H.R. 3771. A bill to allow certain coal exporters to directly claim a refund of the excise tax unconstitutionally imposed on coal exported by such exporters; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 3772. A bill to ensure that States do not issue driver's licenses or identification cards to sex offenders unless the offenders are in compliance with all applicable registration requirements; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Mr. ETHERIDGE, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MENENDEZ, Mr. OWENS, Mr. SERRANO, Mr. CROWLEY, Mr. CLEAVER, Mr. NADLER, Ms. WASSERMAN SCHULTZ, and Mr. DELAHUNT):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to reward those Americans who provide volunteer services in times of national need; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. JEFFERSON, and Mr. STARK):

H.R. 3774. A bill to provide for unemployment benefits for victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, and Mr. NEAL of Massachusetts):

H.R. 3775. A bill to provide for the update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize a special resources study to evaluate the suitability and feasibility of a national park unit within the Corridor, and for other purposes; to the Committee on Resources.

By Mrs. MYRICK (for herself and Mr. MCINTYRE):

H.R. 3776. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 3777. A bill to amend title 38, United States Code, to authorize additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. FARR, Mr. SHAYS, and Mr. PALLONE):

H.R. 3778. A bill to establish ocean bottom trawl areas in which trawling is permitted, to protect deep sea corals and sponges, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. BROWN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Mr. CASE, Mr. FILNER, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. SOLIS, and Ms. WOOLSEY):

H.R. 3779. A bill to authorize the Secretary of the Interior to establish a commemorative trail route in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mrs. CAPPS, Ms. ESHOO, Mr. DEFAZIO, Mr. MCINTYRE, Mrs. DAVIS of California, Mr. LIPINSKI, Mr. HONDA, Ms. WOOLSEY, Mr. CASE, Ms. LINDA T. SÁNCHEZ of California, and Mr. STARK):

H.R. 3780. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY:

H.R. 3781. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, Energy and Commerce, Small Business, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself, Mr. ROGERS of Michigan, Mr. MOORE of Kansas, Mr. BRADLEY of New Hampshire, Mr. BROWN of Ohio, Mr. SIMMONS, Mr. CROWLEY, Mrs. MCCARTHY, Ms. BEAN, Mr. CHANDLER, Mr. SPRATT, Mr. BOEHLERT, and Mr. FITZPATRICK of Pennsylvania):

H.R. 3782. A bill to prohibit price gouging of gasoline and diesel fuel in areas declared major disasters; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. UDALL of New Mexico, and Mr. PEARCE):

H. Con. Res. 242. Concurrent resolution providing for acceptance of a statue of Po'Pay, presented by the State of New Mexico, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. MEEHAN:

H. Con. Res. 243. Concurrent resolution expressing the sense of Congress that Billerica, Massachusetts, should be recognized as ''America's Yankee Doodle Town''; to the Committee on Government Reform.

By Mr. DREIER:

H. Res. 437. A resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina; to the Committee on Rules, and in addition to the Committee on House Administration, 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. ROTHMAN (for himself and Mr. KIRK):

H. Res. 438. A resolution urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East; to the Committee on International Relations.

By Mr. CALVERT (for himself, Mr. BOEHLERT, Mr. DELAY, Mr. GORDON, Mr. UDALL of Colorado, Mr. CRAMER, Mr. WELDON of Florida, Mr. ADERHOLT, Mr. MCCAUL of Texas, Mr. FEENEY, Mr. EHLERS, Mr. WELDON of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. BARTLETT of Maryland, Ms. BORDALLO, Mr. HALL, Mr. ROHRABACHER, Mr. BONNER, Mr. DREIER, Mr. COSTA, Mr. DAVIS of Tennessee, Mr. VAN HOLLEN, Mrs. DRAKE, Mr. CULBERSON, Mr. SMITH of Texas, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. DAVIS of California, Mr. BARTON of Texas, Mr. WYNN, Mr. BISHOP of Georgia, Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. MCGOVERN, Mr. MATHESON, Mr. GUTKNECHT, Mr. FORBES, Mr. CANNON, Mr. CARTER, Mr. SCOTT of Virginia, Mr. SODREL, Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. CONAWAY, Mr. KUCINICH, Mr. MOORE of Kansas, Ms. HARMAN, Mr. BRADY of Texas, Mr. CAPUANO, Mr. REYES, Mr. WOLF, Mr. BISHOP of Utah, Mr. REICHERT, and Mr. DOYLE):

H. Res. 441. A resolution to congratulate the National Aeronautics and Space Administration and the Discovery crew of Commander Eileen Collins, Pilot Jim Kelly, Mission Specialist Charlie Camarda, Mission Specialist Wendy Lawrence, Mission Specialist Soichi Noguchi, Mission Specialist Steve Robinson, and Mission Specialist Andy Thomas on the successful completion of their 14 day test flight to the International Space Station for the first step of the Vision for Space Exploration, begun from the Kennedy Space Center, Florida, on July 26, 2005, and completed at Edwards Air Force Base, California, on August 9, 2005. This historical mission represented a great step forward into the new beginning of the Second Space Age; to the Committee on Science.

By Mr. FOSSELLA:

H. Res. 442. A resolution honoring the Fordham University School of Law upon the occasion of its 100th Anniversary; to the Committee on Education and the Workforce.

By Mr. WALSH (for himself and Mr. UDALL of Colorado):

H. Res. 443. A resolution congratulating the United States Men's National Soccer Team on qualifying for the 2006 FIFA World Cup; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

169. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 05-1058 expressing support for the ''25 By 25'' initiative and promoting the increased producation of renewableenergy by the agricultural community; to the Committee on Agriculture.

170. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Memorial 15 urging the Congress of the United States to provide returning veterans with the care and respect they deserve by ensuring that they are allowed up to 21 days of ''decompression'' time following combat duty to transition back into civilian life and workplace; to the Committee on Veterans' Affairs.

171. Also, a memorial of the Legislature of the State of Oregon, relative to House Joint Resolution 16 urging the Congress of the United States to establish capital funds for grants to veterans starting new businesses; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TIBERI introduced a bill (H.R. 3783) for the relief of Abraham Jaars, Delicia Jaars, and Grant Jaars; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. SAXTON.
H.R. 226: Mr. KENNEDY of Minnesota and Mr. GILCHREST.
H.R. 239: Mrs. BLACKBURN.
H.R. 269: Mr. FOLEY.
H.R. 276: Mr. INGLIS of South Carolina.
H.R. 302: Mr. ROHRABACHER.
H.R. 305: Mr. SULLIVAN.
H.R. 314: Mrs. WILSON of New Mexico.
H.R. 328: Mr. BOUCHER.
H.R. 484: Mr. PLATTS.
H.R. 582: Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mrs. MCCARTHY.
H.R. 615: Mr. FORD, Mr. CUMMINGS, and Mr. RUSH.
H.R. 745: Mr. KILDEE.
H.R. 772: Ms. SCHWARTZ of Pennsylvania.
H.R. 782: Mr. SHERMAN.
H.R. 813: Mr. KIND and Mr. LYNCH.
H.R. 823: Mr. SHAYS and Mr. PRICE of North Carolina.
H.R. 838: Mr. CROWLEY.
H.R. 1106: Mr. BOUCHER.
H.R. 1120: Mr. ABERCROMBIE and Mr. PASTOR.
H.R. 1200: Mr. EVANS and Mr. WYNN.
H.R. 1202: Mr. KILDEE.
H.R. 1217: Mr. PASCRELL and Ms. BEAN.
H.R. 1245: Mr. OXLEY, Mr. SMITH of Washington, and Mr. CAMP.
H.R. 1246: Mr. ROGERS of Alabama, Mr. LARSEN of Washington, Ms. BEAN, Mrs. JONES of Ohio, Mr. NEAL of Massachusetts, and Mr. GILLMOR.
H.R. 1272: Mr. CANTOR.
H.R. 1298: Mr. SULLIVAN and Mr. GENE GREEN of Texas.
H.R. 1306: Mr. MEEKS of New York, Mr. LEWIS of Kentucky, and Mrs. JO ANN DAVIS of Virginia.
H.R. 1355: Mr. MCCOTTER.
H.R. 1376: Mr. STARK, Mr. ROTHMAN, Mr. MCNULTY, Mr. FERGUSON, Mr. CASE, and Mr. FRELINGHUYSEN.
H.R. 1402: Mrs. WILSON of New Mexico.
H.R. 1409: Mr. WATT.
H.R. 1445: Mrs. BLACKBURN.
H.R. 1457: Mr. CASE.
H.R. 1471: Ms. SCHWARTZ of Pennsylvania, Mr. KENNEDY of Rhode Island, Mr. AL GREEN of Texas, and Mr. HOLT.
H.R. 1558: Mr. GILCHREST, Mr. SESSIONS, Mrs. TAUSCHER, Mr. MILLER of North Carolina, Mr. EVANS, and Mr. KIRK.
H.R. 1688: Mr. EVERETT.
H.R. 1704: Mrs. MYRICK.
H.R. 1822: Mr. MOORE of Kansas.
H.R. 1864: Mr. ANDREWS and Mr. CUMMINGS.
H.R. 1898: Mr. CANTOR, Ms. PRYCE of Ohio, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1951: Ms. BERKLEY.
H.R. 1973: Mr. SMITH of New Jersey and Mr. MCCOTTER.
H.R. 2051: Mr. MOORE of Kansas.
H.R. 2177: Mr. GRAVES, Mr. PASTOR, and Mr. MARCHANT.
H.R. 2181: Mr. LINDER.
H.R. 2207: Mr. CROWLEY.
H.R. 2231: Mr. PALLONE.
H.R. 2358: Mr. CARNAHAN.
H.R. 2389: Mr. CRAMER.
H.R. 2421: Mr. REYES and Mr. SIMMONS.
H.R. 2471: Mrs. BLACKBURN and Mr. OTTER.
H.R. 2474: Mr. GORDON.
H.R. 2511: Mr. PALLONE.
H.R. 2512: Mr. SENSENBRENNER and Ms. SCHWARTZ of Pennsylvania.
H.R. 2533: Mr. BOUCHER, Mr. EVANS, and Mr. ETHERIDGE.
H.R. 2644: Mr. DAVIS of Illinois and Mr. RYUN of Kansas.
H.R. 2662: Mrs. DAVIS of California.
H.R. 2682: Mr. KENNEDY of Rhode Island.

H.R. 2694: Mr. COOPER.
H.R. 2740: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.
H.R. 2741: Mr. CONYERS and Mr. CASE.
H.R. 2742: Mr. BUTTERFIELD, Mr. OBERSTAR, Mr. GORDON, Mr. CASE, and Mr. RANGEL.
H.R. 2823: Mr. MCINTYRE.
H.R. 2828: Mr. STARK.
H.R. 2830: Mr. ISSA.
H.R. 2842: Mr. MARCHANT.
H.R. 2869: Mr. TIERNEY.
H.R. 2990: Mr. DAVIS of Kentucky and Mr. GERLACH.
H.R. 3008: Mrs. CAPITO.
H.R. 3011: Mr. BROWN of South Carolina, Mr. LAHOOD, and Mr. MARCHANT.
H.R. 3042: Mr. ABERCROMBIE and Mr. FRANK of Massachusetts.
H.R. 3050: Mr. SHERMAN.
H.R. 3061: Mr. HOEKSTRA.
H.R. 3096: Mrs. JONES of Ohio.
H.R. 3180: Mr. OTTER.
H.R. 3187: Mr. KUCINICH, Mr. CASTLE, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. EHLERS, and Mr. BOEHLERT.
H.R. 3255: Mr. DAVIS of Tennessee.
H.R. 3267: Mr. PAYNE.
H.R. 3301: Mr. SULLIVAN, Mr. ROSS, Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mr. SHIMKUS, Mr. OTTER, Mr. FOLEY, and Mr. LEWIS of Kentucky.
H.R. 3352: Mr. MCINTYRE.
H.R. 3361: Ms. ESHOO.
H.R. 3408: Mr. COSTELLO.
H.R. 3409: Mr. PAUL.
H.R. 3544: Ms. KAPTUR and Ms. SLAUGHTER.
H.R. 3561: Mr. REYES, Mr. CROWLEY, Mr. CASE, and Mr. STARK.
H.R. 3563: Mr. PASCRELL.
H.R. 3565: Mr. BLUMENAUER.
H.R. 3569: Mr. SANDERS, Ms. BALDWIN, and Ms. SCHWARTZ of Pennsylvania.
H.R. 3576: Ms. LEE.
H.R. 3588: Mr. PETERSON of Minnesota.
H.R. 3612: Mr. RUPPERSBERGER and Mr. REYES.
H.R. 3617: Mrs. LOWEY.
H.R. 3622: Mr. GRAVES, Mr. BILIRAKIS, Mr. BEAUPREZ, and Mr. ALEXANDER.
H.R. 3639: Mr. ACKERMAN, Mr. NADLER, Mrs. MCCARTHY, and Mr. ENGEL.
H.R. 3659: Mr. HOLDEN and Mr. BISHOP of New York.
H.R. 3662: Mr. MARSHALL.
H.R. 3667: Mr. GARY G. MILLER of California, Mr. COSTA, Mr. STARK, Ms. HARMAN, Mr. THOMPSON of California, Ms. SOLIS, Mr. BACA, Mr. DANIEL E. LUNGREN of California, Ms. WATERS, Mr. HUNTER, and Mr. DOOLITTLE.
H.R. 3671: Mr. GONZALEZ.
H.R. 3683: Mr. RYUN of Kansas, Mr. REHBERG, Mr. DOOLITTLE, Mr. MCHUGH, and Ms. FOXX.
H.R. 3690: Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, and Ms. BERKLEY.
H.R. 3691: Mr. DANIEL E. LUNGREN of California.
H.R. 3692: Mr. BISHOP of New York.
H.R. 3697: Ms. HARMAN.
H.R. 3699: Mr. DUNCAN.
H.R. 3710: Mr. MCGOVERN and Mr. FRANK of Massachusetts.
H.R. 3711: Mr. STARK, Mr. KENNEDY of Rhode Island, Mr. JEFFERSON, Mr. RANGEL, Mr. GRIJALVA, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. GEORGE MILLER of California.
H.R. 3712: Ms. LEE, Mr. PALLONE, and Mr. WEXLER.
H.R. 3737: Mr. EHLERS, Mr. BOEHLERT, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. WELDON of Florida, and Mr. SHERWOOD.
H.R. 3753: Mr. BISHOP of Utah, Mr. KLINE, Mr. LEWIS of Kentucky, Mr. NEUGEBAUER, Mr. TURNER, and Mr. HERGER.
H. Con. Res. 108: Mr. PETERSON of Minnesota.
H. Con. Res. 173: Mr. BOEHLERT.
H. Con. Res. 230: Mr. BURTON of Indiana and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 237: Mr. BISHOP of Georgia, Ms. FOXX, Mr. FRANK of Massachusetts, Mr. KIND, Mr. ROGERS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. BILIRAKIS, Mrs. MUSGRAVE, and Ms. SOLIS.
H. Con. Res. 238: Mr. LEACH, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. MEEKS of New York, Ms. LEE, Mr. ACKERMAN, Mr. CROWLEY, Mr. RUSH, Mr. CONYERS, Mr. HONDA, Mr. ENGEL, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. BERMAN, Mr. ISSA, Mr. SMITH of Washington, Ms. MCCOLLUM of Minnesota, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. WOLF, and Mr. ROHRABACHER.
H. Res. 15: Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Ms. MOORE of Wisconsin, Mr. PEARCE, Mr. BILIRAKIS, Mr. LYNCH, Mr. CHANDLER, Mr. KENNEDY of Minnesota, Mr. LEWIS of Georgia, and Mr. CANNON.
H. Res. 38: Mr. MCCOTTER.
H. Res. 192: Mr. GRIJALVA and Ms. BALDWIN.
H. Res. 323: Mr. DENT.
H. Res. 325: Mr. OWENS and Mr. MEEKS of New York.
H. Res. 375: Mr. MARKEY.
H. Res. 388: Mr. FLAKE and Mr. WELLER.
H. Res. 429: Mr. ORTIZ, Mr. MEEHAN, Mr. REYES, Mr. SNYDER, Mr. SKELTON, Mr. THOMAS, Mr. OSBORNE, Mr. JONES of North Carolina, Ms. ZOE LOFGREN of California, Mr. ROYCE, Mr. VISCLOSKY, Mr. BLUMENAUER, Mr. ROTHMAN, Mr. HEFLEY, Mr. WELDON of Florida, Mr. INSLEE, Mr. COSTELLO, Mr. LYNCH, Mr. TIERNEY, Mr. SABO, Mr. OTTER, Mr. PAUL, Mr. EVANS, Ms. MATSUI, Mr. CROWLEY, Ms. BERKLEY, Ms. WATSON, Mr. WAXMAN, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. GOODLATTE, Ms. HERSETH, Mr. UDALL of New Mexico, Mr. LARSON of Connecticut, Mr. HOYER, Ms. ESHOO, Mr. WU, Mr. KING of New York, Mr. DELAY, Mr. HUNTER, Mr. BLUNT, Mr. BARTON of Texas, Mr. SHADEGG, Mr. FEENEY, Ms. WOOLSEY, Ms. SCHAKOWSKY, and Mr. GEORGE MILLER of California.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

66. The SPEAKER presented a petition of New York State Bar Association, relative to a resolution opposing adoption of U.S. House Resolution 97 and Senate Resolution 92; to the Committee on the Judiciary.

67. Also, a petition of City of Atlanta, Georgia, relative to Resolution 05–R–1079 urging the the Congress of the United States to conduct the appropriate due diligence and support the reauthorization of the key enforcement provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 889

OFFERED BY: MS. LORETTA SANCHEZ OF CALIFORNIA

AMENDMENT NO. 2: Page 25, line 15, strike ''REPORT'' and insert ''REPORTS''.

Page 25, line 16, strike ''IN GENERAL.—'' and insert ''ADEQUACY OF ASSETS.—''.

Page 26, after line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's non-homeland security missions and homeland security missions, as those terms are defined in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468). Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

H.R. 889

OFFERED BY: MS. LORETTA SANCHEZ OF CALIFORNIA

AMENDMENT NO. 3: Page 5, line 20, strike ''45,500'' and insert ''50,000''.

H.R. 889

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 4: At the end of title IV add the following:

SEC. ___. VOYAGE DATA RECORDER REQUIREMENTS.

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

''§ 3507. Voyage data recorders

''(a) The Secretary shall prescribe regulations that require that a passenger vessel described in section 2101(22)(D) carrying more than 399 passengers shall be equipped with a voyage data recorder approved in accordance with the regulations.

''(b) Regulations prescribed under subsection (a) shall establish—

''(1) standards for voyage data recorders required under the regulations;

''(2) methods for approval of models of voyage data recorders under the regulations; and

''(3) procedures for annual performance testing of voyage data recorders required under the regulations.

''(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary $1,500,000 each fiscal year.''.

(b) DEADLINE FOR REGULATIONS.—The Secretary (as that term is used in chapter 35 of title 46, United States Code) shall initiate the prescribing of regulations under section 3507(a) of title 46, United States Code, as amended by this section, by not later than 6 months after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 46, United States Code, is amended by adding at the end the following:

''3507. Voyage data recorders.''.

H.R. 889

OFFERED BY: MR. FOSSELLA

AMENDMENT NO. 5: At the end of title IV add the following:

SEC. ___. ENSURING RELIABLE MEDICAL TESTING OF VESSEL PILOTS.

(a) SUBMISSION OF ALL PHYSICAL EXAMINATIONS.—The head of the department in which the Coast Guard is operating shall revise section 10.709 of title 46, Code of Federal Regulations, to require that an individual to whom that section applies shall submit to the Coast Guard the results of all physical examinations of the individual.

(b) INCREASE IN PENALTIES FOR FALSIFICATION OF PHYSICAL EXAMINATION REPORT.—In

lieu of the penalties provided under section 1001 of title 18, United States Code, any person that violates that section in preparing any report on the findings of a physical examination of an individual to whom section 10.709 of title 46, Code of Federal Regulations, as revised under subsection (a), applies shall be fined under title 18, United States Code, and imprisoned for not more than 5 years.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT NO. 6: In subtitle A of title IV, add at the end the following new section:

SEC. ___. SECURITY AND SAFETY REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) SECURITY AND SAFETY REVIEW.—The Commandant of the Coast Guard shall conduct a comprehensive security and safety review of the proposed construction, expansion, or operation of a waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships, including proposed shipping routes to or from the facility.

(b) PREPARATION OF REPORT.—Upon completion of a review under subsection (a), the Commandant of the Coast Guard shall prepare a report setting forth the results of the review and including any recommendations for measures that the Commandant believes are necessary to ensure the public safety and security of the proposed facility and the transportation routes to and from the facility, or to mitigate any potential adverse consequences.

(c) RESULTS OF REVIEW.—The Commandant of the Coast Guard shall provide to each Federal agency responsible for licensing, approval, or other authorization for the relevant construction, expansion, or operation, and to Congress, a report prepared under subsection (c), and shall also provide the information in such report, to the extent consistent with the protection of public safety and security, to affected State and local officials and the public.

(d) REPORTS TO CONGRESS.—

(1) SUMMARY OF ACTIONS TAKEN.—Not later than 6 months after a report is provided under subsection (d), the Commandant shall transmit a report to Congress summarizing any action taken by the facility owner or by any appropriate Federal or State agency in response to the Commandant's recommendations contained in such report. If no action has been taken to implement such a recommendation, the Commandant shall report on the reasons why no action has been taken, and shall include views on the failure to take the recommended actions.

(2) IMPLEMENTATION STATUS REPORT.—The Commandant shall transmit an additional implementation status report to Congress every 6 months until all of the recommendations contained in the Commandant's report prepared under subsection (c) have been implemented, or the Commandant concludes that implementation is no longer necessary and provides an explanation of the reasons for this determination.

(e) REQUIREMENT FOR APPROVAL OF CONSTRUCTION OR EXPANSION OF URBAN LIQUEFIED NATURAL GAS FACILITIES.—

(1) REQUIREMENT.—No person may construct or expand any urban waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships unless the Commandant of the Coast Guard has approved such construction or expansion. The Commandant shall not approve any such construction or expansion if, as a result of the review conducted pursuant to subsection (a), the Commandant determines that the proposed facility, or the expansion of the existing facility, would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

(2) CIVIL PENALTY.—Any person who violates paragraph (1) shall be liable for a civil penalty in an amount not to exceed $1,000,000 for each day of such violation.

(3) SAVINGS CLAUSE.—Except as provided in paragraph (1), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

H.R. 889

OFFERED BY: MR. INSLEE

AMENDMENT NO. 7: At the end of title IV add the following:

SEC. ___. REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT NO. 8: Add at the end the following new title:

TITLE—REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS

SEC. ___01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.

Section 70103(b)(2) of title 46,United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

''(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

''(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;''.

H.R. 889

OFFERED BY: MR. MARKEY

AMENDMENT NO. 9: Add at the end the following new title:

TITLE—REQUIREMENTS FOR MARITIME TRANSPORTATION SECURITY PLANS AND ASSESSMENTS

SEC. ___01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.

Section 70103(b)(2) of title 46, United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

''(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

''(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;''.

SEC. ___02. REQUIREMENTS FOR UNITED STATES FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.

Section 70102(b) of title 46,United States Code, is amended—

(1) in paragraph (1)(C) by inserting after ''contingency response,'' the following: ''chemicals or processes used by a facility that could be replaced with alternative chemicals or processes that could reduce the health, environmental or economic consequences associated with a transportation security incident in a manner that would not significantly impair the ability of the facility to conduct its business,''; and

(2) in paragraph (4) by striking ''includes'' and inserting ''adequately addresses''.

SEC. ___03. REQUIREMENT FOR NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.

Section 70103(a)(2)(C) of title 46,United States Code, is amended by inserting before the period at the end the following: '', including special efforts, measures, or procedures required of any new proposed facility that could deter a transportation security incident or reduce the consequences of such an incident involving the facility''.

H.R. 889

OFFERED BY: MR. SOUDER

AMENDMENT NO. 10: At the end of title IV add the following new section:

SEC. ___. ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.

There are authorized to be appropriated $25,000,000 for fiscal year 2006 and $25,000,000

for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 11: At the end of title I add the following:

SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), $60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

SEC. 211. OPERATION AS A SERVICE IN THE NAVY.

Section 3 of title 14, United States Code, is amended by striking ''Upon the declaration of war or when'' and inserting ''When''.

SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) TREATMENT OF PROCEEDS.—Any amounts received by the United States as proceeds of management or disposal of property by the Secretary under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert ''of 1990'' after ''Oil Pollution Act''.

At the end of title IV add the following:

SEC. 413. DETERMINATION OF THE SECRETARY.

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period ''before an administrative law judge''; and

(2) by adding at the end the following:

''(5) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary's determination.''.

SEC. 414. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

SEC. 415. MOVEMENT OF ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

''(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).''.

SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

''(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

''(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

''(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.''.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking ''or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' and inserting ''or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title''.

SEC. 417. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard $400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 418. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 424. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

At the end of the bill add the following:

TITLE V—LIGHTHOUSES

SEC. 501. TRANSFER.

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) FACILITIES DESCRIBED.—The facilities described in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—That area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—That area described in the December 30, 1975, listing on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—That area described as the remaining National Forest System uplands within the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) CAPE HINCHINBROOK LIGHT STATION.—That area described in the November 1, 1957, survey prepared for the Coast Guard, comprising approximately 57.4 acres.

(c) MAPS.—

(1) REQUIREMENT TO PREPARE.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(2) CORRECTIONS AND MODIFICATIONS.—In preparing such maps, the Commandant of the Coast Guard, with the approval of the Secretary of Agriculture, may make corrections and minor modifications to the lands described or depicted to facilitate Federal land management. Such maps, as so corrected or modified, shall have the same effect as if enacted in this section.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating under subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be deemed transferred from and no longer part of the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer to the Secretary of Agriculture, without consideration, any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System, if—

(A) the Secretary of the Interior cannot identify and select an eligible entity in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(2)) within 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w–7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w–8) or other applicable surplus real property disposal authority.

(g) PRIORITY.—In selecting an eligible entity to which to convey, under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), land referred to in subsection (b), the Secretary of the Interior shall give priority to any eligible entity, as defined in section 308(e) of that Act (16 U.S.C. 470w–7(e)) that is the local government of the community in which the land is located.

SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration.

(b) EFFECTUATION OF TRANSFER.—A transfer under this subsection shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. Such transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of any transfer pursuant to this subsection, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131), and section 703 of the Alaska National Interests Lands Conservation Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect to the property transferred under this subsection, the Secretary of Agriculture—

(1) may identify an eligible entity to be granted an easement or other special use authorization and, in doing so, the Secretary of Agriculture may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(1)); and

(2) may grant an easement or other special use authorization to an eligible entity, for no consideration, to approximately 31 acres as described in the map entitled ''Tree Point Light Station,'' dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and National Monument resources;

(C) public safety; and

(D) such other terms and conditions deemed appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified within 3 years after administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h–2(b)).

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

SEC. 503. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled ''Cape St. Elias Light Station,'' dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of the enactment of this Act; or

(2) any other release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of the enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) MAINTENANCE OF NAVIGATION FUNCTIONS.—The transfer under subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

TITLE VI—RESPONSE

SEC. 601. SHORT TITLE.

This title may be cited as the ''Delaware River Protection Act of 2005''.

SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

''(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

''(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.''.

SEC. 603. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

''(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

''(i) $1,550 per gross ton for an incident that occurs in 2005;

''(ii) $1,900 per gross ton for an incident that occurs in 2006; or

''(iii) $2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

''(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

''(i) $1,350 per gross ton for an incident that occurs in 2005;

''(ii) $1,500 per gross ton for an incident that occurs in 2006; and

''(iii) $1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or''; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking ''$10,000,000'' and inserting ''$14,000,000''; and

(ii) in clause (ii) by striking ''$2,000,000'' and inserting ''$2,500,000''.

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

''(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.''.

SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 605. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking ''RIVERA,'' and inserting ''RIVERA and the T/V ATHOS I;''; and

(2) by adding at the end the following:

''SEC. 7002. SUBMERGED OIL PROGRAM.

''(a) PROGRAM.—

''(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

''(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

''(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

''(C) The development of techniques to detect and monitor submerged oil.

''(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

''(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

''(b) DEMONSTRATION PROJECT.—

''(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

''(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

''Sec. 7002. Submerged oil program.''.

SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the ''Committee'').

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the ''Commandant'') completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay.

Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107–295) is amended—

(1) in section 407—

(A) in the heading by striking ''**LOWER COLUMBIA RIVER**''; and

(B) by striking ''$987,400'' and inserting ''$1,500,000''; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

''Sec. 407. Maritime fire and safety activities.''.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 12: At the end of title I add the following:

SECTION 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), $60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

SEC. 211. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

SEC. 212. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

SEC. 213. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

SEC. 214. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

SEC. 405. REPORT.

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert ''of 1990'' after ''Oil Pollution Act''.

At the end of title IV add the following:

SEC. 413. REPORT ON TECHNOLOGIES.

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

SEC. 414. MOVEMENT OF ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

''(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).''.

SEC. 415. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

''(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

''(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

''(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.''.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking ''or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' and inserting ''or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title''.

SEC. 416. ASSESSMENT AND PLANNING.

There is authorized to be appropriated to the Coast Guard $400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

SEC. 417. HOMEPORT.

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

SEC. 418. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

SEC. 419. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

SEC. 421. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

SEC. 422. DETERMINATION OF NAVIGATIONAL IMPACT.

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

SEC. 423. PORT RICHMOND.

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

SEC. 424. CAPE ST. ELIAS LIGHT STATION.

For purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled ''Cape St. Elias Light Station,'' dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

At the end of the bill add the following:

TITLE V—RESPONSE

SEC. 501. SHORT TITLE.

This title may be cited as the ''Delaware River Protection Act of 2005''.

SEC. 502. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

''(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

''(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.''.

SEC. 503. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

''(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

''(i) $1,550 per gross ton for an incident that occurs in 2005;

''(ii) $1,900 per gross ton for an incident that occurs in 2006; or

''(iii) $2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

''(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

''(i) $1,350 per gross ton for an incident that occurs in 2005;

''(ii) $1,500 per gross ton for an incident that occurs in 2006; and

''(iii) $1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or''; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking ''$10,000,000'' and inserting ''$14,000,000''; and

(ii) in clause (ii) by striking ''$2,000,000'' and inserting ''$2,500,000''.

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

''(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.''.

SEC. 504. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 505. SUBMERGED OIL REMOVAL.

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking ''RIVERA,'' and inserting ''RIVERA and the T/V ATHOS I;''; and

(2) by adding at the end the following:

''SEC. 7002. SUBMERGED OIL PROGRAM.

''(a) PROGRAM.—

''(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

''(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

''(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

''(C) The development of techniques to detect and monitor submerged oil.

''(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

''(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

''(b) DEMONSTRATION PROJECT.—

''(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

''(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

''Sec. 7002. Submerged oil program.''.

SEC. 506. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the ''Committee'').

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the ''Commandant'') completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 507. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107–295) is amended—

(1) in section 407—

(A) in the heading by striking ''**LOWER COLUMBIA RIVER**''; and

(B) by striking ''$987,400'' and inserting ''$1,500,000''; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

''Sec. 407. Maritime fire and safety activities.''.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 13: At the end of Title IV add the following:

SEC. ____. Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

''(4) Paragraph (1) of this subsection and Section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under Section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under Section 70105 of this title, when required.''

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 14: Add at the end of title IV the following:

SEC. ____. QUOTA SHARE ALLOCATION.

(a) IN GENERAL.—The Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implemented under section 801 of title VIII of division B of Public Law 108–199 is amended to require that—

(1) Blue Dutch, LLC, shall receive crab processing quota shares equal to 1.5 percent of the total allowable catch for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery; and

(2) the Program implementing regulations shall be adjusted so that the total of all crab processing quota shares for each fishery referred to in paragraph (1), including the amount specified in paragraph (1), equals 90 percent of the total allowable catch.

(b) APPLICABILITY.—Subsection (a) shall apply, with respect to each fishery referred to in subsection (a)(1), whenever the total allowable catch for that fishery is more than 2

percent higher than the total allowable catch for that fishery during calendar year 2005.

H.R. 889

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 15: Add at the end of title IV the following:

SEC. ___. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

(a) TREATMENT OF SECRETARY APPROVAL.—(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 91–190 (42 U.S.C. 4332(2)).

(2) DEFINITION.—(A) In this subsection, the term ''community development plan'' means a plan, prepared by a community development quota group for the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), that describes how the group intends to—

(i) harvest its share of fishery resources allocated to the program; and

(ii) use the harvest opportunity, and any revenue derived from such use, to assist communities that are members of the group with projects to advance economic development.

(B) In this subsection, no plan that allocates fishery resources to the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is a ''community development plan''.

H.R. 889

OFFERED BY: MR. INSLEE

AMENDMENT NO. 16: At the end of title IV add the following:

SEC. ___. REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.

(a) REQUIREMENT.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

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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.

O God, who keeps us in the midst of dangers, shelter us from temptations. Keep us from the pride that encourages us to think of ourselves more highly than we are. Deliver us from the lethargy which delights too much in ease and comfort. Save us from procrastination, from refusing to face the unpleasant, and from analyzing things until it is too late to ever do them.

Protect us from losing heart and hope, and from the desire to lower our standards and to accept things as they are. Today, guide our lawmakers away from the temptations of criticism and faultfinding. Give them the strength to resist the weakness of thinking the worst of others. Empower each of us to fight every seduction that makes sin more attractive. Provide us with the purity to overcome evil with good. We pray in Your Holy 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 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 Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today following the time for the leaders, we will have a 60-minute period for morning business. Following that time, which will end at approximately 10:45 or so, we will return to the consideration of the Commerce-Justice-Science appropriations bill.

Last night, we reached consent for a vote in relation to the Stabenow amendment on interoperable communications, which will again be at 11 a.m. That vote will be on a motion to waive a budget point of order with respect to Senator STABENOW's amendment.

As I stated last night, we have been on this bill for 5 days now and we need to finish our work on this legislation today. The two managers have done a good job working with Members on their language and have been able to accept a number of amendments. There are others that we will need to vote upon and we will be scheduling those for today and into this evening.

We need to be prepared to go late into the evening, if necessary, to complete the Commerce-Justice-Science appropriations bill. I hope we can finish earlier, but if we do have votes on many of the remaining amendments and Members insist upon that, it will be necessary to work late.

The hearings on Judge Roberts continue today in the Judiciary Committee. We have tried to accommodate that schedule with the least number of interruptions. However, we have to continue to get our work done on the Senate floor on these important appropriations bills.

I expect we will be voting throughout the day today and, as I mentioned, into the evening, to finish the Commerce-Justice-Science measure.

THE SCOURGE OF METHAMPHETAMINE

Mr. FRIST. Mr. President, I take a few moments to comment on one aspect of the Commerce-Justice-Science appropriations bill. In doing so, I want to thank my colleagues on both sides of the aisle for their bipartisan cooperation in getting this bill done, which I believe we can do by tonight. The funding in this bill is critical to the functioning of our Government, and I expect it will pass with strong bipartisan support.

Before we cast a lot more votes, I do want to call everybody's attention to one particular aspect of this bill that has ramifications throughout each of our States that people are becoming more and more aware of but deserves a lot more attention, and this is the methamphetamine crisis that is raging all across this country.

As a physician, as well as a legislator, I am troubled by this growing meth crisis. As we travel across our States and look at the devastation that is caused by this particular drug and the making and manufacturing of this drug, we do need to act. In the last 10 years, meth has become America's No. 1 drug problem—before marijuana, cocaine, heroin, and any other drug.

In Tennessee, we have been particularly hard hit. In 2004, Tennessee ranked No. 2, tied with Iowa and behind Missouri, in the number of methamphetamine lab seizures. A good friend of mine, Sandy Mattice, who is a U.S. Attorney for the Eastern District of Tennessee, describes meth as ''the worst stuff that we have seen.'' And it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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has led to some of the worst, most disturbing cases of violence and abuse we have ever seen.

Last month, as I was traveling across Tennessee, I heard again and again from people from all walks of life about the devastating impact meth is having on the people of our State. I heard the stories about meth destroying individuals' lives and families' lives, how mothers and fathers who are addicts abuse their children or each other during the highs as well as the withdrawals from meth. We have heard again how addicts steal from their own parents or even their own children because they are so desperate for money to buy meth.

One Tennessee case was so horrific that it made national news and ultimately changed Tennessee law. In June of last year, authorities found 3-year-old Haley Spicer at her father's mobile home in Campbell County. Haley had been burned with cigarettes and scalded with hot water in a bathtub. The fumes in her meth-addicted father's meth lab were so toxic that Haley's eyelids had even melted shut. Haley had to undergo a number of surgeries to open her eyes. She faces a lot more in terms of surgeries and operations to rebuild and reconstruct her nose and repair her ear.

Haley's father, Tommy Joe Owens, has been convicted on three counts of aggravated child abuse and one count of neglect. Owens, who claims to have never hurt his daughter, faces up to 60 years on each count at a sentencing hearing next month.

His live-in girlfriend Charlotte Claiborne pleaded no contest to the same charges and will likely be sentenced to 20 years. Haley's case was so disturbing that it led to swift and aggressive legislative action back in Tennessee. This August, the State legislature passed Haley's Law which drastically toughens the child abuse penalties. This was an important victory for the youngest victims of meth, but it addresses the problem after the fact, after meth has led to the violence. It is time for all of us to address what we can do to prevent this meth abuse.

Haley's father should be in jail for a long time, but we have to do more. Local law enforcement is crying out for our help.

Meth is highly addictive, and it is highly destructive as a substance. Users experience a powerful boost, described as more powerful than any other drug, three times the intensity of cocaine. The high lasts for longer, up to 8 hours. Users take hit after hit on sleepless binges that can last up to 2 and sometimes even 3 weeks. Once sucked in, many users find it impossible to climb out.

Take, for example, Lynn Noland, also of Tennessee. Lynn did not plan on becoming an addict, nor for that matter did she plan on becoming what she did, a drug dealer. It started 4 years ago when Lynn was a 36-year-old marketing executive and she tried her first hit. One hit became an addiction and she quit her well-paying job and started trading meth ingredients to support her habit.

She would disguise herself as a farmer, put on overalls and put on a ball cap and stop by the co-op to be able to purchase ingredients undetected in an unsuspecting way.

Another dangerous aspect of meth is it can be cooked anywhere with store-bought ingredients. So it is very mobile. It is easy to make and it is hard to detect where it is made. Lynn started cooking the drug herself in caves, as she describes it, and in little sheds.

''I could not live without meth,'' she said. ''I could not lift my head off the pillow to brush my teeth without it.''

Eventually, Lynn was arrested. She lost custody of her children and ended up in a halfway house. Lynn was lucky. She was able to kick her habit. Most addicts need repeated episodes of rehabilitation. Many never succeed and many never survive. They die of severe burns from lab explosions. Some commit suicide. Some are killed by a spouse who is also addicted.

Meth leads to depression; it leads to psychosis; it leads to skin infections; it leads to high blood pressure; it leads to hepatitis C; it leads to kidney damage; it leads to severe tooth decay, to name a few. The list goes on. The greatest health risk of meth is the impact it has on the brain. It rewires the brain. Methamphetamine produces a huge rush of a chemical called dopamine in the brain, and that results in a huge surge, a euphoria that results from this increase in dopamine transmission.

Over time, however, this excess of dopamine destroys the transmission, the neurological linkage system, within the brain, and users experience an inability to have emotions or pleasure without more amphetamine coming into the system all the time. Eventually, in a pattern similar to Parkinson's disease, there are no terminals there—they are destroyed—which can release dopamine and users experience prolonged and often permanent depression.

Thus, the personal cost is staggering. The cost to the community at large is staggering. An estimated 12 million Americans have tried methamphetamine. It is estimated that about 1.5 million people are regular users. In many areas of the country, the medical costs for county jails have doubled because of meth. Last month, a colleague of mine at Vanderbilt, Dr. Jeffrey Guy, who is director of Vanderbilt Medical Center's burn unit, which is in Nashville, told Newsweek: I do not know if we will have a burn unit 5 to 10 years from now if Vanderbilt continues to take on the large burden of $5 million to $10 million per year in uncompensated care for patients burned in meth lab explosions.

Doctors estimate that treating burn victims exceeds about $10,000 a day per patient, most of whom do not have health insurance. Meth abuse often leads to violent crimes, including domestic violence, assaults, robberies, and burglaries. Local law enforcement is finding itself overwhelmed. Most rural police departments do not have the resources to deal with all of the problems brought forward by meth to deal with the lab explosions, the expensive toxic waste cleanup required when one goes in and removes these labs. Each pound of methamphetamine leaves behind 5 to 6 pounds of this toxic waste, and the cleanup involves dangerous exposure to our law enforcement officers engaged in removal of these labs.

A very effective way to stop the meth crisis is to restrict the ingredients that make up meth and to restrict it all across the country in all 50 States. Jerry Estes, a district attorney general in Tennessee, has seen a dramatic reduction in meth lab seizures since our State, Tennessee, passed the bill restricting access to cold medicines that serve as the ingredients for the manufacture of meth. North Carolina, however, has not adopted similar legislation. As a result, what has been found, at least in southeast Tennessee, is that people will simply cross the border to buy those ingredients and bring them back home. Thus, we need a uniform policy across this country.

Jerry tells me the single greatest impact we could have on reducing meth abuse is requiring all 50 States to restrict access to pseudoephedrine. That is what the Combat Meth Act does. It requires States to restrict access to all cold medicines containing meth precursors so that meth producers simply cannot shop and cruise from State to State.

In closing, I thank Senators TALENT and FEINSTEIN for taking the lead on this issue and for their hard work in getting the Combat Meth Act adopted as part of the appropriations process. The Combat Meth Act is a critical first step to defeating this ongoing crisis. I urge my colleagues to follow this issue very closely because this is not going to be the end of it. This is the No. 1 drug problem facing the people of our States today. We will be talking about it a lot more in the coming days and weeks. Meth is destroying individuals, it is destroying families, and it is destroying communities. We cannot tolerate that. America needs to put a stop to this growing health and moral crisis.

I yield the floor.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. The majority leader, my colleague from Tennessee, speaks of methamphetamine. It is an enormous problem in this country, especially in rural States. I certainly appreciate the comments he has made today. It is something on which we must provide enormous focus. It is destroying lives. It is one of the most highly addictive drugs we know. You can cook methamphetamine virtually anywhere—an abandoned farmhouse.

You can buy the products from which you make methamphetamine, in many States, across the counter. This is a deadly drug causing havoc for so many people.

If you talk to law enforcement people about dealing with methamphetamine, they will tell you that when they arrest someone involved in methamphetamine, they don't quite know what they are going to get. These are people who can become the most enormously violent people in the world, or they can be passive. You don't quite know what you are going to find, what you are going to get. It contributes to substantial crime and destroys lives. I appreciate the comments of my colleague, the majority leader.

EMERGENCY PREPAREDNESS

Mr. DORGAN. Mr. President, I come to the floor to make a brief statement on something I know the majority leader and also the Democratic leader, Senator REID, have been speaking about in recent days, and that is the issue of the creation of an independent commission to evaluate exactly what kind of preparedness exists in this country and to evaluate this country's response to a natural disaster or to a terrorist attack.

It is important, it seems to me, in this case, to stare truth in the eye. We don't do that with fiscal policy. We don't stare truth in the eye with respect to trade policy. Both have the highest deficits in the history of the country at this point. There are many areas where we try to ignore what is going on, and we do so successfully, regrettably, much to the detriment of the future of this country. The question of what we do with disaster relief and disaster preparedness, preparedness to try to deal with a terrorist attack, is a different issue.

I noticed today in the newspapers and on television, the folks in New Orleans are beginning to clean up. Even as there remains the search for bodies and survivors, and so on, there are folks out sweeping the sidewalks in front of businesses, those businesses that have not been inundated with water. There are folks hauling away trash. There is a resiliency, a spirit that is irrepressible. Already people are starting to talk about their future, to clean up. So must we. So must we clean up and begin to repair.

None of this discussion should ever be about Republicans or Democrats. It is about success or failure. All of us looking truth in the eye must understand that the response by this country to what happened in the Gulf was a failure. Whose failure? I don't know. Perhaps the failure of all of us: Congress, the President, State and local officials—perhaps all of us. But I believe we ought to get to the bottom of it and evaluate how we change that which failed so miserably.

When you wake up this morning to the news that 34 people were left to die in a nursing home—yes, in the United States of America 34 people were left to die in a nursing home at the advent of an oncoming hurricane and breached dike and flood—you ask the question, Is this really the United States? What on Earth could have happened? We need to find out.

I know some of the Members of Congress have talked about creating a special committee in Congress to look at it. All right. It doesn't substitute for an independent commission, in my judgment. The President talked about his investigation, and, that is fine. What we need, most of all—what we did with respect to 9/11 is an independent commission with the kind of authority and power to get to the bottom of what happened. Why? Because if we do not fix what went wrong and make it right, we will remain unprepared in the advent of a terrorist attack or another natural disaster.

This was, we think, the worst natural disaster in this country's history. It can happen again. But we know terrorists will want to commit a terrorist attack in this country. We know there are thousands of nuclear weapons that exist in this world. We know there are people worried about terrorists acquiring a nuclear weapon, detonating it in a trunk in a rusty Yugo sitting on a dock in one of America's major cities. What kind of response, what kind of disaster preparedness exists to deal with a terrorist attack?

I know why there are some who do not like independent commissions: you can't control them. You can't control information. You can't control direction. You lose control with an independent commission.

But we need an independent commission to investigate exactly what has happened, what went wrong at all levels, and try to evaluate how we put together a process that really does work, that represents the best of this country.

We know this country works. It has great ingenuity, great capability, but something happened that went wrong in a very significant way. This was a mess. It is not about blame, it is about accountability. Who is accountable? How are they accountable? How do we make them accountable?

So I believe we have a desperate need at this point to move quickly to put together an independent commission that can begin putting the pieces together. Even as the folks in New Orleans begin putting their city back together and cleaning up, so, too, should the President and Congress begin putting this together and cleaning up and evaluating it through the best work of some of the best minds in our country, some of the best people we can call on to serve on an independent commission to evaluate and investigate what went wrong and how do we, as a country, fix it.

ENERGY COSTS

Mr. DORGAN. Mr. President, there is one additional point I would like to make on legislation I have introduced. I notice the Energy Information Administration just released its short-term outlook. They forecast dramatic increases for residential energy costs this upcoming winter.

I come from North Dakota. We don't exactly have balmy weather in February and January, the middle of winter. We can sometimes have some pretty tough winters. It is a great State, but we have some tough winters. The ranges for heating fuel expenditures for natural gas in the Midwest, according to the EIA, are 69 to 70 percent increases in the winter in the Midwest.

We have a lot of folks who are going to have a devil of a time trying to pay these costs. I made the point before, and I know there are people in this Chamber who chafe at this, that the major integrated oil companies have gotten larger through mergers. They are much more powerful. They have the capability, working with others, to determine what happens in pricing and supply. We have OPEC people sitting around a table talking about pricing supplies. Then we have a futures market which is supposed to provide liquidity—which it does, but it provides much more than that nowadays. It is rampant speculation in spot markets. The result of that is the highest prices we have seen in this country.

Last year, the price of oil was $34.50 a barrel—January 31, 2004. At that price the oil companies are making record profits. Now it is $30 above that. That is $7 billion a month in extra profit, $80 billion on a yearly basis of extra profit. That, in my judgment, is unfair. Flowing through it is a 70-percent increase in natural gas prices to those trying to heat their homes, or flowing through the gas pump where you put in 15 gallons and pay $52. That is unfair. I think there ought to be a windfall profits tax recapturing that windfall and using it in rebates to consumers. I don't begrudge anyone a fair profit, but this is not a fair market and I believe Congress should take some action. This issue existed long before Hurricane Katrina formed and hit this country, and I believe it behooves this Congress to address these issues, especially before we go into the winter heating season and the folks, particularly in the northern Great Plains and other States, are going to pay 70 percent increases—in some cases a price they simply cannot afford to pay for something as basic as heating their homes.

This Congress needs to act. I hope one of the actions will be to consider the legislation I have introduced.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, it is difficult to find words adequate enough to express the emotions of so many Americans, all across the country, as we continue to learn more about the utter devastation of the Gulf Coast region by Hurricane Katrina.

Hundreds of lives have been lost. Thousands more have been ripped apart, as Gulf Coast residents have lost their homes, savings, or possessions. A great American city, New Orleans, has been reduced to a ghost town. In the months ahead we will have much rebuilding to do—although there is no doubt in my mind that the gulf coast will be rebuilt, and rebuilt stronger than ever before.

We have already made great progress towards assisting the Gulf region here in the Senate. In the last several days we have passed over $62 billion in emergency relief. These funds are flowing to the people who most need help as we speak.

The majority leader is working to clear a measure that would accelerate billions of dollars of payments to states under the Temporary Assistance to Needy Families, or TANF, program. The House passed it by voice vote last week, and we ought to do the same.

This kind of important action is by no means found only in the United States Congress. In this time of crisis, it has been inspiring to see so many millions of Americans moving quickly to help in their fellow Americans' hour of need.

Individual citizens are making a difference. I would like to share with my colleagues an inspiring story about a group of officers from the Kentucky Department of Fish and Wildlife Resources. Twenty-three officers, most of whom did not know each other when they set out, took 12 boats to New Orleans and scoured the flooded neighborhoods to rescue over 200 people.

The men who volunteered for this mission came from all over Kentucky—towns like Somerset, Paris, Mount Vernon, and Pippa Passes. They spent 3 days in New Orleans, searching flooded houses, rescuing survivors, and bringing food and water to many.

Led by Captain Clark Boggs of Philpot and Captain Frank Floyd of Bedford, these men risked their health and safety for those they did not know. On the first day, they heard gunshots ring out near them. The toxic water they steered their boat through was a breeding ground for who knows how many diseases. Some of the men still bear scars and rashes from their mission.

But they returned to Kentucky with happier mementoes as well—Mardi Gras beads, given as tokens of thanks by New Orleans residents grateful that they had been rescued. When they spent their nights at a local church, or took refuge in a school, appreciative locals brought them hot plates of Cajun food. Most importantly, they will never forget the looks of relief on the faces of the people they rescued, people who thought they had been forgotten.

Let me also speak about a group of Kentucky doctors and nurses who flew down to the vicinity of New Orleans to provide emergency medical services. When they arrived, they found two gymnasiums full of people requiring medical attention. They assisted in setting up an emergency shelter that has to date treated over 7,000 patients.

One of the nurses, Addia Wuchner of Florence, KY, is also a state representative. She spent seven days helping the people of New Orleans and told my staff about her experiences there.

One of the hardest parts of her job was to tell the people she was treating, who had not been watching the news and had no idea of the devastation to New Orleans, that their homes were most likely flooded and unsalvageable. She also had the much more pleasant opportunity to reunite a grandfather and a granddaughter.

St. Elizabeth Medical Center in Edgewood, KY, donated the medical supplies that the team brought with them. And St. Elizabeth Medical Center is holding several fundraising drives and collecting employee donations, to continue to aid the people of the Gulf Coast region. The group's airfare was paid for by a local Kentucky businessman named Bill Butler, who graciously stepped in when the medical team was unsure whether they would be able to afford to fly down to help.

Let me share another story. Once upon a time, before Katrina, Charity Hospital in New Orleans helped the Pikeville Medical Center, in Pikeville, KY, set up a drug detoxification program. So when New Orleans needed help, the Pikeville Medical Center responded. A nurse named Cheryl Hickman rounded up other volunteers willing to travel down to the Gulf Coast area, and within hours a team of nurses and EMS personnel were on the road, driving ambulances stocked full of medical supplies.

Stories like these, stories of generosity and charity, are so numerous in Kentucky that I could tell you many more. Churches, rotary clubs, and charitable organizations throughout the Commonwealth have raised hundreds of thousands of dollars. Even two little girls in my hometown of Louisville, KY, 12-year-old Briana O'Holleran and 11-year-old Amy Williams, raised $60 by setting up a lemonade stand.

Kentucky employers are also making a difference. Humana Inc., a health care company based in Louisville, KY, has donated $1 million to relief efforts—half of that to the Red Cross, and half to local relief agencies in the Gulf Coast who are able to use the money for food, clean water and other supplies and get it to the people who most need it.

UPS, a major employer in Louisville, has donated $1.25 million to several different agencies. Also, since they are of course a shipping company, they have provided transportation services for relief agencies, and have hauled bottled water into Mississippi for evacuees.

General Electric, which has its appliances division based in Louisville, has donated $6 million to the Red Cross, and their employees have raised another $1 million which will be matched by the company. They are also working to donate $10 million worth of generators and equipment to aid relief workers.

And I am sure that all of my colleagues could stand up and tell us of similar stories from their states. Kentucky is not unique when it comes to the outpouring of such goodwill. By sharing these stories, I hope I have reminded my colleagues that the compassion of ordinary, everyday Americans is a stronger force than the winds of any hurricane.

So, Mr. President, as we continue our vital work here in the Senate to get the Gulf Coast region back up on its feet again, I hope we will be guided by the giving spirit of the Kentuckians I have mentioned. Just as they, and so many others, are working tirelessly to restore hope and mend broken lives, so should we.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to express sympathy to all those impacted by the disaster of Hurricane Katrina.

Each of us, in our own way, reaches out to Senator VITTER and Senator LANDRIEU, Senator LOTT, Senator COCHRAN, Senator SESSIONS and Senator SHELBY, whose States have been ravaged by a natural disaster, frankly, beyond calculation and beyond the plans and the very best intentions of those on the ground. It is a fact that sometimes nature is bigger than we are. Katrina is evidence of one of those occasions.

It has been disappointing that there has been a rush to play politics with a natural disaster. There has been an excess of finger-pointing and fault-finding. I note that President Bush yesterday bravely said that if you need to blame someone, blame him. I don't believe the blame belongs with him, but he recognizes his role in leadership. I salute him for his courage in simply trying to find the solutions and not spending wasted effort pointing fingers and placing blame.

I represent a State that has known its share of natural disasters—volcanos, wildfires, and a tsunami several decades ago. While Oregon is a long way from the Gulf Coast, we have been near in the relief effort and helping in recovery. I rise today to let the Senate know how proud I am of the response from my home State of Oregon. Oregonians have big hearts. With their trademark of selflessness and generosity, they have responded in a wide number of ways to help our friends in the South.

The Oregon Trail Chapter of the Red Cross has a national reputation for being one of the first chapters to call when experienced volunteers are needed to respond to disasters. Since the hurricane hit, the Oregon Red Cross volunteers have been working around the clock to help the relief effort. The chapter worked quickly to set up an emergency evacuation center in Oregon should one be needed to house evacuees. It was made available. It was offered repeatedly, but it has not been necessary.

The chapter this week is also holding a massive instructional program with the goal of training 1,000 Oregonians on disaster preparedness.

Volunteers from the Portland-based Northwest Medical Teams are also playing an important role in helping with medical relief efforts and shipping emergency supplies. Workers from Northwest Medical Teams are currently in the Gulf Coast region responding with critically needed medical care, supplies, and logistical support.

Mercy Corps, a humanitarian relief agency based in Portland, was one of the first groups on the ground providing emergency assistance. The Corps' response team will grow in the coming weeks as local residents are hired to aid in recovery efforts. Both Mercy Corps and Northwest Medical Teams were also among the first to rush to aid the victims of the December 2004 tsunami in Southeast Asia.

I want to acknowledge the efforts of the Cascade Division of the Salvation Army. These volunteers have been working overtime, collecting donations that will go to help in the Katrina recovery.

The outpouring of contributions from Oregonians has been overwhelming. I thank all of the communities, both large and small—the civic organizations, the high school football teams, and the campus groups that have worked to organize fundraising drives.

I give a special thanks to more than 1,900 Oregon National Guard troops who at the request of our Governor, Ted Kulongoski, were mobilized to help the people of the hurricane-ravaged region.

For nearly 10 days now, members of the Oregon Guard have been on the ground in New Orleans clearing roads, assessing critical needs, conducting rescue operations and providing security patrols.

The Oregon Guard troops are part of a force of 72,000 Active-Duty and National Guard personnel who are on the ground and aboard ships supporting relief operations. Since the hurricane struck, our military men and women have been working night and day providing search and rescue, evacuation, and medical support. Through yesterday, over 10,000 sorties have been flown.

On the national level, the U.S. Coast Guard has also been working tirelessly to support relief efforts. As of this weekend, the Coast Guard has assisted in saving or evacuating over 35,000 people.

Personnel from the U.S. Army Corps of Engineers have been working around the clock to repair the breached levees, restore navigation, and pump water out of New Orleans and surrounding parishes.

In recent years we have asked a great deal from our men and women in the military, and time and again they have responded heroically, patriotically, and with professionalism.

In addition, the U.S. Forest Service has deployed more than 2,700 employees who are trained in rescue and response to this area. These teams have been putting their skills to use setting up logistics staging areas, distributing food products, and removing debris.

The U.S. Department of Agriculture has also been working to get food to the area and provide housing for displaced people. USDA has delivered more than 300 trucks containing over 12 million pounds of food and baby food and formula products.

The USDA's Rural Development Service has established an expedited process to move people into safe and secure housing. Its property managers are assisting families by providing them with information on how to access additional Government programs and services to assist them, such as food stamp benefits.

As we work to recover and rebuild from Hurricane Katrina, there will certainly be many trying days ahead. However, I believe we can find comfort in the heartening response of the American people. In particular, I salute the people of Oregon. There are numerous examples of goodness, strength, and compassion as people have reached out to help friends, neighbors, and strangers in need.

I salute those of my state and those of other states who are going the extra mile to help their fellow Americans through this terrible disaster. I want to suggest again that our best efforts should go to supporting those on the ground who are working to restore the hurricane-ravaged areas, and we should keep to a minimum the partisanship and the finger pointing that has broken out so unfortunately and unproductively in recent days.

Mr. President, I thank you for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There is 13½ minutes.

Mrs. HUTCHISON. Mr. President, I ask that I be notified when I have used 7 minutes so my colleague from Wyoming can have the remaining 6 minutes of time.

The PRESIDING OFFICER. It will be done.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, over the past few weekends I have visited several hurricane relief centers in Texas. I started at the Astrodome in Houston, which was gearing up for the people who were coming from Louisiana at the time. I was struck by the number of volunteers, the organization of the effort in Houston, as well as the response of the medical community.

There were medical facilities in place. Even complicated medical procedures were ongoing at places such as M.D. Anderson, where doctors would take patients who had been in the middle of chemotherapy and try to continue that chemotherapy so those patients would not lose any of the efforts that were being made on their behalf in Louisiana. Doctors at M.D. Anderson were even continuing bone marrow transplants that were in progress.

Baylor College of Medicine was setting up the facilities for the evacuees who were arriving. There were medical units that had the cooperation of all the hospitals in Houston. It was truly a remarkable sight.

The next weekend, I was able to go to the Convention Center in Dallas and see the medical operation there that was put together by the head of the emergency physicians at the University of Texas Southwestern Medical School and Parkland Hospital. They had gotten all of the hospitals in Dallas together to provide mental health services, emergency services, and any kind of services for sick children. Also, they were dispensing medicine on an as-needed basis in the Dallas Convention Center.

Last weekend, I was able to go to Austin to see the emergency team that brought together the emergency personnel for the State of Texas—the Department of Public Safety, the Texas Guard and Reserve units—that were being helpful, including the Red Cross and the Salvation Army, two great volunteer organizations that have stepped right in to help. In some of these centers, they were the first people to start setting up the centers.

Then, I went to the Austin Convention Center, where they even had set up a beauty shop for the evacuees who wanted, of course, to try to look their best as they were trying to get their lives together and determine what they were going to do until they are able to return to New Orleans or other places in Louisiana.

We have seen many of the emergency facilities, even though, of course, Texas was not in this storm. But Texas has had an emergency crisis of its own; and that is in the education that is now being required for the children coming into the school systems, as well as trying to get help for the ongoing medical needs that will be required for approximately 250,000 evacuees from Louisiana, a few from Mississippi, and trying to make sure these costs are covered by the Federal Government.

While Texans have opened their hearts and their homes and their schools, we do not think they should have to fund all of this from State coffers or local coffers because, frankly,

the local schools are already very strapped for funds and they cannot afford this expense.

Likewise, the cities are not able to afford the overtime expenses of all the police who are being required and the firemen who are doing the emergency medical services. So I am working on legislation right now that would try to get money into these entities that do not have the cash flow to accept all of these people on an emergency basis, and to do it on an expedited basis here in Congress.

There are, at this time, between 30,000 and 40,000 new students coming into the Texas school systems. This is a huge increase in a very short time. Trying to match the students with the kind of curriculum that has been ongoing in the Texas schools is a challenge. Texas is trying to meet that challenge in the best way for all concerned.

I am hoping Congress will act very quickly to alleviate some of these early problems in getting the funding where it needs to be. For instance, there is no FEMA money for education expenses. So the bill I hope we could pass this week will allow FEMA, through the Department of Education, to immediately start reimbursing the schools for the costs of opening these new schools and the temporary facilities that are being required, including the schoolbooks and school supplies that are being required to help these new students, who are already entering 2 weeks late because Texas schools start the last week of August, sometimes the third week in August.

We need to bring these children in and get them going in an expedited way. I am asking my colleagues to help me pass, on a quick basis, an ability for FEMA to fund education expenses and to waive some laws that will allow them to be placed where they can best be placed without regard to the McKinney Act, just for a temporary time.

This legislation will sunset at the end of this school year, so it will not be permanent. I hope we can pass it on an expedited basis to try to meet the needs of these students and my State, which has been so generous and has offered so much help to these people, which we want to continue to do and we will continue to do. But I want the Federal Government to make it easier on these governmental agencies regarding the expenses incurred by the communities that are doing so much.

We want this to be the model for response to future emergencies, not one where other States look at what has happened in our State and say: Well, if the Federal Government is not going to step up on education expenses and medical care, then it will be difficult to take in future emergency victims. So that is what we are trying to do.

Our hearts go out to all of the people who are affected by this disaster. We are going to do our part. I am hoping Congress will act soon to help us do the right thing.

The PRESIDING OFFICER. The Senator has now used 7 minutes.

Mrs. HUTCHISON. Mr. President, I yield the floor to my colleague from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank my colleague from Texas for the time.

I join all of us in expressing our condolences and our concerns for what has happened in the New Orleans area. Certainly Senator VITTER's discussions yesterday helped us understand a little better what the situation is there, what the difficulties are, and what our responsibilities are to do something about that as quickly as we possibly can.

We certainly first want to again offer our condolences to the families of those who perished. I support those who continue to live in the hurricane-affected areas.

What we have seen is, obviously, one of the most terrible natural disasters in our Nation's history. We have also seen, fortunately, the generous spirit of our Nation thrive in a time of confusion and loss. The giving nature of the American people has been displayed and continues to be displayed. We should be very proud of that.

I am especially impressed with the people of Wyoming who have opened their hearts and their homes to help the hurricane victims. You never know when someone is going to be in the path of a similar storm.

The objective now, of course, is to get the victims back on their feet, and to provide for their basic needs, to bring some semblance of normalcy to the situation there. This is going to be an ongoing effort. It is going to be ongoing, but it also demands immediate attention. Progress is being made hour by hour, day by day. I think it is a testament to the courage of the people throughout the Gulf Coast. It will take years to rebuild New Orleans and the other areas, but I am confident there will be a thriving economy again in that area.

Over the next few weeks, our Nation will show, once again, why we are the envy of the world. We will prove that no matter what the obstacles are that are before us, we can join together to overcome them, even if it is Mother Nature. The stories of heroism and fortitude will continue to trickle down, but soon, like the water that has destroyed so much, that trickle was evolve into a wave—a wave of construction, a wave of rebirth.

As we showed on that bright September morning 4 years ago, this Nation will rise out of the ashes and rebuild the Gulf Coast. I join my Wyomingites to say we are sorry for what happened, but we look forward to working with you to restore what you have lost.

I am particularly proud of Wyoming's military. We have deployed 72 people in support of Hurricane Katrina relief efforts. We have sent four helicopters with 19 people, two C–130s delivering equipment. We have sent AirVac nurses and 13 security police from the naval air station. So we are very pleased to be able to help. We need to provide the help.

There are lots of things being talked about. We can talk about tax relief, particularly as it provides relief for those things being given there. TANF, of course, has something to do with education and health care. We can do something about insurance, private insurance, to make that more efficient. Charitable giving is one of the things we can look at to ensure that is as useful as can be. School funding, which has already been mentioned here, is very important, whether it be there or wherever the children are. Medicaid is one area we need to take a strong look at to make sure it is available to everyone who needs it. Certainly, we need to take a look at emergency funding.

There are many items with which we are challenged. They are going to be difficult, but they are there. We can accomplish what we need to do, and that is to help these people in this circumstance. As we do it, however, I hope we remember that, as in the case of our family, when we have emergency needs, we have to look at some other areas to cut back a little bit. As this emergency continues to go on, our life needs to go on. Government needs to go on with its essential services. At the same time, there are some things we are doing in the Government that could be set aside and could, indeed, be changed so that we can offset some of the costs that go into this effort. That will be necessary.

I send our condolences and accept and join with my associates to take on the challenge of dealing with the needs of the people in the Gulf Coast.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under morning business, morning business is now closed.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Lincoln amendment No. 1652, to provide for temporary medicaid disaster relief for survivors of Hurricane Katrina.

Dayton amendment No. 1654, to increase funding for Justice Assistance Grants.

Sarbanes amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing.

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Sununu amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

DeWine amendment No. 1671, to make available, from amounts otherwise available for the National Aeronautics and Space Administration, $906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration.

Clinton amendment No. 1660, to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future.

Coburn amendment No. 1648, to eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing services, and State and local law enforcement assistance.

Dorgan amendment No. 1670, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Pryor/Mikulski amendment No. 1703, to require the FTC to conduct an immediate investigation into gasoline price-gouging.

Stabenow modified amendment No. 1687, to provide funding for interoperable communications equipment grants.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. shall be equally divided between the Senator from Alabama, Mr. SHELBY, and the Senator from Maryland, Ms. MIKULSKI, or their designees.

Who yields time?

Ms. MIKULSKI. Mr. President, I yield time to the Senator from Michigan to speak on her amendment. I believe her amendment on interoperability is the pending amendment.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. I yield her such time as she may require.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1687, AS MODIFIED

Ms. STABENOW. Mr. President, I thank my esteemed colleagues for their leadership on this legislation.

We will have an opportunity in a few moments to make sure that we are solving the problem that everyone says is the biggest in terms of system failure related to the hurricane in the Gulf. We heard the same thing after 9/11. The radios didn't work. The communications didn't work. Police and firefighters were running into buildings that they should have been running out of, but they didn't know what was happening above them. We knew that after 9/11. The 9/11 Commission reiterated that. We have talked about it. It is now time to do something about it.

I join with my colleagues on both sides of the aisle in reaching out to those who have been hurt, who have suffered, who lost everything, the families of those who have lost their lives. As the majority leader said, coming back from the Gulf, he was astounded at the lack of communication. We can fix this. My amendment would begin that process.

We know, from the Congressional Budget Office, it will take at least $15 billion to connect local, State and Federal officials so that we have the redundancy, the backup, the connectedness to make sure we are responding quickly, effectively, that we know what is going on, on the ground, and everybody can get the job done to save lives, save property, and protect the American people.

My amendment would allocate that first piece. I offered it on the Homeland Security bill this year. It was not supported. Now is the time to support it and get it done. It offers $5 billion with the expectation we would come back and do the second payment next year and the third payment the year after. I know that my colleague who worked on the Homeland Security bill and led that effort is going to say: We already have moneys for that kind of thing, and the locals don't spend it in the right way. According to the Web site of the Department of Homeland Security, the Federal Government has spent only $280 million directly on connectedness, interoperability, and communications.

We could say to folks: Your COPS funding is getting cut, your training programs are getting cut, everything else is getting cut so you have fewer people on the ground. We want you to put the money into only communications.

That is not reality. In Michigan, we have 1,200 fewer police officers on the streets today than we did on 9/11/2001. That is not acceptable. My local police and firefighters are trying to hold on and keep the staff, keep the equipment they need. It is unrealistic and irresponsible on our part to say somehow each local police department and fire department, each county and city are going to pay for this interoperability that needs to happen so they can talk to the State and to Homeland Security, talk to the Justice Department and FEMA, with whomever they need to talk.

Our country was attacked. After 9/11, the Federal Government has the responsibility to protect our citizens and respond. After this hurricane, again, we know that it is a broader, regional, national response that is needed. People are looking to the Federal Government for help, and part of that help long term has got to be investing in protecting our citizens by making sure the communications systems work. I can't imagine we would send our brave men and women into battle overseas and not make sure the radios work and are connected. Why would we send our people here at home, our brave troops, our firefighters, our police officers, emergency responders, nurses, doctors, into harm's way in the middle of a disaster and not make sure the communications work?

We are in an age of technology. There is no excuse. I understand there are a number of new technologies that involve Web-based systems and new kinds of interoperability that we can bring to bear to get this done. When I think about what we need to be doing in the aftermath—first, helping those who have lost so much; second, making sure the Federal bureaucracy doesn't victimize folks again and supporting States that are reaching out—it is our responsibility to make sure that the systems that failed do not fail again. Time is up. No more talk about moving one line item to another line item or this or that. I know we will hear that they have already received money that hasn't been spent. If it has not gotten through the Federal bureaucracy, what the heck is going on? Let's get it moving.

I know my folks on the frontlines are happy to accept funds and happy to do what they need to do to get this radio equipment working so they protect themselves and their communities. If the bureaucracy is not working fast enough, let's make it work. If the resources aren't there to make sure our people are protected, let's make sure the resources are there. That is our job. The American people are looking at us and saying: This is America. What is going on? Why didn't we collectively have the foresight to make sure that systems worked, that we have a national system? As Senator BLANCHE LINCOLN talked about yesterday, when the Red Cross was putting in all of this data on victims to help, then FEMA comes in and has to do it again because it is not interoperable. Local communities cannot do this alone. States cannot do it alone. I hope my colleagues will step up and send a signal that we get it. We are going to fix it and do our part to make sure our citizens are safe.

The PRESIDING OFFICER. The minority's time has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise to respond on this amendment. I want to make a couple of points, initially. First, this amendment is not Katrina related. That is important. It is an attempt to bootstrap an idea that has been offered on the floor a number of times using the disaster, the catastrophe which occurred in the Gulf with Hurricane Katrina. It is not Katrina related. The breakdown in communications in the Katrina event was not an interoperability event. The breakdown was because the capital structure which supported the systems collapsed. Both the hard line and the wireless lines were not functional as a result of the infrastructure collapse. There was also a breakdown which was a function of the portable radios that were being

used having to be recharged by electronic device and there was no electricity to recharge them, rather than being battery driven.

That is the initial conclusion. It wasn't a question of the inability of one group to speak to another group, although that is obviously always an issue. It was a fact that the entire infrastructure which supported the communications systems collapsed.

More importantly, the proposal to add $5 billion to create a new grants program is not Gulf States-focused. It is for the Nation. That is a position that the Senator from Michigan has always taken. This should be a nationwide effort. She talks about her own State needing more funds in the area of interoperability. I assume she is presuming that a large amount of the dollars put into this fund would go to her own State and other States that had no impact from Katrina. This is not a Katrina event. To try to put it on top of this bill in the name of Katrina is inappropriate. That is why I intend to make a point of order against it.

Secondly, it is important to remember that the issue of interoperability is critical and that we are trying to address it, that we have, in fact, put a dramatic amount of dollars into this effort, that there is presently, in the fiscal year 2006 Homeland Security Appropriations bill, $2 billion that States and locals can choose to use specifically to address interoperability, that we have spent $890 million in fiscal year 2004 on interoperability, and that we understand that this is one of the key elements of getting our first responders to function effectively. We understand that. The Homeland Security agency understands that. But what we also understand is that there are big issues involved in accomplishing this that don't involve throwing money at the issue, the most significant of which is to reach an agreement on the regime by which these agencies are going to talk to each other. They haven't been able to do that.

It is called P–25, which is the regime they have been trying to work up and has been going on now for over 10 years. It is an extremely complex problem because you have a fire department in a town which will buy one system, a police department which will buy another system, the people who drive the ambulances will buy another system. Then you have layered on top of that the State police, the highway patrol, the sheriff's department. All these systems have already been bought and already in place, and they are not going to replace them all. How you get them to work together has become a complex issue. It isn't so much a function of dollars. It is a function of reaching agreement on the protocol to get them to talk to each other.

To put $5 billion on top of $2 billion is a nice statement of purpose, but it is way outside of what we can afford, as far as the budget is concerned, and it is not applicable to Katrina. We are going to spend literally tens of billions of dollars to try to correct the Katrina problems. I suspect in that spending there will be money to rebuild the infrastructure which collapsed relative to communications. To put this money on top of it in the name of Katrina, which will be spent across the country, is inappropriate.

Therefore, Mr. President, I have to make a point of order against this because it is clearly over the budget. It is outside the budget and is not Katrina related. We are already addressing it within the process which we presently have in place, which is the bill for Homeland Security, which passed this body with $2 billion that can be used for interoperability. Therefore, I make a motion that the pending amendment increases spending and the additional spending would cause the underlying bill to exceed the subcommittee's section 302(b) allocation. I, therefore, raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

Ms. STABENOW. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment. I ask for the yeas and nays on something that is absolutely Katrina related—communications.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 1687, as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 58, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—40

Akaka	Harkin	Murray
Baucus	Inouye	Nelson (FL)
Bayh	Jeffords	Obama
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Byrd	Kohl	Rockefeller
Cantwell	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden
Durbin	Lincoln	
Feinstein	Mikulski	

NAYS—58

Alexander	Burns	Coleman
Allard	Burr	Collins
Allen	Carper	Conrad
Bennett	Chafee	Cornyn
Bond	Chambliss	Craig
Brownback	Coburn	Crapo
Bunning	Cochran	DeMint
DeWine	Inhofe	Shelby
Dole	Isakson	Smith
Domenici	Kyl	Snowe
Ensign	Lott	Specter
Enzi	Lugar	Stevens
Feingold	Martinez	Sununu
Frist	McCain	Talent
Graham	McConnell	Thomas
Grassley	Murkowski	Thune
Gregg	Nelson (NE)	Voinovich
Hagel	Roberts	Warner
Hatch	Santorum	
Hutchison	Sessions	

NOT VOTING—2

Corzine	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mrs. BOXER. 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. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. On the previous vote, I move to reconsider.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is it in order at this point for me to engage in a short discussion of an amendment that I have pending?

The PRESIDING OFFICER. It is.

AMENDMENT NO. 1670

Mr. DORGAN. Mr. President, let me take the 5 minutes now. I know people are trying to put together unanimous consent requests. I indicated I would take just a few minutes to describe the amendment I have offered, which I hope will be voted on at 12:30. They are discussing a consent agreement by which they might vote on the amendment I have offered and I believe the amendment that Senator CLINTON has offered. Even though the unanimous consent agreement has not been entered yet, let me at least describe the amendment I have offered.

The amendment I have offered is an amendment that I offered to the armed services bill, the Defense authorization bill that came to the floor of the Senate and was on the floor for some while. This amendment is pending on the Defense authorization bill, but the Defense authorization bill has been taken off the floor and it appears it

will not come back to the Senate, and therefore I will not get a vote on this amendment. So I offer the amendment to the appropriations bill, understanding this is not the optimum place to do this. I will have to suspend the rules to accomplish it. But let me describe what it is.

We are spending billions and billions of dollars on reconstruction in Iraq. I will read some headlines.

Let me say at the start, the minute anyone comes to this floor and mentions the word ''Halliburton,'' they think it is partisan, political, going after the Vice President of the United States. It is not. It is true he was the CEO of Halliburton, but that was long before he reentered public service as Vice President, and none of this has happened under his watch. This has nothing to do with the Vice President.

What it does have something to do with is large, no-bid contracts given to a very large company, large no-bid contracts with virtually no oversight and a substantial waste of the taxpayers' money. Let me read some headlines.

Houston Chronicle, February 3, 2004:

Uncle Sam Looks Into Meal Bills; Halliburton Refunds $27 Million as a Result.

Houston Chronicle, February 4, 2004:

Halliburton Faces Criminal Investigation: Pentagon Proving Alleged Overcharges for Iraq Fuel.

Los Angeles Times, February 13, 2004:

Ex-Halliburton Workers Allege Rampant Waste: They Say the Firm Makes No Effort to Control Costs.

May 18, 2004, Houston Chronical:

U.S. Questions More Halliburton Meal Charges.

July 27, 2004, Houston Chronicle:

Millions in U.S. Property Lost in Iraq, Reports Say; Halliburton Claims Figures Only ''Projections.''

The Los Angeles Times, August 12, 2004:

Halliburton Is Unable to Prove $1.8 Billion in Work, Pentagon Says.

Is anybody investigating this? No. This is a company that charges for 42,000 meals served in Iraq, and it turns out they are serving 14,000 meals to soldiers. We are paying for 42,000 meals. Does anybody care? Overcharges for fuel? These are big, no-bid contracts. And oh, by the way, the courageous woman in the Pentagon, Bonnatine Greenhouse, the highest civilian in the Corps of Engineers responsible for making sure these contracts are handled the right way, is the one who objected to these contracts saying it was, in effect, a good old boys club giving contracts to their friends. Guess what. This woman, who received excellent reviews all of her career and rose to become the highest ranking civilian officials in the Corps of Engineers, has been demoted. Why? Because she had the courage to speak up and speak out.

Nobody is investigating the rampant misuse of funds and waste of funds in these no-bid contracts. There should be oversight hearings in the Congress, but there are not. There is not an oversight hearing held on these issues, so I have chaired Democratic Policy hearings, and let me tell you a couple of things we have heard.

How about brand new trucks, $85,000 trucks. Drive one down the road in Iraq and get a flat tire and what do you do with it? Abandon it. It gets torched. A brand new truck. If it has a fuel pump that is plugged, what do you do with it? Abandon it. It doesn't matter—no-bid contracts. It is all taxpayers' money. It is unbelievable what we have uncovered.

Serving food to soldiers with date stamps that have long since expired and the supervisors say it doesn't matter: Serve them anyway.

They order towels. The guy who worked for the Halliburton company as the purchaser said he was told you can't just order towels for soldiers that are just towels; you need to put a logo on the towels. So you put the company logo on the towels, and you double the price of the towels that go to soldiers, so you have the company logo on the towel. It is unbelievable waste, fraud, and abuse. It is not millions or hundreds of millions of dollars, it is billions dollars, and nobody is minding the store. Nobody cares.

Some years ago, in 1941, Harry Truman stood in this Chamber, and he said there is rampant waste, fraud, and abuse going on in military contracting, and we ought to get to the bottom of it. He was relentless. He was a Democrat here in this Chamber, and we had a Democrat in the White House. It didn't matter. I am sure that was kind of an uncomfortable thing; it didn't matter. They set up a Truman committee, a special committee that uncovered massive amounts of waste, fraud, and abuse.

In this case, we know it is happening. We have direct testimony it is happening with big, no-bid contracts—particularly with Halliburton, but there are others as well—and nobody seems to care. Nobody seems to care.

I propose that we create a type of Truman committee, of the type we have had previously, that starts taking a good look at waste, fraud, and abuse that is occurring. Whenever you give massive quantities of money on a no-bid contract and say go ahead and spend, you are going to have this waste, fraud, and abuse.

There are stories about someone saying: Let's air-condition that building in Iraq. We will buy some air-conditioners through this reconstruction funding, and then it goes from a contractor to another subcontractor to a sub, and pretty soon the job is done, you have a ceiling fan, and the American taxpayer has paid for air-conditioning. It is unbelievable, and it is going on all the time.

My proposal is very simple. When American taxpayers' money is doled out in such enormous quantities—billions of dollars—somebody ought to watch the store.

I held up a poster the other day of stacks of 100-dollar bills which were wrapped in Saran Wrap—stacked in big piles because the contracting officer, who testified at the committee which I chaired, said that is the way it was. We said to the contracting companies: Bring cash and bring a bag. We do business in cash. He said: We used to actually play football with these stacks of 100-dollar bills with Saran Wrap. You could actually throw them back and forth across the room. They were paying for the ministries, among other things, in Iraq during the Coalition Provisional Authority, which was us, by the way. They were paying one Iraqi ministry for 8,206 security guards on duty—paying 2,206 of them salaries—and there were only 602.

Does anybody care? Does anybody care about this? Will this Congress finally do what it is required to do—to require accountability for the expenditure of the taxpayers' money?

We have spent a massive amount of money dealing with contracting in Iraq for reconstruction. What we are finding is that the few people who had the courage to blow the whistle about favorite contracts—no-bid contracts—having contractors even in the room, in the meeting, when they were with talking about what the specs of the contract should be. Bunnatine Greenhouse, a young African-American woman who rose to the top, the highest civilian job in the Corps of Engineers, blew the whistle on this old boys network that was doling out that money to private contractors, she is going to pay for it with her job, we are told. Shame on them.

This Congress ought to have the courage to stand up on the side of the taxpayers and say: If we are spending taxpayers' money, the taxpayers ought to get full value for it. We ought to put an end to waste, fraud and because.

When Harry Truman got to the White House, he had a sign on his desk that said ''The Buck Stops Here.'' For accountability on this sort of thing, the buck doesn't stop anywhere. Nobody wants to look them square in the eye. It is time for Congress to look truth in the eye and understand what is happening. My amendment is the first opportunity to do that.

I regret that we didn't have a vote on it on the Defense authorization bill. That is where it should have been. I offered it on the authorization bill. The bill has been pulled from the calendar and from the floor and apparently will not come back. I will offer it today and to other appropriations bills. It is uncomfortable, I suppose, for those who do not want to vote against this, but they are going to have to keep voting against it until at some point there will be sufficient votes in this Chamber to do what is right. To do what is right is to follow the model of Harry Truman. Even when there was a Democrat in the White House, a Democrat said: We insist, we demand, accountability on behalf of the American taxpayers, and we are going to put an end to waste, fraud, and abuse of taxpayers' money.

It is very simple. This is not a complex amendment. It is the simplest of

amendments and the simplest of choices.

In this Chamber—the Chamber of the Senate—we don't do very complicated things. Every single choice that we make every day on this floor is either yes or no. There is no maybe, no later; it is when it comes time to vote yes or no.

That, it seems to me, is an enormously simple choice with respect to an amendment that is this persuasive.

I hope the Senate, when it votes midday today on this amendment, will do the right thing.

I yield the floor.

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1707

(Purpose: To express the sense of the Senate regarding funding directives contained in H.R. 2862 or its accompanying report)

Mr. McCAIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1707:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

AMENDMENT NO. 1670

Mr. SHELBY. Mr. President, I ask for the regular order with respect to amendment 1670.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I raise a point of order that the amendment violates rule XVI.

Mr. DORGAN. Mr. President, pursuant to the notice properly filed, I move to suspend the rule with respect to amendment No. 1670, and I ask for the yeas and nays.

I also ask unanimous consent that Senator DURBIN be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I further ask unanimous consent that the vote on the motion to suspend the rules occur at 12:30 today and that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1660

Mr. SHELBY. Mr. President, I ask for the regular order with respect to the Clinton amendment No. 1660.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I raise a point of order that the amendment violates rule XVI.

Mr. DORGAN. Mr. President, on behalf of Senator CLINTON, pursuant to the notice she properly filed, I move to suspend the rules with respect to amendment No. 1660, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that the vote occur on the motion to suspend the rules on the Clinton amendment immediately following the vote in relation to the Dorgan amendment with 2 minutes equally divided prior to the vote, and further that no second degrees be in order to the amendment prior to the vote; provided, further, that all time until the vote be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1707

Mr. McCAIN. Mr. President, I ask unanimous consent to return to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I thank the clerk for reading the amendment in its entirety for the benefit of my colleagues. I thank the chairman for his agreement to accept this amendment on a voice vote, and I thank him for his assistance. I understand it has been agreed to by the Democratic side.

Mr. President, the sense-of-the-Senate amendment is simple, and it is very modest. It is an attempt to rein in wasteful spending, particularly during this time when portions of our country along the Gulf are enduring the devastating impact of Hurricane Katrina—indeed a national tragedy. As the Nation continues to manage the aftermath of Hurricane Katrina, it is imperative that Congress do what it can and what it must to help the hundreds of thousands of victims of one of the worst natural disasters in our history. I think all of us in this body have said that time after time. Congress must do all that is necessary to fund the essential relief and recovery efforts and help those in need.

The cost of the recovery and relief effort is enormous, and will continue to be, and it should go without saying that we live in times of great need and limited resources. In these times, Americans are called to sacrifice, and Congress needs to make sacrifices of its own. To the extent that it is possible, we should pay for this effort now rather than pass on even more debt to future generations.

We should also make better use of taxpayers' money by eliminating our spending on matters of questionable merit or which are nonessential in order to better assist the victims of Katrina. These are times when Members of Congress need to deny themselves a few of the comforts of political office and refrain from directing tax dollars to special projects in their States. These projects might help political campaigns, but they do not necessarily benefit the country as a whole. Regrettably, as far back as I can recall, Congress has found ways to fund thousands of unauthorized projects of questionable merit through appropriations bills. Perhaps some of these dollars would have been better spent on activities that might have limited the impact of this tragedy. We are now hearing information that a great deal of money was spent in Louisiana on projects that were less necessary perhaps—and I emphasize ''perhaps'' because a thorough investigation needs to be completed—that should have been spent on more important protection of levees and other wetlands and other more meritorious projects.

This year's Commerce, State, Justice, Science and Related Agencies appropriations bill, H.R. 2862, is relatively restrained compared to recent bills that have moved through the Senate.

I congratulate the subcommittee chairman from Alabama and the ranking member.

Still, the legislation contains several examples of the types of provisions that magically appear in too many of the appropriations bills that benefit parochial interests, with little regard to the merits, at the expense of national priorities.

I make this statement and propose this sense-of-the-Senate amendment in the hope that my colleagues appreciate that we are now adding perhaps $100 billion, or even $150 billion, additionally to the deficit, which is already projected to be the third highest in history, some 300-and-some billions of dollars.

For example, H.R. 2862 contains several earmarks that funds initiatives that some, including myself, might

consider to be of less-than-pressing importance. Among them is a $10 million earmark for the Alaska Fisheries Marketing Board, and a $1.75 million earmark for something called the Hawaii Humpback Education Program.

I have no idea what the Hawaii Humpback Education Program is. I would imagine it has a lot to do with whales.

I don't know what the Alaska Fisheries Marketing Board is, except that I know it continues to receive earmark funding in the multimillions of dollars every year, as I examine appropriations bills.

The bill also provided needed funding for grants to the Small Business Administration, and they are needed funds for grants. Unfortunately, this bill recommends that the SBA direct funding to 53 specific programs named in the committee report.

I want to talk about that for a second.

The committee report has no enforcement of law, but the appropriations committees have made it very clear to the various agencies that they do have, in their view, the enforcement of law.

So we have the worst of all worlds here; we have it in a committee report which cannot be removed by amendment, and, yet, at the same time, even though it technically doesn't have the force of law, it is made clear to the agencies that are affected that they will pay a heavy price if they do not carry out the dictates of the committee report.

It is imperative, in the wake of Hurricane Katrina, that the SBA grants be awarded on the basis of need and merit and for no other reason.

The sense-of-the-Senate amendment that I propose would allow funding for earmarks that have not been authorized, have not been requested by the President or not related to the impact of Hurricane Katrina to be redirected to recovery efforts.

In other words, the $1.75 million earmark for the Hawaii Humpback Education Program would be directed to the recovery and rescue efforts associated with Hurricane Katrina.

This would occur when the Agency or Department head determines, after consultation with the appropriate congressional committees, that such an earmark is not of national significance or is not in the public interest.

Now there will be arguments in consultation with these appropriation committees that they are of national significance or in the public interest. I argue that determination should be made on the basis of the scenario which I described earlier.

I expected this amendment to be easily adopted and not take much of the Senate's time. But after discussion with the appropriators and their staff, I thank the manager and the minority, the Democratic leader and their staff, for modifications to the amendment. I hope this sense-of-the-Senate amendment will be taken seriously.

I could propose the impossible: that no earmarks be permitted in any appropriations bill, period. But I am not proposing the impossible. Or I could propose what is suggested almost daily by the press, that Congress turn in its pork. Many are rightly calling into question the thousands of projects in the highway bill and suggesting the related project funding should more wisely be transferred to recovery efforts. The amendment isn't proposing that, either. But perhaps next time that will be the proposal I offer, particularly given the dire situation in the gulf. We cannot even agree to preclude funding for projects not found to be in the public interest.

I repeat, it is a modest proposal. I hope my colleagues overwhelmingly adopt it for the sake of the tens of thousands of Americans who have lost almost everything and are relying on their Government for necessary support as they struggle for what will be a long and difficult time. I also hope we keep in mind future generations of Americans who will be inheriting this deficit which is now going to be probably one of the largest in history.

I call upon the appropriators and the leadership to pay careful attention to the funding measures yet to be debated and to do their part to ensure that we are living up to our obligations to those who are suffering, even if it means it comes at some of our personal political expense.

In a time of national catastrophe it is the responsibility of the Congress to take quick and decisive action to help those in need. It is not appropriate to continue the practice of earmarking scarce funds in the face of such a tragedy. This should be a time of sacrifice for the sake of our suffering citizens. I repeat, it is a modest proposal.

I found a curious thing happen in the last few days. Newspapers ranging from the New York Times to the Wall Street Journal to the Washington Times all editorialized in the same fashion.

I ask unanimous consent New York Times editorial entitled ''Bring Out Your Pork,'' and Washington Times editorial called ''Pork and Hurricane Relief,'' and from the Wall Street Journal entitled ''A 'Moronic' Proposal'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 8, 2005]

BRING OUT YOUR PORK

Fair warning to the suffering Gulf Coast masses: Congress is already talking of concocting economic stimulus'' and ''job creation'' packages as hurricane recovery tools. That sounds useful, but unfortunately those terms usually signal that the House and the Senate are about to use the crisis of the moment to roll out wasteful tax cuts for the well-off and pork barrel outlays for hometown voters.

The overwhelming need of the victims of Hurricane Katrina, coupled with the nation's shock at government ineptitude, should inspire members of Congress to sober up and become something approaching responsible policy makers. If they do decide to reform, there's an easy way to prove it. They could turn in their pork.

This summer, when Congress had to ignore only a war in Iraq, it passed the annual highway bill, repackaged as a job-creation measure. The legislation set a record of $24 billion in 6,371 ''earmark amendments''—the route individual lawmakers take to lock in prized projects for their home districts, regardless of proven need.

The bipartisan boondoggles that made it under the wire included vanity highways, tourist sidewalks, snowmobile trails, a ''deer avoidance'' plan and a graffiti elimination program for New York. Those wishing to look for still more unnecessary spending can consider the White House's $130-billion-and-counting missile defense system, which remains thoroughly inoperable.

Hurricane Katrina cries out to Congress for something other than business as usual. Imagine what would happen if each member of Congress announced that he or she would give up a prize slab of bacon so the government would be able to use the money to shelter hurricane victims and rebuild New Orleans. The public would—for once—have proof that politicians are capable of setting priorities and showing respect for the concept of a budget.

Surely Representative Don Young, the Alaska Republican who is chairman of the transportation committee, might put off that $223 million ''bridge to nowhere'' in his state's outback. It's redundant now—Louisiana suddenly has several bridges to nowhere. Likewise, Speaker Dennis Hastert could defer his prized Prairie Parkway, a $200-million-plus project dismissed as a behemoth Sprawlway by hometown critics, and use the money to repair the Lake Pontchartrain Causeway.

The Democratic minority leader, Nancy Pelosi, could afford to donate back some multimillion-dollar plums—just one bike and pedestrian overpass, perhaps, or a ferry terminal. Another Democratic standout, James Oberstar of Minnesota, would have a hard time choosing from his cornucopia, but that $2.7 million for what is already described as the nation's longest paved recreational trail looks ripe.

The list is long. Such a gesture by the Capitol's patronage first responders would encourage a sense of shared sacrifice in the nation. Members might actually be surprised to see how many of their own constituents are prepared to think of other people's needs before themselves. This page has been a longtime supporter of a freight tunnel between New Jersey and New York—which, we should point out, is actually a tunnel to somewhere. But we'd applaud a delay in the $100 million for freight-tunnel design studies that was included in the highway bill if it was part of a larger reordering of priorities.

It's time to put New Orleans first.

[From the Wall Street Journal]

A ''MORONIC'' PROPOSAL

Some public-spirited folks in Bozeman, Montana, have come up with a wonderful idea to help Uncle Sam offset some of the $62 billion federal cost of Hurricane Katrina relief. The Bozeman Daily Chronicle reports that Montanans from both sides of the political aisle have petitioned the city council to give the feds back a $4 million earmark to pay for a parking garage in the just-passed $286 billion highway bill. As one of these citizens, Jane Shaw, told us: ''We figure New Orleans needs the money right now a lot more than we need extra downtown parking space.''

Which got us thinking: Why not cancel all of the special-project pork in the highway

bill and dedicate the $25 billion in savings to emergency relief on the Gulf Coast? Is it asking too much for Richmond, Indiana, to give up $3 million for its hiking trail, or Newark, New Jersey, to put a hold on its $2 million bike path?

And in the face of the worst natural disaster in U.S. history, couldn't Alaskans put a hold on the infamous $454 million earmark for the two ''bridges to nowhere'' that will serve a town of 50 people? That same half a billion dollars could rebuild thousands of homes for suffering New Orleans evacuees. One obstacle to this idea apparently will be Don Young, the House Transportation Committee Chairman who captured the funds for Alaska in the first place. A spokesman in his office told the Anchorage Daily News that the pork-for-relief swap was ''moronic.'' Sounds like someone who wants Mr. Young to become ''ranking Member'' next Congress.

In all there are more than 6,000 of these parochial projects—or about 14 for every Congressional district—funded in the highway bill. The pork reduction plan is particularly appropriate as a response to Katrina, because we have learned in recent days that one reason that money was not spent on fortifying the levees in New Orleans was that hundreds of millions of dollars were rerouted to glitzier earmarked projects throughout the state of Louisiana.

We're hearing all sorts of bad ideas about how to offset the $62 billion of spending already authorized for Hurricane Katrina relief. Cancel the Bush tax cuts, raise the gasoline tax by $1 a gallon, increase deficit spending, and sharply cut spending on national defense and the war in Iraq. In Washington, it seems, everything is expendable except for the slabs of bacon that are carved out of the federal fisc to ensure re-election.

The glory of what is happening in Bozeman is that taxpayers are proving to be wiser about priorities than their politicians. We like the suggestion by Ronald Utt of the Foundation Heritage that, when the new levee is built to protect the Big Easy from future storms, it should bear a bronze plaque stamped: ''Proudly Brought to You by the Citizens of Alaska.''

[From the Washington Times]

PORK AND HURRICANE RELIEF

''We should lead by example and give up a few of the things we want in order to give hurricane victims the things they need,'' Sens. John McCain and Tim Coburn told their colleagues. Correct, as far as it goes, but the call to arms rings hollow without specifics. Here's a start: Congress should redirect the transportation bill's $25 billion toward hurricane relief.

Congress appropriated $51.8 billion in emergency-relief money for Hurricane Katrina's victims, and suspended the normal rules and procedures so the bill would not get entangled in special interests or endless debates. That made sense; lives were at stake and the money was needed at once. But Congress can listen now to those who want to cut discretionary spending so money can be sent for reconstruction in the Gulf states. Congress could erase half that total with the transportation bill earmarks.

Before Katrina, these earmarks were hardly necessary; today, they look like an abdication of duty. As we noted last month, the most outrageous items in this $286 billion bill were $229 billion for a highway called ''Don Young's Way'' in Alaska, a favorite of the Republican chairman of the House Transportation Committee; $18.75 million for the ''Highway to Nowhere,'' linking Ketchikan, Alaska, to the island of Gravina, population 50; and $20 million for a Magnetic Levitation Transportation System linking Las Vegas and Primm, Nev. Naturally the guilty legislators defended those projects as necessary spending on vital local needs. Of course.

These projects look particularly foolish now. Katrina has blown the roof off business as usual in Washington, and rightly so.

Several congressmen appear to get it. Rep. Jeb Hensarling, Texas Republican, offered an amendment to the hurricane-relief bill that would have required the House to offset the new Katrina spending with reductions in other spending. Mr. Hensarling, a fiscal conservative, isn't above pragmatism: He would exempt entitlements, homeland-security and defense spending and veteran's affairs from the cuts. But the House didn't consider his amendment because it wanted spending passage of the relief legislation.

Now that the emergency bill has been enacted, Congress should reconsider ideas like the Hensarling amendment. And if Mr. McCain and Mr. Coburn are serious about leading by example, they will step up to lead by example. Congress can show seriousness by scrapping Mr. Young's ''Highway to Nowhere'' and send the money to the right somewhere—to rebuild New Orleans and the Mississippi coast.

Mr. McCAIN. Mr. President, this is interesting. I don't think in all my years I have seen all three of these different periodicals coming from somewhat different philosophical bases all editorializing in the same fashion. The Wall Street Journal says:

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It goes on:

We're hearing all sorts of bad ideas about how to offset the $62 billion of spending already authorized for Hurricane Katrina relief. Cancel the Bush tax cuts, raise the gasoline tax by $1 a gallon, increase deficit spending, and sharply cut spending on national defense in the war on Iraq. In Washington, it seems, everything is expendable except for the slabs of bacon that are carved out of the federal fist to ensure re-election.

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In the Washington Times, today:

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Imagine what would happen if each member of Congress announced he or she would give up a prize slab of bacon so the government would be able to use the money to shelter hurricane victims and rebuild New Orleans? The public would—for once—have proof that politicians are capable of setting priorities and showing respect for the concept of a budget.

It's time to put New Orleans first.

As I said, this is a very modest proposal. I hope we can, as we go through our appropriations bills—and there are numerous bills coming up, including an additional relief package for New Orleans—that we will be able to exercise fiscal restraint. If we would leave the earmarks out of the report language and out of the bills, then this sense-of-the-Senate amendment would be irrelevant.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 1707) was agreed to.

Mr. McCAIN. 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. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, as I understand it, in about 5 minutes we will be voting on two amendments. One is to establish a Truman-like commission to see if there has been profiteering in the contracts in relation to the Iraq war.

AMENDMENT NO. 1660

Madam President, there is also another amendment offered by the Senator from New York, Mrs. CLINTON, on a Katrina commission recommendation. I am a cosponsor of that amendment. Prior to the vote, I would now like to make a few remarks in support of the establishment of a Katrina commission.

This weekend I reflected—as I am sure the Presiding Officer did when you

were with your family and maybe made it back to Alaska with constituents—that two tragedies have hit our country. One is 9/11, which we can never, ever forget. How grateful we are to the 9/11 Commission for their rigorous investigation as to what happened: what went wrong, what went right; what went wrong—the failure of communications and technology and intelligence; what went right—the bravery of people, the spirit of America.

Then, also, the 9/11 Commission made concrete recommendations. In fact, they are meeting this week to issue a report card on how well we have done to implement their recommendations. Three cheers for the 9/11 Commission on what they have done and what they continue to do.

All of America has been mesmerized by what has happened in the Gulf—in New Orleans, in Louisiana, in Alabama, and, of course, in Mississippi.

Senator CLINTON's idea—she will be here shortly to express it, and I concur—is that we also have a commission now to look at the response to the Katrina situation. We appreciate the fact that the President has taken responsibility, and he himself wants to know what went right and what went wrong. We think that is a very good move on the President's part. We support him.

Second, we know there will be good efforts by our own colleagues, particularly in the Homeland Security and Governmental Affairs Committee, which is very ably chaired by our colleague from Maine, Senator COLLINS, and of which Senator LIEBERMAN is ranking member.

But it is us investigating us. It is the President looking at his own executive branch. I do not doubt the integrity of the President. I do not doubt the vigor and pursuit that the Governmental Affairs Committee will have. Golly, just look at their record on intel reform. I think we know they really do operate with intellectual rigor and integrity. But I do believe we need an outside group that will look at us and develop an opinion that will be truly independent, made up of appointees from both sides of the aisle. They would absolutely not be political, even though some might have a background in politics.

Governor Kean did a fabulous job chairing the Commission along with our former colleague, Congressman Lee Hamilton. They had a wonderful array of people on the 9/11 Commission.

So we owe it to the people of the Gulf and we owe it to the people of the United States of America to examine this situation and not to do finger-pointing. We do not need any more finger-pointing but we sure do need pinpointing as to what collapsed, what was not in place.

Some years ago, I led the reform effort of FEMA. We started with President Bush 1 and then kept going under President Bill Clinton, who gave us James Lee Witt. FEMA should be one of our premier agencies focusing on readiness, response, and recovery. What went wrong? Was it us? Did we neglect in oversight? Did we neglect funding Corps of Engineers projects? I really don't know that. And maybe we did not neglect anything, but nature had enough with our bad behavior and kicked us a little bit.

So I really want to know that, and why. One reason is so it will never happen again, just like we never want a predatory attack on the United States of America, which is why out of 9/11 came intel reform and now the followup. We do not want this result ever to happen again when a natural disaster strikes—whether it is a hurricane that hits coastal States or whether it is an earthquake, which I know the Presiding Officer's own dear beloved State is possibly subjected to and which our colleagues from California worry about, and our colleagues from Missouri worry about that fault that goes right down through Missouri.

So we have to make sure we have an independent analysis. We would then take what the President finds, take what our colleagues find, and listen to an independent commission so we can make sure we are truly ready, we are truly able to respond, and then to make sure we have the wherewithal to do recovery.

This could have been a dirty bomb in any city in the United States. Could we evacuate? Would communications be interoperable? What would happen to the poor and the sick? Are they collateral damage? Nobody in America is ever collateral damage. We have to have plans. What happens to our first responders? If there is an evacuation plan, who evacuates their families while they are protecting us? These are the kinds of questions, these are the kinds of things that need to go into the planning.

Right now, all that many of us see is that we have spent a lot of money on homeland security. But what I see is a lot of salesmen out there selling gear. In fact, sometimes I think there are more salesmen selling gear than there are first responders. We need to be effective. We need to be smart. I want my country to be safer. I want my country to be stronger. But I think we need to be smarter. This is why I think a good step forward would be an independent commission, not to finger-point but to pinpoint, so that never ever again would any community have to suffer or that they could be in a position to recover better.

Madam President, 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. SHELBY. 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. SHELBY. I call for the regular order.

AMENDMENT NO. 1670

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to suspend the rules for the consideration of amendment No. 1670. The yeas and nays were previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Louisiana (Mr. VITTER) and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 53, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—44

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Conrad	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—53

Alexander	DeMint	Martinez
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Frist	Sessions
Burns	Graham	Shelby
Burr	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Voinovich
Crapo	Lugar	

NOT VOTING—3

Corzine	Vitter	Warner

The PRESIDING OFFICER. On this vote, the ayes are 44, the nays are 53. Two-thirds of the Senators duly chosen and sworn not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected.

The point of order is sustained. The amendment falls.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1660

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate evenly divided for a vote on another motion to suspend the rules.

The Senator from New York.

Mrs. CLINTON. Mr. President, I have offered an amendment to create an independent commission, known as the Katrina Commission, to investigate with outside experts the situation we have confronted for the last 2 weeks in the Gulf Coast. This vote is on a motion to suspend the rules to consider this amendment. I hope that we have bipartisan support to do just that. There are a number of committees that have a role in this Congress to conduct oversight, to ask questions, but just as with 9/11 we did not get to the point where we believed we understood what happened until an independent investigation was conducted.

This legislation is modeled on the 9/11 Commission. The President appoints the chairman. The Republican and Democratic leaders appoint the members. This will provide us an opportunity to do the investigation away from the work that needs to happen in this Congress and in the administration, to meet the immediate needs of the people in the Gulf Coast. I hope we will vote to support the Katrina Commission.

The PRESIDING OFFICER. Who yields time in opposition?

All time is yielded back.

The question is on agreeing to the motion to suspend the rule for consideration of amendment No. 1660.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—44

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Jeffords	Obama
Boxer	Johnson	Pryor
Byrd	Kennedy	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Landrieu	Salazar
Conrad	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—54

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Allen	DeWine	Martinez
Bennett	Dole	McCain
Bond	Domenici	McConnell
Brownback	Ensign	Murkowski
Bunning	Enzi	Roberts
Burns	Frist	Santorum
Burr	Graham	Sessions
Chafee	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	
Cornyn	Isakson	
Craig	Kyl	
Sununu	Thomas	Voinovich
Talent	Thune	Warner

NOT VOTING—2

Corzine	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Two-thirds of the Senators voting not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given is not agreed to. The point of order is sustained, and the amendment falls.

The Senator from Massachusetts.

AMENDMENT NO. 1695

Mr. KERRY. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we call up amendment No. 1695.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Ms. LANDRIEU, proposes an amendment numbered 1695.

Mr. KERRY. 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 printed in the RECORD of Tuesday, September 13, 2005, under ''Text of amendments.''

Mr. KERRY. Mr. President, I offer this amendment, together with Senator LANDRIEU, to provide comprehensive relief to small businesses harmed by Hurricane Katrina. There are two reasons why it is important to do this at this time on this bill.

No. 1, the $63 billion of combined assistance in the two supplemental spending bills doesn't allocate one portion of it to small businesses specifically. So there is no small business relief—no funding for small business assistance within the structure of the SBA or for other small business assistance programs Congress has created.

No. 2, this appropriations bill is the funding source for the Small Business Administration. It is through the Small Business Administration that disaster loan assistance is available for homeowners and for business owners, and it is through the Small Business Administration that the Federal Government provides the full complement of assistance to the small businesses of our Nation. So it is appropriate for us to be doing this at this time. The SBA is indispensable to the recovery of the gulf region after Hurricane Katrina.

I was down there on Monday and could see for myself the numbers of small business people who are impacted, listening to the Governor, the Lieutenant Governor, Congressman JEFFERSON and others, all of whom described how critical this help is going to be. The States concerned—Alabama, Mississippi, and Louisiana—are still in the process of assessing the full extent of the damage. There are an estimated 800,000 small businesses in those three States, but already we have received reports that more than 100,000 in Louisiana and some 50,000 in Mississippi were damaged or destroyed completely.

We also know that in Louisiana alone, small businesses provide more than 65 percent of the jobs. Sixty-five percent is typical for most of America, which is why Senator after Senator comes to the floor and goes home to their States and talks about the importance of small business to the American economy.

What the mayor of Baton Rouge told me, what the Governors told me, and other officials I spoke with, is how critical it is to be able to get the local population back to work as fast as possible and to try to mitigate against some of the dislocation.

The only way we are going to get people back to work, the only way we get these areas thriving again, is to make small business a priority of the recovery itself.

Our amendment recognizes that it is going to take months, if not years, for a lot of businesses to get back to normal. SBA's Federal disaster loans and physical damage loans and economic injury loans are going to play a critical role in this recovery.

Our amendment also recognizes that similar to the domino effect of the 9/11 attacks—the domino effect that those attacks had on our economy in other places—we need to help not only those businesses physically located within the declared disaster area, but also an awful lot of businesses that have been indirectly harmed because of the loss of business directly to those areas or because of the increase in fuel prices.

The tourism industry, for instance, is so important to New Orleans and has suppliers around the country. Travel agents who book conferences, companies that provide food and beverages and supplies for the hotels, restaurants, and bars. Suddenly they have no orders. There are small businesses that could help rebuild the damaged and destroyed homes, businesses, and infrastructure of the gulf region. But they need legal protection to make sure they can be part of the Federal contracts paying for these projects and services.

One of the reasons for this is that too often the Federal Government, in its effort to move rapidly, which we understand, takes the easiest route or path of least resistance and gives big contracts to the Halliburtons of the world, leaving a lot of the local economy and small businesses still gasping, looking for their way into that pipeline.

Then, of course, there is the underestimated but, frankly, always essential counselor component. A lot of small businesses need help figuring out how to restructure, how to process all of this, how to make up for the loss of business. Many of them have viable businesses. With a small amount of assistance they can keep that viability and minimize the negative impact to our economy and to their business.

In order to put this package together in a way that addressed the real needs

of the communities, I have worked closely with Senator LANDRIEU who, along with her staff, has worked tirelessly in recent days to determine what the businesses in her State need to get Louisiana small business on the road to recovery. I think we ought to be encouraged—frankly, all of us in the Senate ought to be encouraged—at how much we can do under the auspices of the Small Business Administration, recognizing that a lot of these businesses have no way of fully operating now or any time soon. We try to take steps to defer for 2 years the interest and the principal payment for those businesses located directly in the disaster area, those that have been adversely impacted. For small businesses directly impacted, we permit them to use disaster loans, which have interest rates capped at 4 percent. I remind my colleagues that these are loans. These aren't grants. We allow small businesses to refinance existing disaster loans and existing business debt in order to consolidate their debt and lower their interest payments.

For those small businesses directly impacted that had SBA 7(a) and 504 loans before Katrina, if they are unable to make their payments, we direct the SBA to assume the payments for up to 2 years or until the businesses can resume payments earlier on their own.

For small businesses that are directly impacted, such as suppliers to the extensive tourism industry in the gulf coast, we make available SBA 7(a) loans at reduced rates, with protections to make sure that those who need the loans are the ones getting them.

For small businesses that need counseling, we increase funding to SBA's counseling partners to serve businesses, whether they are in Louisiana, Mississippi, or Alabama, or whether they are still displaced in other States such as Texas or Arizona.

We put in place contracting protections to encourage the Federal Government to help rebuild the economy by using local businesses or small businesses.

We authorize $400 million in grants to the States in the declared disaster areas in order to make immediate bridge loans or grants to those small businesses directly harmed by Hurricane Katrina that need access to money immediately and can't wait for the disbursement of Federal loans or other assistance. This has worked in the past, and it can work now.

As we all know, Hurricane Katrina knocked out roughly 10 percent of U.S. oil refining and natural gas pipeline capacity. That has caused prices for gasoline and natural gas to go through the roof all over the country. Experts estimate the impact is going to hit us in the winter as well when heating oil prices are going to increase as much as 70 percent. To help small businesses and farmers and manufacturers that are being crippled by these energy prices, we give them access to low-cost disaster loans.

This is a very straightforward example of how businesses outside the disaster area have been indirectly and seriously adversely impacted.

The other day, I was driving through a couple of States well north of Washington, DC—not in Massachusetts but New Jersey, New York, and elsewhere—and the gas prices are all reflecting the effects of Katrina. Small farmers in the Presiding Officer's State of South Dakota, North Dakota, Wisconsin, Iowa, and all across the country are deeply impacted by the cost of fuel for their tractors or for their trucks for deliveries all across the country. This will help the small businesses and farmers and manufacturers that are being crippled.

The high cost of energy is making American manufacturing noncompetitive. Talk to truckers who are traversing the Nation about the cost of fuel. It's a huge portion of the current price of goods consumed by the increased energy prices. The result is a lot of folks who are teetering on the edge with loans out and financed are now finding themselves in economic difficulty. So this is a way to help them, and this tries to do that.

I point out to my colleagues that previously the energy relief portion of this amendment has passed the Senate three times. There are 37 Republican Senators currently in the Senate who have previously voted for this on several occasions. Our hope is that we can proceed forward.

In addition, to help drive down the impact of Hurricane Katrina and its toll on the economy as a whole—including added costs to health care for small business, energy for small business, and rising interest rates—we temporarily lower the interest rate set by the Federal Government itself. There is no need for us to recoup at the same rate, if it helps those businesses remain viable.

The Congressional Hispanic Caucus has been calling for this relief for Hispanic small business owners because ever since the administration raised the fees on 7(a) loans, loans to Hispanics have fallen by 14 percent. With the added problems to the economy caused by Hurricane Katrina, making capital more affordable is a way to open the doors of opportunity and to help people to be able to keep the economy moving.

In closing, I thank Senator REID, Senator MIKULSKI, and Senator LANDRIEU for their leadership and help in shaping this legislation. The coming weeks and months are critical for small businesses. Frankly, it is too easy to go to the meetings back home and stand up in front of the small business community and say: Aren't you great; you are 98 percent of the businesses of America. You are the engine of our economy.

Over 60 percent of America's employees work in small business. Almost all the new jobs in America come from small business. Small business has been hurt by the hurricane and by the indirect impact of that hurricane on other sectors of our economy. This is an opportunity for the Senate to be able to address those dire needs. I hope my colleagues will join in that effort.

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. BINGAMAN. Mr. President, I am pleased to join my colleagues from Massachusetts and Louisiana, Senators KERRY and LANDRIEU, in support of this amendment to provide assistance to businesses and farmers who are facing serious economic injury from the current run-up in fuel prices.

This amendment would establish a 4–year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. Small businesses have narrow operating margins and limited reserves to cover unexpected or significant increases in costs, and commercial loans are not available to respond to this kind of situation. Existing disaster loan programs must be expanded so that small businesses and farms will be able to tap into the capital they need to manage their way through this period of high fuel prices. Without action by the Congress, many small businesses and farms will be confronted with higher costs, reduced profits and likely layoffs.

The Senate has this opportunity to reconsider, and again pass, legislation that would provide vital relief. This amendment has enjoyed bi-partisan support for several years. I was pleased to be a cosponsor with over 30 colleagues when it was first introduced in the 107th Congress as S. 295, and when it was reintroduced in this Congress as S. 269. Most recently, in June, the Senate passed this measure as section 303 of the comprehensive energy legislation. Unfortunately, like other Senate passed provisions, it ended up on the cutting room floor during the conference with the House. Now, however, the need to assist businesses and farms that are being injured by skyrocketing fuel prices is far greater than it was in June.

Businesses in New Mexico have expressed concern about prices and urged support for this bill and I know that their experience is shared by businesses across the Nation. Last Tuesday, the Energy Committee held hearings on the fuel price crisis and heard sobering testimony about the constraints on oil supply and on the expectation for sustained high prices for other fuels as well.

I ask that letters from the Albuquerque Hispano Chamber of Commerce and from the Los Alamos Chamber of Commerce in support of this amendment be printed in the RECORD. I very much appreciate their endorsement of this Senate effort to respond

to the need of small businesses as they struggle with high fuel prices. The catastrophe along the gulf coast has made a bad situation worse, and we have a responsibility to provide assistance to those who need a way to sustain their businesses during this crisis.

I urge my colleagues to again support this amendment, as it was supported in June, so that our businesses and farms will receive the assistance they so desperately need.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALBUQUERQUE HISPANO
CHAMBER OF COMMERCE,
Albuquerque, NM, September 14, 2005.

Senator JEFF BINGAMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BINGAMAN: The Albuquerque Hispano Chamber of Commerce (AHCC) is an organization with over thirteen hundred (1,300) small businesses. These small businesses face many challenges on a daily basis to ''keep the shop open.'' Of overwhelming concern are today's spiraling fuel costs.

We are writing to express our alarm about the increasing fuel prices and to endorse the Small Business and Farm Energy Emergency Act of 2005, S. 269, which we understand is expected to be offered as an amendment in the U.S. Senate. Many of our members throughout New Mexico are facing a cash flow crisis from high and rapidly increasing prices for gasoline, natural gas, propane and other fuels that are essential to their businesses.

Typically, our members have small cash flows, narrow margins, and have very limited reserves to cover unexpected or significant increases in costs. This legislation would establish a 4-year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. The dramatic increase in the price of gasoline for transportation has compounded the slower but steady increase in natural gas, propane, kerosene and other fuels that are essential to many business operations. It is vital that existing disaster loan programs be expanded so that small businesses and farms will have access to the capital they need to manage these new cost challenges. Commercial loans simply are not available for this type of emergency. Without Federal assistance, many of our members are confronted with curtailing operations, raising prices and suffering declining sales, layoffs, and even bankruptcy.

We understand that this emergency loan program was included in the national energy legislation which passed the U.S. Senate earlier this year, but that it was dropped during the conference committee with the House of Representatives. Many of our members face a crises with each new fuel bill and need assistance without further delay. We applaud the Senate's previous effort to get this important bill enacted and urge that you continue to fight for its inclusion in other bills, and its prompt passage into law.

Thank you for your continued support for small business and for this important legislation.

Sincerely,

JOSEPH P. CASTILLO,
Chief Operations Officer.

LOS ALAMOS
CHAMBER OF COMMERCE,
Los Alamos, NM, September 14, 2005.

Senator JEFF BINGAMAN,
Santa Fe, New Mexico.

DEAR SENATOR: I am writing on behalf of the Los Alamos Chamber of Commerce to express our alarm about rising fuel prices and to endorse the Small Business and Farm Energy Emergency Act of 2005, S. 269, which we understand is expected to be offered as an amendment in the U.S. Senate. Many of our members throughout Northern New Mexico are facing a cash flow crisis from high and rapidly increasing prices for gasoline, natural gas, propane and other fuels that are essential to their businesses.

Typically, our members have small cash flows, narrow margins, and have very limited reserves to cover unexpected or significant increases in costs. This legislation would establish a 4–year pilot program to provide emergency relief through affordable, low-interest Small Business Administration and Department of Agriculture disaster loans to small businesses and farms harmed by significant increases in the price of fuels. The dramatic increase in the price of gasoline for transportation has compounded the slower but steady increase in natural gas, propane, kerosene and other fuels that are essential to many business operations. It is vital that existing disaster loan programs be expanded so that small businesses and farms will have access to the capital they need to manage these new cost challenges. Commercial loans simply are not available for this type of emergency. Without Federal assistance, many of our members are confronted with curtailing operations, raising prices and suffering declining sales, layoffs, and even bankruptcy.

Most of our members are in the Los Alamos area, a remote location from major distribution centers so we face a particularly difficult situation with regard to rising energy costs.

We understand that this emergency loan program was included in the national energy legislation which passed the U.S. Senate earlier this year, but that it was dropped during the conference committee with the House of Representatives. Many of our members face a crisis with each new fuel bill and need assistance without further delay. We applaud the Senate's previous effort to get this important bill enacted and urge that you continue to fight for its inclusion in other bills, and its prompt passage into law.

Thank you for your continued support for small business and for this important legislation.

Sincerely,

KEVIN HOLSAPPLE,
Executive Director.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, we are on the Commerce-Justice appropriations bill. My understanding is there are a number of amendments left, one of which is the amendment I have offered. It is an amendment that is germane, an amendment I expect to have a vote on. I know that amendment has caused quite a lot of consternation on the floor of the Senate in recent hours, also in the Washington Post, and now in a letter from two members of the President's Cabinet, on behalf of the President, suggesting that were this amendment to come to his desk in a piece of legislation, they would recommend a veto.

This is about trade issues and about whether we are finally, as a country, going to stand up for this country's economic interests.

I only take the floor again to urge those who do not want to have a vote on this amendment to relent. We have a right to have a vote. I properly offered this amendment, and I would expect a vote before the day is out.

The vote is very simple. It is an amendment that says no funding in this appropriations bill can be used by the Commerce Department or the trade ambassador's office to negotiate a trade treaty that reduces or eliminates the protections that we have in this country to protect domestic producers against unfair trade.

I have mentioned before that some years ago I drove to the Canadian border one day with a man named Earl Jensen. Earl had a 12-year-old, 2-ton orange truck. We drove to the Canadian border with some durum wheat. We got to the Canadian border and we were stopped. They said: You can't take American durum wheat into Canada. They stopped us.

On the way to the Canadian border, we saw 18-wheelers hauling Canadian wheat into our country. We saw truck after truck after truck bringing Canadian wheat across the border into our country, and we couldn't get a little old 12-year-old orange truck into Canada with about 150 bushels of durum wheat.

What was happening was the Canadian Wheat Board—which is a sanctioned monopoly by the Government, which would be illegal in this country—was selling all that wheat into our country at secret prices, undercutting American farmers, engaging in unfair trade, taking money straight out of the pockets of American farmers with unfair trade. You could not do anything about it.

We demanded of the Canadian Wheat Board all of the information—the materials, the data—that defined their sales that they were making at secret prices. We sent the Government Accounting Office, the GAO, up to the Canadian Wheat Board. They thumbed their nose at us and said: We don't intend to give you any of that information. We don't intend to do anything that gives you information. Go fly a kite, they said.

So year after year after year that unfair trade existed, until finally an action was filed against the Canadians, and some countervailing duties were levied against that wheat coming in as unfair trade. Well, that countervailing duty represents a protection we have in our country for farmers, yes, for businesses, for industries—protection against unfair trade by other countries that attempt to destroy a business or destroy an industry in our country by sending in products that are deeply

subsidized or sold at dumped prices in order to injure this country's economy or injure an industry in this country.

We have laws against that. The laws are antidumping laws and countervailing duty laws. We have laws that would prohibit another country from targeting our country with unfair trade. We have a right to stand up for our interests and say: You can't do that. That is what these laws are about—countervailing duty laws and antidumping laws.

But now there is a new set of trade negotiations occurring in Doha, halfway around the world. They are occurring in secret, and our country is involved in them. Our country has indicated, at the demand of other countries, that we will get rid of our protections, such as countervailing duties and antidumping laws. Our country said: OK, we'll negotiate some changes in that.

Let me read what this morning's Washington Post has to say. It says:

> The Bush administration agreed to negotiations on U.S. anti-dumping and countervailing duty laws when the latest round of world trade talks was launched in 2001. Many other countries view the measures as an unfair trade barrier and want to discipline U.S. ability to use them.

In other words, other countries are saying it is unfair we have antidumping laws in this country.

It is unfair that we have laws that prohibit other countries from dumping their products in this country at far below the cost in a way that would endanger U.S. industries and businesses and workers. It is unfair, they say. So they want to negotiate an end to those few things left in our trade laws that allow us to protect our own economic interests.

The administration, involved in the Doha talks, has said they would agree to put all of these things on the table to potentially negotiate away our antidumping laws and countervailing duty laws. Rather than the $2 language of trade, another way to describe it is to talk about what it means to this country and to its workers and businesses. As you know, I have talked at great length about the number of companies that have outsourced their jobs, told their American workers: We don't need you any longer, don't want you, because your jobs are gone. They are now in China or Bangladesh or Sri Lanka or Indonesia or any number of other countries where we can hire people for pennies on the dollar and not have to worry about all the nuisances that exist in this country with respect to child labor and safe workplaces and the ability of workers to organize and form a union, and so on.

So as companies increasingly move their jobs offshore to other countries, we are engaged more and more in unfair trade practices against our country, and our trade negotiators are willing to negotiate away the last vestiges of protection we have.

From the Washington Post:

> The Bush administration urged the Senate on Tuesday to reject an amendment they said would cripple chances of reaching a new World Trade Agreement.
>
> The measure . . . is aimed at preventing U.S. trade negotiators from agreeing to change any laws that allow the United States to impose duties against unfairly priced or subsidized imports.

The trade ambassador says:

> We strongly urge the Senate to reject this unwise amendment.
>
> The provision would ''provide our trading partners an excuse to refuse to negotiate on sectors and subjects they consider sensitive'' and greatly diminish our chances of reaching an ambitious world trade deal.

I am not particularly interested in anybody reaching a deal if the deal is not fair to this country. The objective of negotiating is not to negotiate a deal, if a deal is not fair to us. It doesn't matter whether you are talking about GATT, United States-Canada, NAFTA, CAFTA, at the end of the day, our trade negotiations in the last 25 years have left this country in a weaker position and have put this country in a position where our jobs are leaving this country. I am not interested in a trade deal unless it represents this country's best interests.

It is time for this country to understand that trade agreements must be mutually beneficial. This week, to a giant yawn in the Senate Chamber, there was an announcement that we had the fifth highest trade deficit in the history of our country. It was only $58 billion for a month. Did that create a traffic jam for people to come to the Chamber to say: Maybe we ought to stare truth in the eye and deal with this issue? No. It wouldn't interrupt any naps around here. Nobody cares about trade. Nobody cares about jobs. Nobody wearing blue suits is going to lose their job because politicians don't get outsourced; it is just workers. They are the ones who come home and say: Honey, I lost my job. I worked there 20 years and did a great job, but they have told me my job is now going to India. And by the way, I am going to train the person in India that works my job because they are bringing them over to get training from me. Then I am done.

My only purpose for offering this amendment is to say that at some point this country might want to stand up for its own economic interests, for its farmers, businessmen, and workers. It has not done that. I am anxious to have a discussion about how anybody in this Chamber thinks it advances our interests to go to Doha and, in secret, negotiate an agreement that would weaken the protections we have for our producers to require competition in trade be fair. I wish to have a discussion or a debate with anybody in the Senate who thinks that is a good deal for this country. I don't know. Maybe we have become immune to the news when in a month our trade deficit is $57 billion, $59 billion, $55 billion. Our trade deficit with China alone in a month is $16, $17, $18 billion. Every single day we buy $2 billion more from abroad than we send abroad, 365 days a year.

You can make a case, if you are an economist with real tiny glasses and not much breadth of thought, that the budget deficit and our budget is what we owe to ourselves. You can make that case. You cannot make a similar case with respect to the trade deficit. That is a deficit that we owe to others outside of this country. Those are claims against American assets. It is what Warren Buffett, a businessman I hugely admire, calls creating an economy of sharecroppers.

It is fascinating to me that somehow we are told there is a doctrine of comparative advantage with respect to the Chinese, which is our largest trading partner in terms of the deficit. We have a huge deficit with China that is likely now to reach close to $200 billion in 1 year. What is the comparative advantage? Is it a natural economic advantage such as the Portuguese and English trading wool or wine? No. The advantage is, you can hire somebody for 33 cents an hour, work them 7 days a week, 12 hours a day. If they complain, you can throw them in jail. And if they try to form a labor union, you can fire them first, then throw them in prison. That is the advantage. The advantage is borne on the backs of workers.

We are not exporting enough product because we are importing $2 billion a day more than we are exporting. What we are exporting is misery, the misery of people who are working in circumstances where they don't have a voice. They are fired if they attempt to form a labor union. They work in unsafe plants. They work 7 days a week and they are paid pennies an hour. That is the export of misery.

I didn't intend to speak at great length about this. The administration has written a letter saying, through Rob Portman, trade ambassador, and Carlos Gutierrez, the Secretary of Commerce:

> We and other senior advisors will recommend to the President that he veto this legislation if the Dorgan amendment were included.

God forbid that we should include an amendment that stands up for this country's economic interests.

All of these folks have painted these wonderful mosaics with respect to trade agreements, whether it is CAFTA or any of the others. After each single trade agreement, our trade deficit has increased, and the number of American jobs lost, the number of American jobs moving overseas has increased. You would think at some point just by chance the Congress would decide, this doesn't make any sense. At some point when you see things don't work, you probably decide you might want to reevaluate them. Not this Congress. In fact, if something is not working, this Congress says: Let's do a lot more of it. It is like the old story about the guy hauling coal. He is losing money so he

starts hauling a lot more coal. That is the attitude of this Congress: It doesn't matter, $700 billion a year in deficits. Let's do some more. Let's send our guy to Doha.

It is interesting. Why do you think trade negotiations are going on in Doha? Why not London or Paris or New York? Why in Doha in secret? Because if they had these trade negotiations in London, Paris or New York, the streets would be jammed with protesters. So they go to Doha and have a negotiation that is in secret, and they come back and tell us—with fast track, so that you can't offer any amendments—here is what we negotiated behind that closed door. Like it or lump it; you can't change it.

This is now a new world order. It is going to affect our country in a lot of ways. It won't affect anybody wearing blue serge suits, just workers. If workers lose their jobs and those jobs are sent overseas, that is part of the advancement of an enlightened economy.

This is not enlightenment, not after you work for 100 years, to decide that you want to create a standard by which people can live well, work, get paid a decent wage, work in a safe workplace, have job protection, the ability to organize, and then negotiate all of that away which is exactly what is happening.

I mentioned yesterday James Fyler. I probably shouldn't have said: James Fyler died of lead poisoning. He was shot 55 times. James Fyler was a labor organizer, and he lost his life for trying to organize for rights of workers. That was in 1914. Over a long period of time, we finally made progress and decided there are conditions of production with respect to the environment and workers and other things that make sense. And now all of a sudden, once we have established those rules, you can avoid all those rules as a company by pole-vaulting over them to India or China and deciding: That is where I am producing because I don't have to put up with all this nuisance such as not being able to hire kids or having to pay a livable wage or having to put up with workers that want to organize with respect to workers' rights.

I mentioned yesterday how much I admired liked Lech Walesa. He was the fellow in Poland who took down a Communist Government, leading workers' rights strikes in the country of Poland. We deeply admired him. Maybe we ought to stand up for similar issues in other parts of the world on economic matters. Maybe once we ought to decide that our real role is to bring others up, not push us down. That is why I offer this amendment.

I know there are plenty of people who feel very strongly that I am dead wrong about this, but they are not supported by the facts. All of the evidence is opposed to it working. There isn't anyone who can come to this heir argument that the current trade strategy is floor and tell me that a strategy that produces $700 billion a year in trade deficits, $2 billion a day in trade deficits, somehow works to the advantage of this country. It does not. It weakens America. We will not long remain a world economic power unless we have a strong manufacturing base and decide to stand up for the standards we fought for, for a century, that created a broad middle class that represented the purchasing power to move America forward. That is what so many forget.

Mr. President, I wish to make one other point. The amendment is nearly identical to the amendment offered by Senator DAYTON and Senator CRAIG when we had fast track before the Senate, and it received 61 votes. It passed the Senate, though it was dropped in conference. That is why I assume they do not want to vote on this amendment today. They worry they will lose the vote in the Senate.

My hope is they will understand that I have timely filed this amendment. It is germane. I have a right to a vote. I insist on a vote. And I believe it is the only conceivable way we can finally begin to change this country's trade policies and tell trade negotiators they cannot get into an airplane, fly halfway around the world, shut the door of the room in which they are going to negotiate, and negotiate away protections of American businesses and workers who demand fair trade. They cannot do that. We will not allow them to do that.

I say to the leadership on the other side, I hope they will now come back and have a vote on my amendment this afternoon. Win or lose, I feel passionately that this country needs to speak about this issue and do so in support of this country's economic interests.

Mr. President, 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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. CONRAD. Mr. President, we know the country has been hit by the catastrophe of Katrina. We know hundreds of lives have been lost. We know tens of billions of dollars of property damage has been done. We know there are thousands of people who have been displaced, who are without their homes. We know there is widespread devastation across an entire region of the country. We know the insurance losses to the country apparently approach $100 billion. We also know enormous damage has been done to our budget situation with the Federal Government.

I thought this was perhaps an appropriate time to come to the floor to talk about the changes in our budget situation and the implications for the future and how important it is that we begin to focus on the damage that has been done to our fiscal condition and to begin the process of thinking through what our response will be. Are we going to stay with the same plan that was in place before, or are we going to recognize a new reality and move to a different plan and hopefully steer the country back to some fiscal course that has better long-term prospects?

We know, putting in perspective before Katrina, where things stood; that we faced in this country very large deficits in historical terms. We go back to 2001, when we actually enjoyed a surplus of $128 billion, and each year since that time, the deficits have grown to record proportion. In 2004, the deficit reached a record level of $412 billion. The estimates for 2005, before Katrina, were $331 billion, still an enormous deficit, and in many ways it understates the seriousness of our fiscal condition because, as the occupant of the chair knows very well, the budget deficit is a more conservative look at how serious our situation is in the sense that it understates what is actually happening because the amount of the increase in the debt of our country is far greater than the reported deficit.

I find there is a lot of confusion on that as I go around my State. People think the amount of the deficit is what gets added to the debt, but that is not the case. What is added to the debt is much greater. In fact, we anticipate now that the debt will increase in 2005, not by $331 billion, but now with Katrina, well over $600 billion.

We now know Katrina has absorbed already $62.3 billion of additional spending. We were last told that the Federal Government was spending about $2 billion a day in response to Katrina, truly a stunning amount of money. That is over and above all other Federal expenditures. And this $62.3 billion is just a downpayment.

There was a report in the Wall Street Journal that the first estimates on Katrina costs for Washington hit $200 billion. This is in a story that just appeared on September 7. The lead says:

> The Federal Government could spend as much as $150 billion to $200 billion caring for the victims of Hurricane Katrina and rebuilding from its devastation, according to early congressional estimates—a total bill that would far surpass the initial costs of recovering from the 9/11 terror attacks and could put Katrina on track to become the most expensive natural disaster in American history.

None of us begrudge spending this money to help the victims. We all understand that is a Federal obligation, a tragedy of such sweeping dimension that it requires a full Federal response. But we need to evaluate these enormous expenditures in light of the very deep deficit ditch we are already in in this country, a deficit ditch that is only exceeded by the debt ditch that is being dug by the policies that are being pursued in Washington.

I think all of us who have been engaged in these debates know how serious the long-term outlook is. To evaluate what has happened in the past so

that we better understand our future, I wanted to go back to 2001. After the 2000 elections, the 2001 Congressional Budget Office, looking ahead, told us this was the range of possible outcomes for the budget going forward. This would be a projection on what the surpluses might look like going forward. They picked this midrange going forward.

They were projecting surpluses. That was the long-term outlook. The Congressional Budget Office, the Office of Management and Budget, told us we could expect something like $6 trillion in surpluses over the next 10 years at that time. I remember many of my colleagues told me repeatedly, when I urged them not to be betting on this 10-year forecast: Kent, you are being much too conservative.

Do you not understand that when we have these tax cuts, we will get much more revenue? We will not be at the midline of this range of possible outcomes. Instead, we will be significantly above it because if you cut taxes, the theory was there is going to be more money.

Well, we can go back now and look at what actually occurred, not what some ideological slogan predicted, but what actually occurred in the real world. In the real world what happened with deficits is this red line. It is far below the bottom of the projections that were made by the Congressional Budget Office. Not only did we not achieve the midpoint of the range, nor anywhere close to that, we were not even at the bottom of the range of possible outcomes. We are far below the bottom. So the theory that if we cut taxes, we get more revenue and this would all work out has not worked very well in the real world.

That can be seen if we look at the revenue line in historical perspective. This is the revenue line going back to 1959 as a percentage of our gross domestic product. The economists say that is the best way to look at it because that takes out the effects of inflation year to year. Look what we see. Revenue was almost 21 percent of GDP in 2000. The President at the time said revenue is very high historically, and he was exactly right, revenue was high historically. His answer was to cut taxes. But look at what has happened. Revenue in 2004 was 16.3 percent of GDP, the lowest it has been since 1959. So once again, the notion that if we cut taxes we are going to get more revenue did not work. We cut taxes repeatedly and revenue has collapsed. The result is the gap between spending and revenue has once again opened up and is producing massive budget deficits.

If we look ahead, it is all too predictable where we are headed. The administration earlier said they are going to cut the deficit in half over 5 years, but they got that result by leaving things out. They left out the full effect of war costs. They left out the cost of fixing the alternative minimum tax, which costs $700 billion to fix. The alternative minimum tax is the old millionaires' tax. It is now a middle-class tax trap. The alternative minimum tax affected 3 million people this year. Ten years from now it is going to affect 30 million people if we do not respond. So, of course, we are going to respond. We must respond. But it costs money and the money is not in the budget, just as war costs passed September 30 are not in the budget.

When these things are put back in, what one sees is a much different outlook going forward, and this is before Katrina. I want to emphasize this is before Katrina. What we see is a deficit picture that gets much worse, especially after this 5-year budget window. The budget the President submitted was for 5 years. Previously we had been doing 10-year budgets. I think one reason the President changed to 5 years is because we see the deterioration that is going to occur if the President's budget proposals are adopted, because the President is saying, spend more money but cut the revenue base as well. In fact, he is proposing over $1.5 trillion of additional tax cuts.

If we do a reality test, I think we have to ask ourselves the question, where is this all headed? We cannot pay our bills now. We are running near-record deficits. Spending is exploding. Sixty billion dollars has been appropriated to Katrina alone in the last few days. The President says, cut the revenue base by $1.5 trillion. Most of that cut will occur beyond the 5-year budget window, and this is before the baby boomers retire. What possible sense does this policy make?

We have before us a budget plan that makes the situation worse. The budget itself will increase the debt $600 billion a year every year for the next 5 years, and I will discuss that in the next chart. In addition to the budget plan, there is a plan called reconciliation, a process of fast-tracking legislation that was supposed to be used to reduce the deficit. In passing their budget this year, our colleagues decided to use that fast-track process to actually increase the deficit. Why? Because they have $35 billion of spending cuts over the life of the budget but they have $70 billion of revenue cuts. The result is the deficit is increased. The debt is increased—not reduced, but increased.

When one looks at the budget that was passed in the Senate and ultimately passed in the House and then passed both Chambers, what one sees is the debt of the country going up dramatically before Katrina. The debt was going to go up over $600 billion a year each and every year of the budget that was passed.

I know it is hard to believe, but these are the numbers in the budget document itself. In the budget document itself, their prediction of what will happen to the debt of the country shows that the debt will go up $683 billion this year. That is not the deficit, it is the increase in the debt of the country. Very often I find people are confused between the deficit and the debt. I think we should be focusing at this moment on the debt because that captures the money that is being taken from Social Security and all the other trust funds, money that has to be paid back, but there is no plan to pay it back.

The debt is going to increase under the plan of the budget that is before us, before Katrina, $683 billion this year; $639 billion the next year; $606 billion the third year; $610 billion the fourth year; $605 billion the fifth year.

There has been some improvement in this year, more than $50 billion of improvement from when this budget resolution was drafted. But, again, that is before Katrina. That improvement this year has been wiped out next year by the two legislative acts we have passed so far to deal with Katrina, over $60 billion in those two, with much more to come.

So we are right back in this neighborhood of increasing the debt by these massive amounts. What is most alarming is this increase in debt is occurring in the sweet spot of the budget cycle, before the baby boomers retire. When the baby boomers retire, then we see the real challenge begin. To look visually at what is happening to the debt, I prepared this chart because I think it communicates about as well as I can how we are building a wall of debt. The gross debt of the United States at the end of this year is estimated to be $7.9 trillion. One can see, with the course we are on, that debt is going to be jumping by $600 billion, some of these years more than $600 billion, each and every year for the next 5 years; massive increases in debt. At a time the President told us if we adopted his plan back in 2001, one will recall he said there is going to be maximum paydown of the debt. Do we see any paydown of the debt occurring? No paydown of the debt. The debt is skyrocketing.

There is not much interest in this town, or perhaps elsewhere, about this problem. But there will be. I predict there will be because, one, the markets cannot be fooled; reality cannot be fooled. The reality is, we are going deeper and deeper into hock.

Who are we going into hock to? Well, increasingly we are going into debt with other countries around the world. We owe Japan over $680 billion. We owe China over $240 billion. We owe the United Kingdom over $140 billion. My favorite is the Caribbean banking centers. We owe the Caribbean banking centers over $100 billion. I like to ask audiences back home if anyone is doing business with the Caribbean banking centers. I have never had a hand go up. I do not know where the Caribbean banking centers get their money, but we owe them $108 billion.

The debt is skyrocketing at the worst possible time, before the baby boomers start to retire. Because this debt is skyrocketing, we owe more and more countries around the world. In

the last 4 years alone, foreign holdings of our debt have increased more than 100 percent. Think about that. Other countries' holding of debt has gone up more than 100 percent in 4 years. That is utterly unsustainable. It has taken us over 200 years to build up a debt around the world and we have doubled it in the last 4. That is not a sustainable circumstance.

Couple that with the trade deficit—the trade deficit running over $600 billion a year—it seems to me it is very clear that as a country we are living beyond our means.

There are real consequences to doing so. Here is the pattern of Social Security beneficiaries. Of course, the same chart would apply to Medicare. We are just below 40 million people now eligible. By 2050, there are going to be 81 million. This is the demographic tsunami that is headed our way, and it is going to swamp a lot of boats. Our country has to get ready. We have to respond.

The biggest long-term problem we have is not with Social Security. Social Security's 75-year shortfall is estimated at $4 trillion. I personally do not believe that. I think that overstates the shortfall in Social Security. Why? Because this is based on an assumption. The shortfall in Social Security is based on an assumption that the economy is only going to grow 1.9 percent a year every year for the next 75 years. In the past 75 years, the economy has grown at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of this shortfall would disappear.

Does that mean we do not have a problem? No. I wish it did, but we have a big problem. The problem we have, as I diagnose it, is first of all those very large budget deficits we are running now, coupled with the shortfall in Medicare, which is seven times the projected shortfall in Social Security. This is the real 800-pound gorilla: Medicare—a shortfall of almost $30 trillion estimated over the next 75 years. This shortfall, I believe, is much more likely to come true than the projected shortfall in Social Security because it is based not only on an aging population but medical inflation that is running far ahead of the underlying rate of inflation.

If you put it all together, we have massive budget deficits made much more severe by the war in Iraq and Afghanistan that is adding $6 to $8 billion a month; coupled with Katrina, who knows what the ultimate cost will be? It is at least $60 billion and counting. And then we have these massive long-term shortfalls, especially in Medicare.

Then I look at the President's plan. The President says: Steady as she goes. Spend the money, but on top of it add massive additional tax cuts, tax cuts that are represented by these red bars, tax cuts that explode at the very time the Social Security and Medicare trust funds go cash negative. There can only be one possible result, and that is massive red ink, massive deficits, massive debt—a completely unsustainable situation.

It is not enough to curse the darkness. We also have to talk about what can be done here to begin to dig out. I believe on the revenue side of the equation, before we talk about any tax increase for anybody, we ought to talk about this tax gap. That is the difference between what is owed and what is being paid. It is estimated now conservatively at over $350 billion a year.

The vast majority of us pay what we owe; companies do, individuals do. But increasingly there are people and companies that do not. They now estimate that amounts to $350 billion a year of lost revenue. That is utterly unfair to the rest of us who are paying what we owe, and we ought to insist that everybody pay what they owe. If we could do that, we would close this yawning chasm by some significant amount—nobody knows quite how much. On the revenue side of the equation, I believe that ought to be our first order of business.

On the spending side of the equation, the first order of business ought to be to focus on Medicare and the 5 percent of beneficiaries who use 50 percent of the money. Five percent of the people use 50 percent of the money. They are the chronically ill. What can we do about it? What we can do is focus like a laser on those who are the chronically ill and better coordinate their care.

A pilot problem was done with 22,000 patients like that; assign nurse-practitioners to every one of those cases to better coordinate their care. The first thing they did was lay out the prescription drugs the patients were taking, and they found in many of the cases they were taking 16 prescription drugs, and they found in many cases half of them they should not be taking or didn't need to take.

I did this with my own father-in-law. I went into his home when he was ill. Sure enough, he was taking 16 prescription drugs. I got on the phone to the doctor and I went down the list. About the third drug I listed, the doctor said to me: He should not be taking that. He should not have been taking that for the last 3 years. I went further down the list. About two other drugs, the doctor said to me: He should never be taking those two together. They work against each other.

By the time we were done, we had eliminated 8 of the 16 prescription drugs he was taking. I said to the doctor: How does this happen? The doctor said to me: You know, it happens all the time. He said: I am the family practice doctor. He has a heart doctor, he has a lung doctor, he has an orthopedic doctor. He is getting prescription drugs at the hospital clinic, the corner clinic, the clinic down at the beach, and he is getting them mail order. He is sick and confused. His wife is sick and confused. The result is chaos.

All too often, that is what is happening. When we put nurse practitioners on the 22,000 chronically ill cases that were studied, they reduced hospitalization 40 percent, they reduced costs 20 percent, and they got better health care outcomes because they got people to stop taking drugs they should not be taking. They got them to stop having duplicate medical tests that didn't have any value but to put them through more stressful procedures. We ought to take that study on 22,000 and we ought to ramp it up to a quarter of a million or something like that and see if we could get those same results on a much bigger universe and see if we could continue to save money and get better health care outcomes.

Those are just two ideas, closing the tax gap and dealing with the tremendous explosion in costs in Medicare where, again, 5 percent of the people are using half of the entire budget. We ought to focus like a laser on that half of the expenditure, and we ought to do it quickly. The sooner we act on these problems and challenges, the better off we are. The longer we stay with our heads in the sand, the more Draconian will have to be the solution.

Katrina was a disaster of unparalleled dimension. All of us weep for those who have lost family members and friends. We are saddened by the other losses that have occurred as well. But we should not compound the problem by sticking with a fiscal plan that puts this country deeper and deeper into the deficit and debt ditch. That would add to the calamity. That would compound the disaster.

We ought to take this opportunity to begin to plan how we dig out. It is imperative that we act sooner rather than later. It is imperative that the Congress and the President begin a plan to put us back on a more sound fiscal footing. It would truly be ironic if this disaster were allowed to spread to an even deeper fiscal disaster, one that could cause the harm of Katrina to spread outside the Gulf region to every part of our country.

I am very hopeful that the President will provide leadership and that Congress will respond. If the President does not provide leadership, the Congress should demonstrate leadership and take this bull by the horns and recognize we need a new fiscal blueprint for this country. We need to start digging out of this deficit ditch and prepare a brighter and better future for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KATRINA TAX BILL

Mr. SALAZAR. Mr. President, at the outset, let me praise my colleague from North Dakota for his wisdom and his leadership in addressing an issue this Nation has forgotten for too long a time; that is, the notion of fiscal responsibility and the fact that the

United States of America today finds itself in a fiscal ditch. How we address the fiscal challenges of our future will largely depend on his leadership and the leadership of our colleagues in the Senate to make sure the legacy we pass on to our children is not a legacy of debt that will hang around their necks for generations to come. I appreciate the leadership of Senator CONRAD from North Dakota.

Last week I stood before the Senate and said that Congress needed to take a three-pronged approach to responding to the devastation brought to this Nation by Hurricane Katrina. That three-pronged response, from my perspective, required us to do as much as we could to save lives and make sure we were responsive to the victims of Hurricane Katrina; second, we needed to move forward with a Gulf Coast recovery plan to help that part of our Nation recover; and finally, we needed to move forward to address the lessons to be learned from this horrific devastation of a great part of our Nation.

On the first step, this Congress has taken steps in rushing billions of dollars in emergency funding to the Gulf Coast. That funding should help the victims of Katrina begin their long road to recovery.

On the second step, it is my hope that Congress and the President of the United States will move forward and embrace a Gulf Coast recovery plan. As the minority leader has stated over the last several days, we need to have a mini-Marshall Plan that runs the program which will invest billions and billions of dollars in an effort to try to recover the 90,000 square miles of land that were devastated by Hurricane Katrina.

I commend my colleagues from Louisiana, Mississippi, Alabama, and throughout the country. They have been working on developing a plan. They are showing true leadership and taking the primary role in getting assistance to their States. I am working with them and sharing my ideas with them.

I believe a Gulf Coast recovery plan should, in fact, be created and announced soon. That Gulf Coast recovery should require a plan to be developed for the reconstruction of the Gulf Coast. It should identify the costs that will be associated with the implementation of that plan, and it should oversee its successful implementation. Finally and very important, that plan should minimize the corruption and waste that might occur where there are billions upon billions of dollars that are being spent in this recovery effort where much of that money is being allocated through noncompetitive bids.

Third, I strongly believe it is important for us as a United States of America to move forward to learn the lessons from this devastation. The independent commission that has been proposed by my colleagues in this body should, in fact, be embraced by the President of the United States and this Nation. When we look at what happened with respect to the devastation from Hurricane Katrina, it is clear to me, as a person who for much of the last decade of my life served as attorney general of the great State of Colorado, that our Nation and our Government failed to protect the lives of people, to protect people and their families, and to protect their property.

It is elemental with any kind of emergency preparedness effort that we must be ready for any emergency that occurs. We must respond to an emergency that occurs, and we must recover from that emergency. It is beyond dispute that this Nation failed with respect to the effort to be ready to address the issues of Hurricane Katrina, and once Hurricane Katrina made landfall we failed again to provide the kind of response that our National Government should have in fact responded.

We need to have this investigation occur so that we can learn the truth and learn the lessons. We need to know why, when the Governor of Louisiana declared a disaster emergency on Friday the 26th of August, it took up to 3 days until President Bush declared the area a disaster area. Why did it take 3 days for that to occur? Why did it take 4 days for the Department of Homeland Security to declare Katrina an incident of national significance—4 days for the Department of Homeland Security to declare Katrina an incident of national significance—5 days before National Guard troops arrived in significant numbers, and 6 days before FEMA took over the evacuation of New Orleans?

These are important questions we need to ask. We need to have some answers to these questions.

The resignation of FEMA Director Michael Brown is a step in the right direction.

I also applaud President Bush for taking personal responsibility for the Federal Government's failure in this arena.

Congress now needs to move forward with a full bipartisan investigation into what went wrong. We did it when the 9/11 Commission was created in this Congress and in this Senate. The results of that Commission are now being implemented.

We hope the administration and the majority leadership in the Senate will change their minds and support legislation to create an independent Katrina commission.

Over the last week, we have seen the terrible toll of the worst natural disaster in our Nation's history. The images of devastation and human loss will haunt all of us, and the emerging statistics of the scope of this disaster are overwhelming and continue to date. One million people have been displaced from their homes.

I sometimes think about the town that was nearest to the ranch where I grew up. The place matters in perspective. My town had 1,000 people and probably about 400 residences within that town.

We are talking about 1 million—one-fourth the population of the State of Colorado—displaced from their homes because of Hurricane Katrina. More than 500 people have been confirmed dead, and we yet are counting additional casualties and will not know the final number perhaps for weeks.

With the more than 200 people who died in Mississippi, the more than 200 people who died in Louisiana, or the people who died in Alabama and Florida—the fact is that their deaths should not be deaths in vain; that we should learn from the hurt of this Nation, from their loss of life.

Eighty percent of New Orleans is still underwater today, and much of the Gulf Coast is in tatters. The recovery pricetag—who knows what that may be. Many people are saying the ultimate pricetag for both the response and the recovery will exceed $200 billion.

Yet spread among this despair and destruction we have seen many instances of the greatness of heroism examples of Americans. The great State of Colorado is no exception. Colorado's emergency workers are on the ground on the Gulf Coast participating in the rescue and cleanup efforts and assisting evacuees.

Just this week, two firefighters from Centennial, CO, helped rescue a family of four still stuck in their home in New Orleans. Coloradans, like Americans throughout the Nation, have donated tons of supplies, millions of dollars, and thousands of volunteer hours to Katrina relief. Coloradans by themselves have already given more than $6 million to the American Red Cross.

That is a spirit of generosity and a spirit of community that is fundamental to this Nation.

Colorado has already accepted 1,000 evacuees to the Denver area. To prepare for their arrival, volunteers scrapped Labor Day plans and scrambled to clean and outfit the old Lowry Air Force Base barracks. Since the evacuees arrived, volunteers helped serve food, pass out donated clothes, and drive evacuees around to complete chores.

These examples give us great hope and resolve to begin the long process of rebuilding the millions of broken lives and hearts on the Gulf Coast.

The American people and their generosity and bravery are the strongest tools we have to help our countrymen and women recover from Hurricane Katrina.

To that end, I will today introduce a piece of legislation to nurture that American spirit of generosity and enable more Americans to contribute to the hurricane effort.

The first thing the legislation I will introduce will do is help folks who have generously taken in hurricane survivors into their homes, and to be able to do so in a manner that provides them a tax benefit.

According to the Department of Homeland Security, 248,000-plus evacuees are staying at 774 shelters across

the country. This figure underscores the fact that more than 700,000 evacuees are staying elsewhere. An estimated hundreds of thousands of hurricane victims are staying in private homes. In Colorado, at least 600 hurricane victims are staying in private homes. They are staying with family and friends, and sometimes even with strangers.

Right now, a person who writes a check to the Red Cross can get a tax deduction. But people who open up their homes to victims, feed them and help them, do not get a similar tax deduction. That generosity should not be penalized in any way.

My bill would offer a tax credit of a simple $20 per day to help Good Samaritans cover the cost of feeding and keeping evacuees in their homes. That is $20 a day to help Good Samaritans cover the cost of feeding and keeping evacuees in their homes. Households that take in an evacuee would be able to claim up to $900 in tax relief. Households that take in more than one hurricane victim would be eligible for up to $2,000 in tax relief. And low-income families who have no tax liability would be able to receive up to $500 in a refundable tax credit to help take care of hurricane victims. This assistance wouldn't cover all the costs of lending a helping hand, but it would recognize the sacrifice and generosity of folks who open their homes and hearts to Katrina survivors, and they should be applauded by our Nation.

The second thing my bill would do is to raise the limit of charitable contributions for Katrina relief. Right now, the amount of tax deduction an individual can get for charitable contributions is limited to 50 percent of the person's adjusted gross income. My bill would lift the limit for 4 years to allow individuals who can give more to do so.

Americans are aching to help, and this provision would allow them to do just that, and even more. Senators GRASSLEY, BAUCUS, chairman and ranking members of the Finance Committee, have developed a package of tax incentives to help victims of Hurricane Katrina. I applaud them for their efforts. Their bill also touches on these two issues of offering assistance to households who house victims and extend caps on charitable giving. I commend them for tackling the issue, and I am glad to work with them to include these provisions.

My bill is slightly different in that it offers good neighbors a more generous tax credit as opposed to a tax deduction, and lowers the barriers to low-income families to get help.

We have many challenges ahead, but because we have witnessed the bravery, generosity, and ingenuity of the American people, I am confident that the gulf coast's best days are still ahead.

I will introduce my bill later today. I urge my colleagues to support the bill and take a small step to nurture and encourage the best part of the American spirit and American generosity.

THE PLEDGE OF ALLEGIANCE

Mr. SALAZAR. Mr. President, I also wanted to take a minute to address an issue concerning a decision that was handed down by a Federal district judge concerning the Pledge of Allegiance—a decision of the district court judge in San Francisco in which he determined that it was unconstitutional for the public schools to recite the Pledge of Allegiance in the classroom because of the reference it makes to ''one nation under God.''

He declared that decision to be one that was founded on his view that such a requirement in our public schools was unconstitutional and in violation of the first amendment. I disagree with the finding of the district court judge.

Last year, as attorney general for Colorado, I joined many of my colleagues, both Democrat and Republican, in making an argument to the U.S. Supreme Court and to the Ninth Circuit Court of Appeals that, in fact, it was constitutional for us to allow our children to recite the Pledge of Allegiance, and to use the term ''under God'' in that recitation in our schools.

I believe the Ninth Circuit decision back in 2002 was wrong, and I believe the district court judge's decision today is also wrong.

I will later today write a letter to Attorney General Gonzales asking him to participate in behalf of the United States in the appeal of the Federal district court judge's decision, again to the Ninth Circuit, and hopefully up to the U.S. Supreme Court so that we can get a final determination on this issue concerning the Pledge of Allegiance and how it is recited in our public schools.

In my own reading of the Constitution, and joined by most of my colleagues on both the Democratic and the Republican sides of the aisle during the time that I was attorney general, it was our conclusion that, in fact, the Pledge of Allegiance could be recited and that the reference ''one nation under God'' was, in fact, in keeping with the constitutional requirements of the first amendment.

I thank the Chair. I yield the floor. 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 (Mr. MARTINEZ). Without objection, it is so ordered.

AMENDMENT NO. 1695

Ms. LANDRIEU. Mr. President, I understand we are currently considering the Kerry-Landrieu amendment to the CJS appropriations bill. We have been considering amendments to this important bill all day in light of the devastation and tremendous challenge that is before the Nation right now to help rebuild our gulf coast area and particularly the southeastern part of the State I have the great privilege and honor of representing.

I understand there are various different opinions from the Republican side and the Democratic side about what to do and how much to do and when to do it regarding either communications or housing or health care or education. I understand a lot of those details are being worked out as we debate on the floor.

In a spirit, though, of bipartisanship, I do come to the floor to urge special consideration for this particular amendment. Believe me, there are so many amendments to this bill I have voted for today and wish we could have adopted. But the reason I feel particularly strongly about this amendment is because small business is the heart and soul and strength of the economy in Louisiana, in the gulf coast region, and, as a matter of fact, throughout the Nation. I do not think we realize that. We say it, but I do not think we really believe it. So I thought I would come to the floor and talk about how many businesses in Louisiana have been destroyed, totally destroyed, and destroyed not because the people who run them have lost their lives, but either their facilities are underwater, their equipment has been ravaged by the winds and the storm, or perhaps their inventory has been completely wiped out. It has happened to 110,000 small businesses out of 300,000 businesses. So we are talking about a third of the businesses that were here 3 weeks ago and are gone or are not able to operate anywhere near their 100 percent or 50 percent or even 25 percent capacity.

Now, I know this because I am getting calls from hundreds of small business owners that go something like this: Senator LANDRIEU, we are trying to answer the phones when they ring. When the communication systems work, we are answering the phone. We want to come back and build up our business. But doesn't anybody in Washington understand, you can't build a region until you build small business back?

It is the first thing we have to help build back. Why? Because these small businesses employ most of the people we are trying to help. Without a paycheck, it does not do a lot of good to give people anything else because they need a paycheck to basically live and put capital back into the community.

So I am making a special request of my colleagues, particularly the Senator from Maine, Ms. SNOWE, who has been such a great advocate for small business, for Senator KERRY from Massachusetts, who has been a wonderful and very effective advocate for small business. I am pleading with my colleagues on this amendment particularly. If we can accept this version, great. If there is another version that could help, please, let's do something today to send a signal to small businesses.

Gautreau's is a very well known and beautiful little restaurant that has

been around for many years in New Orleans. It is a small cafe. Patrick Singley is the owner. He has had 20 employees. This is just one of hundreds of stories I could tell. His 20 employees keep calling him asking when they can come back to work. He has lost the roof of his restaurant. His restaurant is completely flooded. His insurance company is covering his expenses for 2 weeks. The last I looked, those 2 weeks are gone. It may be months before he can reopen. He can't pay his workers.

We could adopt this amendment today in the Senate and get it over to the House. In a few days, they could take up this amendment.

This is not new legislation. Except for one provision that I understand is new, everything else exists. It has worked before, and it could work again. We have to get these small businesses help: deferred payments on their SBA disaster loans; help them refinance their existing disaster loans and their business debt; increase the disaster loan cap from $1.5 million to $10 million, as we did for 9/11 victims. I know that some businesses could borrow $250,000 to get back in business and be in good shape, but some small businesses are going to need to borrow a million dollars to get back in shape. Yet others are going to need to borrow $10 million. We know large companies are going to be borrowing hundreds of millions of dollars, maybe even billions, depending on how large the companies are.

Small businesses that have trouble accessing capital because of their small size need the Federal Government to stand up for them and support them. The supplemental 7(a) program is one with which we are familiar. We have supported it. There are State bridge loans. This amendment, which is part of this package, would authorize $400 million to the affected State governments of Louisiana, Mississippi, and Alabama to provide emergency bridge loans or grants to small businesses in the disaster area that have been adversely affected. In other words, a lot of these businesses have insurance policies, but those insurance policies won't kick in for some time. Many of these small businesses don't have a lot of cash, 6 months or a year, to continue their operations—this is a very important component of what we are trying to do—whether they are a shoe store, a candy store, a restaurant, a manufacturer, a telecom company, or a high-tech company in Louisiana trying to operate. Small business counseling—we could all use a little counseling—our small businesses can most certainly use it to help them get through this difficult time.

I know others have spoken about the amendment. I know there is a big decision. Some say: We don't want to do it now. We want to do it not in a piecemeal fashion. We have to wait until the whole package is together.

I am saying, as a Senator from Louisiana, we can't rebuild without our small businesses rebuilding first. We have to help people with food, water, and shelter. We have to lift them out of the floodwaters. We are still burying our dead respectfully. We are saving lives. But the first cornerstone of rebuilding must be helping our small businesses get back on their feet. They employ most of the people. They have been the hardest hit. They are the ones that have the least ability to maneuver in a situation such as this.

I am pleading with the Senate, please take a hard look at this amendment. Don't just say: We will do it in a month or two. Forty percent of businesses that go through a disaster never start up again. According to national statistics, 43 percent of small businesses never reopen. An additional 30 percent close down permanently within 2 years. It is not fair to small businesses that have staked their anchor in Louisiana for generations. Fathers who have passed these businesses to their sons, mothers to their daughters, grandparents to their grandchildren, need help now.

That is why I appreciate Senator KERRY and Senator SNOWE for this amendment. Senator KERRY has offered it, and many people are thinking about whether to vote for it.

I just had a visit from one of our fine business owners who is currently serving, thank the Lord, as chairman of the board of directors of the U.S. National Chamber of Commerce, Maura Donahue from St. Tammany Parish. She just left my office. She and her husband operate a small business. I said: Maura, God has put you in this special place for a reason, because you know personally, as the businesses that have suffered in Louisiana, what we need. Her leadership is going to be tremendous. I want to acknowledge her. Through all the difficulties she has been, through her own business and her own family, she is there to help businesses in Louisiana. She can speak from firsthand experience what this storm has done to her own business and to the employees.

Let me define small business. I don't know exactly how many people her business employs, but I am talking about businesses that have less than 20 employees. That is little, not tiny—1 or 2 could be small—but 20. That is where the bulk of our employment is. If we allow them to collapse because we can't get it together, we can't agree, or we have to wait for 2 months, most of these businesses will not be around by the time the package gets through Washington bureaucracy. I am here to plead on behalf of small business, please give them a chance to stand up. Their electricity is getting back on. They need their roofs fixed, inventories restored, cell phone service turned on, BlackBerries need to work. Then they can start putting people back to work. If not, the bill that is going to come to this Congress for us to give unemployment to people, for us to pick up their medical, for us to pick up their livelihoods is going to be even more.

Let's get our small businesses started first. That is why I support this amendment. I don't know when we will vote on it. I offer my strong statement of support for the small businesses in my State, for all businesses, but particularly for the small businesses that employ about 85 percent of the people who are desperate for employment and desperate for a place to show up to go to work.

I thank the Chair. I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

AMENDMENTS NOS. 1654, 1694, AS MODIFIED, 1701, 1708, 1709, 1710, 1711, 1712, EN BLOC

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments, which I now send to the desk, be considered and agreed to en bloc. These noncontroversial amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, we, too, concur with the managers' package. We think the amendments are very good. We look forward to moving the bill. We are ready to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1654) was agreed to.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1694, AS MODIFIED

(Purpose: To waive the match requirement under the Bulletproof Vest Partnership grant program for purposes of replacing defective vests)

On page 142, after line 3, insert the following:

SEC. . The Attorney General may waive the matching requirement for the purchase of bulletproof vests of the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased defective Zylon-based body armor with Federal funds pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law enforcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

AMENDMENT NO. 1701

(Purpose: To increase funding for the Technology Opportunity Program)

On page 155, between lines 10 and 11, insert the following:

SEC. 206. TECHNOLOGY AND OPPORTUNITIES PROGRAM.

(a) Of the total amount appropriated in this Act for the Technology and Opportunities Program, that amount shall be increased by $5,000,000, which shall be made available for the grants authorized under title I of the ENHANCE 911 Act of 2004 (Public Law 108-494; 118 Stat. 3986).

(b) Amounts appropriated under this Act for the Departmental Management of the Department of Commerce are reduced by $5,000,000.

AMENDMENT NO. 1708

(Purpose: To provide the sense of Congress on the 11th International Coral Reef Symposium)

On page 170, between lines 9 and 10, insert the following:

SEC. 304. It is the sense of Congress that the U.S. Coral Reef Task Force should join with its Federal and State partners to provide an appropriate level of financial and technical support to make the 11th International Coral Reef Symposium a successful event.

AMENDMENT NO. 1709

(Purpose: To establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice)

At the end of title VI, insert the following:

SEC. 6____.(a) It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

(b) In this section:

(1) The term ''Chief'' means the Chief of the Section.

(2) The term ''criminal civil rights statutes'' means—

(A) section 241 of title 18, United States Code (relating to conspiracy against rights);

(B) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(C) section 245 of title 18, United States Code (relating to federally protected activities);

(D) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(E) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(F) any other Federal law that—

(i) was in effect on or before December 31, 1969; and

(ii) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, prior to the date of enactment of this Act.

(3) The term ''Section'' (except when used as part of the term ''Criminal Section'') means the Unsolved Crimes Section established under subsection (c).

(c)(1) There is established in the Civil Rights Division of the Department of Justice an Unsolved Crimes Section. The Section shall be headed by a Chief of the Section.

(2)(A) Notwithstanding any other provision of Federal law, the Chief shall be responsible for investigating and prosecuting violations of criminal civil rights statutes, in each case in which a complaint alleges that such a violation—

(i) occurred not later than December 31, 1969; and

(ii) resulted in a death.

(B) After investigating a complaint under subparagraph (A), if the Chief determines that an alleged practice that is a violation of a criminal civil rights statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice, the Chief shall consult with the State or local official regarding the appropriate venue for the case involved.

(C) After investigating a complaint under subparagraph (A), the Chief shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Chief determines that the subject of the complaint has violated a criminal civil rights statute in the case involved but the violation does not meet the requirements of clause (i) or (ii) of subparagraph (A).

(3)(A) The Chief shall annually conduct a study of the cases under the jurisdiction of the Chief and, in conducting the study, shall determine the cases—

(i) for which the Chief has sufficient evidence to prosecute violations of criminal civil rights statutes; and

(ii) for which the Chief has insufficient evidence to prosecute those violations.

(B) Not later than September 30 of 2006 and of each subsequent year, the Chief shall prepare and submit to Congress a report containing the results of the study conducted under subparagraph (A), including a description of the cases described in subparagraph (A)(ii).

(4)(A) There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006 and each subsequent fiscal year.

(B) Any funds appropriated under this paragraph shall consist of additional appropriations for the activities described in this subsection, rather than funds made available through reductions in the appropriations authorized for other enforcement activities of the Department of Justice.

AMENDMENT NO. 1710

(Purpose: To provide additional funding for the Methamphetamine Hot Spots program)

On page 135, line 25, strike ''$515,087,000'' and insert ''$534,987,000, of which $19,900,000 shall be offset by reducing appropriations in this title for Department of Justice supplies and materials by a total of $19,900,000,''.

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike ''$60,100,000'' and insert ''$80,000,000''.

AMENDMENT NO. 1711

(Purpose: To provide additional funding for Violence Against Women Act programs to assist victims of sexual abuse and domestic violence)

On page 111, line 5, strike ''$125,936,000'' and insert ''$116,936,000''.

On page 130, line 23, strike ''$362,997,000'' and insert ''$371,997,000''.

On page 132, strike line 14 and insert the following:

386;

(9) $2,000,000 for the Rape Abuse and Incest National Network (RAINN);

(10) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims; and

(11) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs.

AMENDMENT NO. 1712

(Purpose: To provide additional funds to the National Hurricane Center)

On page 129, line 7, before the ':'' insert the following:

'', and of which $5,000,000 should be for site planning and development of a Federal Correctional Institution in the Mid-Atlantic region''.

AMENDMENT NO. 1694, AS MODIFIED

Mr. LEAHY. Mr. President, I am pleased that the Senate has agreed by unanimous consent to include in the Commerce-Justice-Science appropriations Act, H.R. 2862, an amendment proposed by myself, Senator SHELBY and Senator SPECTER to waive the match required under the Bulletproof Vest Partnership Grant Act of 1998 for law enforcement agencies that received funds under that act, used them to purchase Zylon-based body armor, which has recently been shown by the Department of Justice to be defective, and now want to replace those faulty vests with funds awarded by that act. This waiver would be granted only if those agencies can present documentation to prove that they purchased Zylon-based body armor with funds awarded to them under the Bulletproof Vest Partnership Grant Act. I thank my friends Senator SHELBY, the chairman of the CJS Appropriations Subcommittee, and Senator SPECTER, the chairman of the Judiciary Committee, for cosponsoring this amendment and for their leadership on this issue.

I was proud to partner with our former colleague Senator Campbell to author and shepherd into law the Bulletproof Vest Partnership Grant Act of 1998, which was reauthorized by the Bulletproof Vest Partnership Act of 2000 and most recently as part of the State Justice Institute Reauthorization Act of 2004, to create the Bulletproof Vest Partnership grant program as a means of helping law enforcement agencies purchase body armor for their rank-and-file officers. We wrote that act, in part, in response to a situation that became apparent in the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

Bulletproof vests remain one of the foremost defenses for our uniformed officers. Since their introduction more than 30 years ago, body armor has saved more than 2,700 lives. From 1999 through 2005, over 11,500 jurisdictions have participated in the Bulletproof Vest Partnership Program, with $118 million in Federal funds committed to support the purchase of an estimated 450,000 vests. The Bulletproof Vest Partnership Program funds up to 50 percent of the cost of each vest purchased or replaced by law enforcement agency applicants. Under law, the program is required to fully fund the 50 percent of requested vest needs for jurisdictions under 100,000 in population. Remaining funds are distributed to jurisdictions of over 100,000 in population.

Concerns from the law enforcement community over the effectiveness of body armor surfaced nearly 2 years ago when a Pennsylvania police officer was shot and critically wounded through his relatively new Zylon-based body armor vest. Responding to requests

that Senator Campbell and I made, as well as from law enforcement officials, Attorney General Ashcroft launched the Body Armor Safety Initiative. The National Institute of Justice, NIJ, was directed to initiate an examination of Zylon-based bullet-resistant armor—both new and used—to analyze upgrade kits provided by manufacturers to retrofit Zylon-based bullet-resistant armors, and to review the existing program by which bullet-resistant armor is tested to determine if the process needs modification.

On August 24, 2005, the Justice Department announced that test results indicate that used Zylon containing body armor vests may not provide the intended level of ballistic resistance. Unfortunately, an estimated 200,000 Zylon-based vests have been purchased, many with Bulletproof Vest Partnership Program funds, and now need to be replaced. The Justice Department has adopted new interim requirements for its body armor compliance testing program. It has also added an additional $10 million to the $23.6 million already available for the current fiscal year to law enforcement through the Bulletproof Vest Partnership program to assist agencies in their replacement of Zylon-based body armor vests.

Before concerns on Zylon-based vest safety arose, DOJ and NIJ had set voluntary compliance testing protocols to assess whether models of ballistic-resistant body armor comply with a certain minimum standard of protection and resistance. All models of ballistic-resistant body armor that complied with those standards were eligible for funding under the Bulletproof Vest Partnership Grant Act. As it turns out, those standards were not rigorous enough and the certification process was not onerous enough, thereby subjecting our Nation's law enforcement officers to severe safety risks.

Across our Nation, law enforcement agencies are struggling over how to find the funds necessary to replace defective vests that are less than 5 years old with ones that will actually stop bullets and save lives. Vests cost between $500 and $1,000 each, depending on the style. The extra $10 million released by the Justice Department is only a drop in the bucket and these officers are being forced to dip into their own pockets to pay for new vests unless the Federal Government offers more help. The amendment by Senator SHELBY, Senator SPECTER and me that has been included in the CJS Appropriations Act will help ease the burden faced by officers and their families and further our mission to provide every police officer who needs a safe vest with the means to purchase one.

Mr. SHELBY. 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. MIKULSKI. 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. MIKULSKI. Mr. President, I know for those who are watching on C–SPAN, they wonder what are we doing as we go through names such as AKAKA and BAUCUS in a quorum call. Actually, what we have been doing is working very quietly with other Senators to see, where they have offered amendments, if we could negotiate compromises and just take them. We have been working very collegially with my wonderful colleague from Alabama, Senator SHELBY.

As you can see, we just cleared eight amendments on which we could come to bipartisan support. So there is a lot of work going on right in back of these doors and also with other Senators in their offices.

AMENDMENT NO. 1648

Ms. MIKULSKI. Mr. President, pretty soon we are going to be debating the Coburn amendment. We could not reach an agreement on it, even though there was a good-faith effort.

This Coburn amendment could bring great damage to the efforts for innovation and discovery in this country. What the Senator from Oklahoma wishes to do is eliminate a program called the Advanced Technology Program that is currently at the National Institute of Standards.

This is a Government agency under the Department of Commerce, and its job is, No. 1, to establish standards of products that are coming to the marketplace so that they would be uniform—for example, that every firehose would have the same gauge so the guys coming down from New York, working with the people from Alabama, could bring their equipment and it could be joined together. That is what a standard is.

Madame Curie discovered radium, and it was there they established the Curie standard on how to measure radioactivity. But it does more than that. The Advanced Technology Program actually promotes innovation and technology transfer.

The amendment of the Senator from Oklahoma would eliminate the funding, and commitments that have already been made to those people primarily in the private sector would be eliminated. It would hurt critical research and development. This is very important to our competitiveness. We keep talking about offshoring. We don't want to offshore jobs. What we need to do is come up with the new ideas, come up with the new products that create the new jobs right here in the United States of America.

The amendment of the Senator from Oklahoma is well intentioned. He wants to eliminate a Government program and provide it to local law enforcement and to weather. We understand what his priorities are. In the bill, working on a bipartisan basis, we feel we have done that.

I know, in the reading of the bill, one can see we provide over $1 billion to State and local law enforcement. We provide half-a-million dollars to the COPS program that helps local law enforcement be able to add more COPS on the beat. We add more money, $775 million, to the Weather Service operation, which has proved so wonderful and effective in predicting hurricanes and, actually, tornados and other things.

I support the goal of the Coburn amendment to increase funding for these critical programs, but we cannot support the cutting of the Advanced Technology Program.

On March 17 of 2005, 53 Senators voted to support the ATP program in an amendment to the budget resolution. So I am going to urge my colleagues to defeat the Coburn amendment.

I have come not to defend another Government program. I am not here to defend another agency. I am here to protect the interests of the United States of America in innovation, discovery, and partnerships with the private sector that actually come up with those new ideas. Many of those ideas save lives, and they create the jobs that save livelihoods.

My colleague from Oklahoma had some great charts, and it implied that ATP was corporate welfare. This is not corporate welfare. This is a creative approach that offers partnerships between the Federal Government and the brain power of the private sector. Through these partnerships, ATP accelerates the development of innovative technologies that promise significant commercial payoffs and widespread benefits for the Nation, but they are so early in the development it is very difficult for them to attract private investment, even venture capital.

How does this agency work? ATP funds development in technology that is too new or too risky for private sector investment in the so-called ''valley of death'' between research and commercialization. There is lots of money around for research and there is money around for commercialization but not for that bridge between those. ATP fills this gap. It does not displace private capital because these projects cannot get private capital. ATP applicants are required to look first for private capital, venture, wherever they can find it. ATP is the funder of last resort.

For example, in the 1990s, NIH was conducting research on the human genome and DNA. It was a breakthrough effort, and at the same time NIH worked simultaneously with ATP and industry. Why? We needed practical tools to use the discoveries that benefit the Nation so we just would not have this research in the lab. Guess what came out of it. ATP's investment came out with new ideas for DNA technology to detect disease, to get lifesaving drugs to the market, to catch criminals.

State crime labs are using that technology. They are using DNA to go back to old death penalty cases to make

sure that we have the right person who committed a particular crime. DNA is saving lives, and it is also restoring justice in this country. It is a phenomenal breakthrough. We helped take it from the lab, worked with the private sector, and came up with these new ideas.

Is ATP important and effective? Sure. It has benefited the Nation for two reasons. One, we partnered the Government with industry and the private sector to develop those new technologies. For example, ATP was a partner in the development of something I am tremendously interested in, and I know the Presiding Officer is. It helped come up with a new generation of digital mammography and radiology. It provided far more accurate detection at far lower cost, and it is projected to save over $200 million in health care costs. Helping develop that one idea is saving lives, helping families and, at the same time, what it saves in the burgeoning health care costs would pay for ATP itself.

ATP has contributed to the development of more than 240 new technologies that have been commercialized. It improves our economy. Just 41 of their 700 projects to date have given us economic benefit.

The other thing that my colleague from Oklahoma suggests is, again, we are funding big corporations. Why are we doing that? I will not give their names but this blue chip and this S&P 500 and so on. Well, what colleagues need to know is that 75 percent of all ATP recipients are small businesses.

Are large companies involved in ATP? Yes. How? Because they have joint ventures offered with smaller companies in their chain of development. In these arrangements, almost all ATP funding goes to the smaller company, but the larger companies handle all administrative costs so that the small companies can focus more on product development. By the way, large companies do not get a free ride. Large companies must match the ATP by 60 percent. So this is a partnership to leverage these private sector efforts.

For example, large automakers partnered with the auto parts supply people to improve the manufacturing of American automobiles. It has improved our aerospace industry, making manufacturing more competitive.

Finally, ATP does not subsidize companies to do product development. Companies have to have their own scientific plan. They have to have a business plan on how the technology will go to market. Our ATP only funds the development of the new technologies. Companies must then take it to the marketplace.

We understand that our new colleague wants to use the Federal taxpayer dollar wisely, and he wants to protect communities by using the money to go to law enforcement and weather. We want to help that, too, and we have put the money in the budget for that. What we want to do, when we are talking about protecting the American people, is protect them through innovation, discovery, and the new ideas for the new products that lead to the new jobs that keep this country ahead and an economic superpower.

I hope that when our colleague comes and discusses this and we have a vote, my colleagues—certainly those on my side of the aisle—will take my word for it that we have supported law enforcement, we have supported the Weather Service, and this Advanced Technology Program is crucial to the future of our country.

I yield the floor.

Mr. LEVIN, Mr. President, the Advanced Technology Program, ATP, promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy.

We have lost nearly 2.8 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies.

The ATP is a very modest program which, according to the Department of Commerce, has had a result eight times more in technologies developed than the amount of money we have put into the program. This is an eight-time return on investment in advanced technologies which is achieved when the Department of Commerce partners with industry through the ATP.

During consideration of the Senate budget resolution in March, the Senate adopted a Levin-DeWine amendment to restore funding for the Advanced Technology Program, putting the Senate on record in support of this program. Leaders on the Commerce, Justice, and Science Subcommittee also support this important innovative program and have funded it at $140 million in their bill for fiscal year 2006. I urge my colleagues to continue their support for the ATP and oppose this amendment that would gut the ATP.

Mr. BINGAMAN. Mr. President, America's future, indeed the world's future, will be more powerfully influenced by science and technology than ever before. Where once nations measured their strength by the size of their armies and arsenals, in the world of the future, knowledge and innovation will matter most.

The Advanced Technology Program, ATP, at the National Institutes of Standards is a modest Government program, $140 million for fiscal year 2006, that helps spur the development of technologies that create the industries and the high-wage jobs of the future.

What sets this program apart from our other publicly supported R&D programs is that it focuses on the technology needs of American industry, not those of the Federal Government. Its pre-competitive research nonetheless addresses many of America's most pressing widespread challenges including improving homeland security, strengthening our manufacturing processes, and lowering our dependence on foreign sources of energy.

Awards are made strictly on the basis of rigorous peer-reviewed competitions. Additionally, it has very strict cost-sharing rules, and it does not fund product development.

The Advanced Technology Program fills a unique role in U.S. innovation policy. ATP bridges the gap, the so-called ''valley of death'' between innovative ideas arising from basic research in the laboratory, and the access to market capital to commercialize them.

Federal funding for R&D is currently in decline, hovering at about half of its mid-1960s peak of 2 percent of GDP. Excluding spending on defense, homeland security, and space, Federal investment in fundamental research is expected to decline in real terms over the next 5 years.

Although industry funds nearly 65 percent of U.S. research and development, growth in industrial R&D is slowing. Moreover, industry concentrates most of its R&D on near-term product and process improvements. Truly radical innovation is often left to new firms, which often have difficulty attracting capital. Venture capital firms steer away from high-risk technology development because profits are too uncertain or too distant. In fact, less that 1.5 percent of venture capital funding is available for proof-of-concept, or seed funding, and early product development.

However, through partnerships with the private sector, ATP's early stage investment accelerates the development of innovative, high-risk, high-pay-off, longer-term efforts to develop technologies that promise significant commercial profits and widespread benefits for the Nation.

The administration's own analysis documents that the ATP program has generated $17 billion in economic benefits from just 41 of the 736 projects it has completed, a truly staggering rate of return on taxpayers' investments. In a comprehensive review of ATP in 1991, the National Academy of Sciences' National Research Council found that it was a highly rated public-private partnership program that spurred the development of new technologies and concluded that ''the ATP it could use more funding effectively and efficiently.''

It is no wonder that nations from around the world are intensely interested in learning more about how our ATP process works in order to fine tune their own national efforts in innovation. In an effort to boost their economic growth, Taiwan, Australia, France, Germany, Japan, the Netherlands, Switzerland, and the United Kingdom are all developing programs based on major features similar to our Advanced Technology Program.

So why, a reasonable person might ask, are we trying to kill what other nations are trying to copy?

That is one of the key questions the Senate must address when considering the proposed amendments to the Commerce-Justice-Science appropriations measure that would cripple the Advanced Technology Program.

Other countries are coming up fast behind us on the technology track and are pouring resources into their scientific and technological infrastructure. If current trends continue, there is a very good chance that U.S. competitiveness in key high-tech areas may fall behind.

When we talk about competitiveness, what we mean is our capacity to increase the real income of all Americans by producing high-value products and services that meet the test of world markets. The fact that we need to be competitive in the global market is not some mere abstraction, nor is it some future worry that we have time to ignore today.

High-tech R&D today is so enmeshed in our economy that it is part and parcel of the jobs and growth issue. The relationship between innovation and economic growth has only increased in recent years as the world shifts to an increasingly knowledge-based economy. The way we should think about it is that knowledge drives innovation, innovation drives productivity, and productivity drives our economic growth.

ATP has helped drive economic growth in my State of New Mexico by partnering with companies of all sizes and non-profits encouraging them to take on greater technical challenges.

An ATP project funded in 1991 teamed six top printed wiring board suppliers and users and Sandia National Laboratories in Albuquerque to address technical deficiencies that had developed due to cutbacks in corporate research budgets. The U.S. industry which had been losing market share at the time, dropping from 42 percent to 26 percent, was able to turn around this decline because of research co-funded by ATP. Over 200,000 jobs were rescued.

ATP projects in New Mexico have also included joint efforts with Cabot Superior MicroPowders in Albuquerque to reduce the amount of precious metals used in the manufacturing process to reducing the costs of fuel cells. Star Cryoelectronics in Santa Fe linked up with ATP on technology to enable rapid identification of particulate contaminants and defects during semiconductor fabrication. ATP along with MesoFuel in Albuquerque is developing a technology to generate pure hydrogen reliably and safely.

The need for the Advanced Technology Program has never been more apparent. We have absolutely no choice but to emphasize what we do best in this fierce global competition.

Our most important strength has always been innovation. Our can-do spirit of commercializing technological innovation has always been America's core competence. And today that ability is further honed by the Advanced Technology Program that enables us to innovate better and faster than anyone else.

Rather than cutting back on our investments in the future, we must continue to invest in proven programs like ATP to develop the technologies to create the new industries that will provide solid economic growth in the years to come.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I call for the regular order with respect to the Coburn amendment No. 1648.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, I oppose this amendment. This amendment would terminate funding for the Advanced Technology Program, what we call ATP. ATP is unique among Federal research programs. Most Federal research is focused on advancing scientific knowledge. However, there is a very long road from scientific discovery in a university lab to the commercialization of that product.

According to the National Science Foundation, less than 1.5 percent of venture capital funding in the private sector is available as seed funding for proof-of-concept. ATP seeks to fill that gap in funding.

The program was founded to ensure that not only do we win the Nobel Prizes with our excellent venture research but that we also commercialize our discoveries ahead of our foreign partners and thereby create jobs for our own people.

Some have said the idea that we are in a global technology race is outdated. Nothing could be further from the truth. Whether it is semiconductors in China and Taiwan or nanotechnology in Europe, our global competitors are investing heavily in programs to beat us to the marketplace. Surely we can afford the $140 million investment included in this bill to stay competitive.

The Advanced Technology Program projects have succeeded in a wide range of fields. They are already delivering cheaper, better bone marrow transplants, mammograms, and cartilage repair. They are enabling companies to make biodegradable plastic from corn, improving manufacturing, and powering longer lasting lightweight fuel cells.

Moreover, this program has helped small businesses. More than 75 percent of all ATP projects include a small business. Sixty-six percent of ATP projects are led by or involve only a small business. Of the single-applicant awards, 78 percent have gone to small businesses and 11 percent have gone to medium-sized businesses and nonprofits. By contrast, only 11 percent of solo awards have gone to large businesses.

In a more extensive and comprehensive review, the National Academy of Sciences found ATP to be an effective Federal partnership that they said ''could use more funding effectively and efficiently.''

Measurement and evaluation have been part of the ATP program since its inception. The most recent ATP annual report showed the program has generated $17 billion in economic benefits from 41 of its 736 completed projects.

In short, this program works. After all, the Council on Competitiveness's National Innovation Initiative report noted that ''innovation will be the single most important factor in determining America's success through the 21st Century.''

If we adopt the amendment offered by my friend from Oklahoma, Senator COBURN, we would cut off a program which has as its sole purpose investing in American innovation.

This program has the support of the Senate. On March 17 of this year, the Senate voted 53 to 46 in favor of a sense-of-the-Senate amendment to the budget resolution stating:

> It is the sense of the Senate that the Senate Committee on Appropriations should make every effort to provide funding for the Advanced Technology Program in fiscal year 2006.

That is exactly what we are doing. This bill funds technology initiatives which fuel our economy. The program works. In this austere budget environment, there is no room for programs that do not work. We do not have that luxury.

I oppose the termination of the Advanced Technology Program. I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Alaska (Mrs. MURKOWSKI) and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—68

Akaka	Cantwell	Feinstein
Alexander	Carper	Frist
Allard	Chafee	Gregg
Allen	Clinton	Hagel
Baucus	Cochran	Hatch
Bayh	Cornyn	Hutchison
Bennett	Crapo	Inouye
Biden	Dayton	Jeffords
Bingaman	DeWine	Johnson
Bond	Dodd	Kennedy
Boxer	Dole	Kerry
Bunning	Domenici	Kohl
Burns	Durbin	Landrieu
Byrd	Enzi	Lautenberg

Leahy	Obama	Sessions
Levin	Pryor	Shelby
Lieberman	Reed	Smith
Lincoln	Reid	Specter
Lugar	Roberts	Stabenow
Mikulski	Rockefeller	Voinovich
Murray	Salazar	Warner
Nelson (FL)	Sarbanes	Wyden
Nelson (NE)	Schumer	

NAYS—29

Brownback	Ensign	McCain
Burr	Feingold	McConnell
Chambliss	Graham	Santorum
Coburn	Grassley	Snowe
Coleman	Harkin	Stevens
Collins	Inhofe	Sununu
Conrad	Isakson	Talent
Craig	Kyl	Thomas
DeMint	Lott	Thune
Dorgan	Martinez	

NOT VOTING—3

Corzine	Murkowski	Vitter

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I know my colleague from Arkansas is intending to seek recognition in a moment. I wanted to ask the manager and ranking member of the subcommittee, I offered the amendment that deals with trade and weakening of trade remedies. I offered that previously, and I am wondering where that might exist with respect to the vote we might have this evening. I know the manager wants to finish the bill. I want to be helpful in doing that, but I think my amendment is germane. It has been offered. I have debated it. I wonder what we might expect with respect to a vote.

Mr. SHELBY. Mr. President, it is my understanding that Senator GRASSLEY has been in some negotiations regarding the amendment. Trade is under the jurisdiction of the Finance Committee. I don't know where he is now. I do not know if he voted, but we have been working with him.

I know the Senator wants to bring up his amendment as soon as he can. But I want to make sure Senator GRASSLEY is ready and on the floor. We will try to locate him.

Mr. DORGAN. Mr. President, I thank the Senator from Alabama. I believe the amendment is germane. I have debated it, and I hope we can find a way to have a vote on that amendment. It is a very important amendment with great merit. My expectation is we ought to proceed.

I thank the Senator, and I will look forward to having the opportunity to have this vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1703

Mr. PRYOR. I call for the regular order of business with respect to Pryor amendment No. 1703.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1703, AS MODIFIED

Mr. PRYOR. I have a modification which I have sent to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 1703), as modified, is as follows:

On page 190, between lines 14 and 155, insert the following:

SEC. 522. Of the funds appropriated to the Federal Trade Commission by this Act, not less than $1,000,000 shall be used by the Commission to conduct an immediate investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina; *Provided,* That the investigation shall include (1) any evidence of price-gouging by companies with total United States wholesale sales of gasoline and petroleum distillates for calendar 2004 in excess of $500,000,000 and by any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of a particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September, 2005, with a Federal or State consumer protection agency, (2) a comparison of, and an explanation of the reasons for changes in, profit levels of such companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates, (3) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies, (4) the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States, and (5) the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; *Provided further,* That, in conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends; *Provided further,* That in any areas or markets in which the Commission determines price increases are due to factors other than the additional costs it shall also notify the appropriate state agency of its findings. *Provided further,* That the Commission shall provide information on the progress of the investigation to the Senate and House Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce every 30 days after the date of enactment of this Act, shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act; *Provided further,* That the Commission shall transmit recommendations, based on its findings, to the Congress for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere; *Provided further,* That chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section; *Provided further,* That if, during the investigation, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities; and *Provided further,* That nothing in this section affects any other authority of the Commission to disclose information.

Mr. PRYOR. Mr. President, this is an amendment relating to price gouging on gasoline. I thank many of my colleagues who have cosponsored and helped in this process: Senators MIKULSKI, SALAZAR, OBAMA, STABENOW, BEN NELSON, BILL NELSON, CORZINE, BINGAMAN, DORGAN, DURBIN, INOUYE, FEINGOLD, DODD, KERRY, and there may be one or two others who have wanted their names added in the last few moments. I thank my cosponsors for all the work they have done.

This started with me traveling the State of Arkansas, as many Members have traveled their home States, during the August recess, and everywhere I went people talked about high gas prices. This is putting a strain on the economy, putting a strain on families, hurting not only every section of the country but also every sector of the economy.

It is very difficult for the people in my State, and I am sure it is hard for people in other States, to pay record high prices at the gas pump, only to open the business pages and see the oil companies are making record profits.

A bad situation has become worse in the aftermath of Hurricane Katrina. Americans have a right to know why gas prices are so high. They have a right to know if there is price gouging occurring. This amendment does not say there is. This amendment requires the FTC to do an immediate investigation into high gas prices to make comparisons and determinations and make sure there is no price gouging occurring.

I don't want to say he agrees completely with this amendment, but certainly President Bush has said on ABC, on ''Good Morning America'':

> I think it ought to be zero tolerance of people breaking the law during an emergency such as this, whether it be looting or price gouging at the gasoline pump or taking advantage of charitable giving or insurance fraud.

That is from President Bush. Certainly, the sentiment is there that if there is gouging going on, we need to know about it. This requires the FTC to do an immediate investigation and come back and report to Congress with their findings within 30 days.

I give a special thank you to Senator DOMENICI. We worked very closely with him and his staff, we worked very closely with Senator SHELBY and his staff, and Senators BINGAMAN, CANTWELL, BILL NELSON, and BEN NELSON. Everyone played a role. I give a very special thank you to our friend and colleague from Maryland, Senator MIKULSKI. She has done yeoman's work on this amendment. She and her staff—I need to give credit to all the staff. We reached a bipartisan agreement on this

a few moments ago. I thank all my colleagues and certainly I look forward to hearing from Senator MIKULSKI on this very important issue on which she has worked so hard.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator has commented about this amendment and about my participation. I thank him for his comments and state it was a pleasure to work on it. I think it will accomplish something. The people want some hope that it is being looked at objectively. I am glad to be part of it.

Ms. STABENOW. Mr. President. I rise today to speak about a very important amendment authored by Senator PRYOR, which I have cosponsored. Our amendment allocates a minimum of $1 million of the funds in this appropriations bill to allow the Federal Trade Commission to complete the investigation into possible gasoline price gouging. I was one of the authors of the original provision included in the energy bill that directs the FTC to investigate gasoline pricing practices. So I am very pleased to be joining Senator PRYOR in ensuring that we get some answers quickly.

I offered my original amendment to the Energy Policy Act of 2005 in June of this year when we were debating the energy bill on the floor of the Senate. Back in June we were already experiencing high gasoline prices that fluctuated wildly from day to day, and in some cases, from hour to hour. I heard from many Michigan families who are unable to budget for gasoline to take their kids to school and commute to and from work because the prices they paid each week varied so much. I also heard from people in Michigan that they are extremely worried about gasoline pricing practices. They are concerned that they are getting gouged at the pump with no recourse.

A lot has changed since June and I am sorry to say that it hasn't been for the better.

Since June we have had a catastrophic hurricane ravage Alabama, Mississippi, and Louisiana. We have poured our hearts and our donations into those States to help the people who lost their homes and livelihoods get back on their feet. And we will continue to work as hard as possible to rebuild the towns and cities that have been destroyed.

But the impacts of Katrina spread beyond the Gulf Coast States. Whether or not we got a single breath of wind from the storm, we are feeling the continued impacts of Katrina's impact in all our States in the form of high gas prices.

In Michigan we saw prices as high as $3.21 per gallon earlier this month. Prices have eased a little bit in the weeks since Katrina hit the Gulf Coast States, but consumers are still very wary. There was a quote from a Michigan resident published recently in the Detroit News that speaks volumes about consumer confidence in gasoline pricing. Mr. Tony Mapson of Detroit, upon seeing gasoline priced at $2.69 per gallon, said, ''Maybe it is a con. They raise the price so high and then lower it so we don't complain so much.''

I think Mr. Mapson speaks for many Americans who distrust the price they are given at the pump. This is the reason I included a provision in the energy bill, which was signed into law on August 8, instructing the FTC to investigate gasoline price gouging. There has been some disagreement about when the FTC needs to finish their investigation under the law. It was my intention that the investigation should be started immediately and the FTC should complete it and report the findings back to Congress within 90 days of enactment. The FTC interprets the law to mean that they have 90 days to begin their investigation. As of today, it is has been 37 days since my price gouging provision became law. I strongly urge the FTC to immediately begin their investigation as directed by the Energy Policy Act and include the provisions in the amendment we are offering to the Commerce-Justice-Science appropriations bill. We must have the results of the investigation as quickly as possible so that we can take any necessary actions.

I strongly urge all of my colleagues to support this amendment.

AMENDMENT NO. 1710

Ms. MIKULSKI. Mr. President, I would like to thank Senator CANTWELL for her tireless leadership in the fight against meth. Meth abuse has reached epidemic levels across our country, and by working to ensure that we don't shift the burden onto local communities, Senator CANTWELL has given State and local law enforcement an important ally.

Accepting her amendment to add $20 million to the hotspots program brings funding for meth State and local law enforcement to $80 million. Coupled with the bipartisan addition of $43 million of meth authorization dollars that Senator CANTWELL cosponsored and other meth-related funding, this bill makes an enormous Federal commitment to help our State and local effort to fight the meth battle.

Senator CANTWELL's amendment sends vital Federal support to law enforcement officers and first responders on the front lines of the meth epidemic everywhere. These crime fighters need more funds to help combat this dangerous drug, and Senator CANTWELL has fought to give them resources they need. I appreciate her work to improve this bill, as do countless law enforcement officers across America.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as the ranking member of this subcommittee, and also as a cosponsor of the Pryor amendment.

First of all, I thank the Senator from Arkansas for offering this amendment which would give $1 million to the Federal Trade Commission to investigate whether there is some type of price gouging, price fixing, going on in the marketplace.

I thank the Senator for his leadership and the fact that he wants to proceed on the basis of fact and not just rhetoric and finger-pointing.

We thank the Senator from New Mexico, the chairman of the Energy bill. This has received bipartisan support, exactly what we need. Boy, do we need it.

We in Maryland are hot. We are absolutely hot about these gas prices. Maryland has the third highest gas prices in the United States of America. Who are we behind? Are we behind California with complicated environmental rules? No, we are behind the District of Columbia, and we are behind New York. No one can say why. Our Governor convened a special meeting of oil executives to tell him why, and he is dissatisfied. Our general assembly is working on it to see if there is something we can do at the State level.

There is clamor for getting rid of the Federal or State taxes. People want the prices to come down.

We want to know, is there gouging? Is there fixing? We want to operate on the basis of fact.

In my home State of Maryland, my cost of commuting has gone up $30 a week. I can afford it, but many Marylanders cannot. I saw on a local TV station a mother who filled up her minivan, a soccer mom. It was $90. She put her head on the windshield and cried; how could her family afford it?

We see the variance in prices, block by block; in one neighborhood gas is selling for $3.49 and less than 5 miles away, in Baltimore City, it is selling cheaper. Go to another pump further out in a valley situation and it is selling for $3.63. Guess what. Over in another neighborhood, it is selling for $3.03—a 60-cent-per-gallon difference. Can anyone tell me what it is about the marketplace that it is 60 cents difference? Who is pulling the strings?

The consequences are severe. If you have a family and are a commuter, you wonder how you can continue to be a soccer mom and a dad and go to work every day.

Business in my community is affected, big and small; small businesses, from the florist who delivers the flowers, to the pharmacist who is willing to deliver prescription drugs, to the electrician, to the plumber using a pickup.

Much of our food supply comes by truck to our supermarkets. They will have to charge more. It means food is going to go up. People love Maryland and love our crabs, but our watermen are aghast to take the boat out. It is costing a fortune. Marylanders want to know the facts.

I am pleased to join with the Senator from Arkansas. This has been a bipartisan agreement. This will move it forward. Let's fund this at the FTC. Let's get the investigation underway and get ahold of the gas prices affecting so many Americans.

I thank the chairman of the subcommittee, Senator SHELBY, for his patience while we worked so assiduously on the bipartisan agreement.

I ask unanimous consent the Pryor-Mikulski amendment be agreed to.

Mr. SHELBY. Mr. President, I take a minute and commend the Senator from Arkansas, Senator PRYOR, for his leadership and for reaching out to the chairman of the Energy and Natural Resources Committee, Senator DOMENICI, and Senator MIKULSKI and Senator TALENT, and so many others. This is a bipartisan approach. Senator PRYOR is the leader.

Nobody likes gouging. Gasoline is too high. We want the markets to work. If market forces work, there won't be gouging. It will be an orderly movement of supply and demand—if the demand is too high, the prices will go up, but not like that, not like I have seen it at the pump, as we have seen coast to coast.

The American people fear there is gouging going on. Senator PRYOR should be commended for pursuing this issue. We hope the Federal Trade Commission will do its work. I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1703), as modified, was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1652, WITHDRAWN

Ms. MIKULSKI. I will talk about another amendment from the senior Senator from Arkansas. I ask that Lincoln amendment No. 1652 be withdrawn because that policy content will be accomplished on another bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1669, WITHDRAWN

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent my amendment, No. 1669, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. I thank the ranking member and the chairman of the subcommittee. We tried to work out an accommodation on the amendment. They made a good-faith effort, and we were unable to do so.

I also want to let the chairman and the ranking member know that the amendment I had filed dealing with eminent domain will not be offered. This is a very important issue. I do not believe government should be able to take private land for the purposes of private economic development. People are well aware of the case this deals with. It is of grave concern to a lot of Members. The chairman of the Judiciary Committee indicated they will have hearings on this matter next week. I look forward to a full discussion of the case and the issues associated with the taking of private land. I want the chairman and the ranking member to know I will not offer that amendment that has been filed.

Ms. MIKULSKI. I thank the Senator for his withdrawing of the amendment yet maintaining his stand. I, too, am sympathetic to the policy direction the Senator is interested in under eminent domain.

The Senator might not know my history, but I got into politics fighting a highway. Had the recent Supreme Court decision stood, we would not have had a fighting chance. Just to tell the consequences of that, the highway would have gone where our Inner Harbor is; it would have gone through Camden Yards, the Ravens Stadium, and where we are trying to create the digital harbor. We got our economic development but not the way the planners wanted.

I am sympathetic. It has raised some liberal eyebrows, but I look forward to working with you, and maybe we will have a Sununu-Mikulski amendment.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1709

Mr. TALENT. Mr. President, I rise to congratulate the Senate on having just agreed to the Unsolved Civil Rights Crime Act in the form of an amendment, the Talent-Dodd amendment. I will speak a few minutes about it. My friend from Connecticut also will make a few comments about this amendment.

The Senate's action will be viewed, if we can get it agreed to by the House, as a historic moment, a blow in favor of civil rights and finding out the truth in cases that have been covered up for years, in a sense, but are still there.

Let me briefly address the merits of the amendment that the Senator from Connecticut and I have cosponsored before the Senate. The bill creates an unsolved civil rights crime section of the Civil Rights Division, a cold case section of the Civil Rights Division, the sole purpose of which would be to investigate unsolved murders that were a violation of the civil rights laws at the time they occurred and have never been solved. Many cases, particularly the cases that occurred in the 1940s, 1950s, and 1960s, were not solved because they never were investigated and because no effort was made to solve them.

Currently, the Civil Rights Division does investigate those cases. We certainly applaud the efforts both of the Civil Rights Division and in many cases of local prosecutors who have cooperated. We are not suggesting the Civil Rights Division is not trying to investigate those cases now. In many instances, they are.

This is what we are hearing from advocates and family members of those who have been murdered in the past. They tell us they are working with the Justice Department and in many cases are pleased with their response. But what we do not have is a regularized, systematic commitment on the part of the Government to find the truth in these cases. We do not have a set of people who are dedicated to doing that and nothing else.

We think it is very important to do this for several reasons. In the first place, a section of people who are dedicated to that task will develop a forensic expertise in investigating those kinds of cases that you are not going to get if you occasionally investigate them but do not do it on a regular basis.

In the second place, we think once the section exists and it becomes known to the public, it will encourage people to come forward with information, people who might have been afraid to do so to this point, but they will know this Unsolved Civil Rights Crime Section is there, this cold case section is there. They will contact that section and give them information about past offenses and tragedies.

Finally, we think the existence of this section will cause those who committed these crimes—and in some cases who are still walking around in the belief they are beyond justice—to not rest easy anymore. As my friend from Connecticut has said, we want them to sweat. We want them to know the Government is trying to find them, that there is a section of the Government that is out to get them for the murders they may have committed 40 or 50 years ago or for which they may have been complicit, for which they may have believed they were safe from investigation. So we think there are a lot of advantages to this section.

I will say a little bit about the history of it. I was having a discussion with a man named Alvin Sykes. Alvin is a nationally recognized civil rights advocate from Kansas City, who has been very active in getting the Emmett Till case from mid-1950s reopened, trying to achieve justice in that case. We were talking about that investigation. We were working on that issue. He said: Why don't we have a regularized procedure for looking at cases such as the Emmett Till case?

This was the case of a young man from Chicago who went to visit his uncle in Mississippi. He was kidnapped, beaten, murdered, and his body was dumped in the river because he had allegedly, the day before, whistled at a white woman. The two men who were responsible for that were tried actually, but after about 60 minutes of the jury's deliberations, they were acquitted. They subsequently had interviews with national magazines in which they basically admitted their complicity, admitted their guilt, and they were never prosecuted. They died, unfortunately, without being brought to justice. But there are others maybe who were complicit who could be brought to justice. There are a lot of those cases out there such as this. We believe a section such as this will bring them to light and do justice.

Mr. Sykes said: Why don't we have a section like this? There is not any reason we shouldn't.

So the bill creates this cold case section, if you will, of the Civil Rights Division, requiring they investigate these murders and requiring they report back to the Congress. In some cases they will find the truth and be unable to prosecute anybody, but at least they will uncover the truth and be able to report back and tell us that. Or if they have not been able to uncover the truth, at least they will do their best, at least we will have done our best, even at this late date, to achieve justice in these cases.

I think that is very important for two reasons. The first reason is, when you talk to the family members of those who were victimized, those who were in these cases, you realize that the fact the case was 40 or 50 years ago does not mean it has been forgotten. These family members have been unable to reach closure on these cases. They have been unable to put them behind them and move on because there is this tremendous tragedy that occurred where they lost somebody because of a vicious crime. They feel as though the rest of society has not taken an interest in bringing the criminals to justice. We have a chance to allow these family members to find out the truth, and to move on in their own lives. We owe them that. The country owes them that.

The country needs closure as well. We need to know what happened, and we need to know, as a country, that we did the best we could in a systematic and planned way to find out the truth in these cases, to bring those to justice where justice is possible, and to mourn with the survivors of these victims, to know the truth, and then be able to pull together and move forward. This bill allows us to do that.

I thank very much the managers of the bill on both sides of the aisle, as well as Senator SPECTER and Senator LEAHY for their support. We have not gone through the Judiciary Committee in doing this, but everybody felt it was important to get this done, and that this was the bill we could use as a vehicle for doing it.

I think there are a lot of people around the country who have been working tirelessly to get these cases reopened for whom this is going to be the most encouraging news they have had in a long time.

I hope my colleagues will take satisfaction in having done a very good thing and having struck this blow for justice, struck this blow for having an opportunity to close these cases and move forward.

Mr. President, I yield the floor and defer to my good friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I commend my colleague and friend from Missouri. He is a tireless fighter and a persistent advocate. Under normal procedures we would not be adding a proposal such as this to an appropriations bill. Therefore, I must begin by expressing our sincere gratitude to the Chairman and the ranking Democrat of this subcommittee on appropriations for both of their willingness to accept an authorizing bill of this nature. Their willingness to accept what I think is a very sound and good proposal by the Senator from Missouri, myself, and others who have joined in this effort, is something for which we are very grateful. I thank them for their willingness to entertain this proposal and to accept it as an amendment to this bill.

There are those who would say this amendment is a case of ''too little, too late.'' In some ways they are right. Where is the justice, I suppose, when a moral monster such as Edgar Ray Killen roamed free for literally decades after killing young civil rights workers in this country? That fact alone speaks to the excusable failures of our legal system to bring to justice those who committed brutal crimes.

As the Senator from Missouri pointed out, not that many years ago these crimes were rarely investigated in parts of our country. There was no effort made whatsoever to determine who engaged in these brutal violent acts. In more recent history, of course, we have seen a strong effort. I applaud those who engage in this effort.

The Senator from Missouri and I believe there is a good justification for dedicating an adequate amount of resources with some special designation to go back and reopen the books. Those who engaged in these activities, who think they never have to worry another day in their lives about being pursued, take note—take note that you may never and should never have a sleep-filled night again, that we will pursue you as long as you live, that we will do everything in our power to apprehend you and bring you to the bar of justice.

That is the message we want to convey to the families, the friends, and others who lost loved ones, who put their lives on the line by advocating a greater justice, helping our Nation achieve that ''more perfect union'' that our Founders spoke about, that Abraham Lincoln articulated brilliantly more than a century and a half ago.

That is at the heart of all this—to try to level this field. We will never be a perfect union, but each generation bears the responsibility for getting us closer to that ideal.

America stands for the principle of equal justice for all. Yet for far too long, many Americans have been denied that equal justice, and many despicable criminals have not been held accountable for what they have done to deprive people of those equal opportunities. This is a failure we can never forget.

So this Senate, in this Congress, on this date, early in the 21st century, is saying that we will not forget. This amendment is on record. This amendment seeks to right the wrongs of the past and to bring justice to people who perpetrated these heinous crimes because of racial hatred. We are saying that we want to create the mechanism to allow us to pursue these wrongdoers in the coming years. It cannot bring back and make whole those who have suffered and were murdered by a racist criminal hand. But it can reaffirm our Nation's commitment to seek the truth and to make equal justice a reality.

The hour is, obviously, very late. Memories are dimming. Those who can bring some important information to the legal authorities are passing away. This amendment may be the last and best chance we have as a nation to write a hopeful postscript in the struggle for racial equality in our Nation.

We urge our friends in the House of Representatives, the other body, to accept this idea, to join with us in this late hour to right these wrongs done in our recent past.

Again, my compliments to my friend from Missouri.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am here this afternoon to salute the Senator from Missouri for his tireless work on this piece of legislation and to applaud also the Senator from Connecticut who has been a leader for civil rights legislation in this country for a long time. I thank them both not only for their initiative, for thinking of this, but also for pushing it and being persistent about it. I can remember when the Senator from Missouri came to me on the floor months ago talking about it. I thank them both for giving me a chance to be an original cosponsor and for their hard work on shepherding it through the Senate in this way.

The Senator from Connecticut pointed out that it has not been that long since these crimes have happened. In my lifetime, it has not been that long. I was a student in the South in the 1950s. I was a college student at Vanderbilt University in Nashville when it was still segregated. I helped to try to desegregate it—successfully. In that same year, in the early 1960s, Congressman John Lewis was trying to sit in. He could not get a seat for lunch. In that same year, the judge on the Fifth Circuit Court of Appeals in New Orleans for whom I worked a few years later, Judge John Minor Wisdom, had ordered Ole Miss to admit James Meredith.

In those years, when African-American families drove through Nashville, if they were sick, they could not be admitted to many of the hospitals; if they needed a place to sleep, they could not be admitted to many of the motels; if they needed a place to eat, they could not go to many of the restaurants. That was the life then. That was not that long ago. Many families

throughout the South, as well as other parts of the country, but throughout the South, lived in fear because of that climate.

The Unsolved Civil Rights Crime Act will help heal some of the scars that have been left on our society in the wake of the civil rights struggle.

This past June, shortly after Edgar Ray Killen was convicted for the 41-year-old murder of three civil rights workers, the Nashville City Paper ran an editorial that summed up why resolution of these cases is so important, and why this legislation by Senator TALENT and Senator DODD is so important. The editorial concluded:

> As long as Civil Rights era killers are still alive and free, justice has not yet been fully served. Hunting them down and bringing them to account for their actions is far and away the best apology any of us can make for their crimes.

This is not leadership by lament. This is leadership by action. I commend the Senate for taking such positive steps toward recognizing and rectifying these injustices.

This action is a reflection of one of those aspects of our Nation's character that distinguishes us in the world. We dedicate ourselves to high ideals. We have since our very beginning. Sometimes we have failed to live up to those ideals. But when we do, we have most often recommitted ourselves and taken action to correct our shortcomings. Therefore, we abolished slavery. Therefore, we granted women the right to vote, even though it was after many years. Therefore, we desegregated our schools. Today we shall add to that litany that we have taken steps to bring to justice criminals of the civil rights era. Justice delayed is justice denied. Today we see to it that justice will be delayed no longer.

I am proud to be a cosponsor of this legislation, and I look forward to the day when this new office opens its doors in the Department of Justice.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the continuing scenes of the suffering and devastation in New Orleans and across the Gulf Coast weigh heavily on our hearts and minds. It is clear that as a nation we have a monumental challenge ahead of us to rebuild and restore one of America's most unique and important regions. There is the challenge of repairing and replacing the physical infrastructure of a number of cities, including the great city of New Orleans. There is also the challenge of restoring jobs and income and opportunity and hope to hundreds of thousands of desperate and displaced people.

Hurricane Katrina did more than rip the roofs off buildings along the Gulf Coast. It also ripped off the mask that has covered up the plight of millions of working Americans who live in poverty, as well as nearly one out of every five American children who are now growing up in poverty. Too often the poor are out of sight and out of mind. Katrina changed that. Hurricane Katrina opened the eyes of people all across this country. The poor are now in sight and on our minds. Americans are shocked. Frankly, we are ashamed that such desperation and deprivation could exist on such a large scale in the wealthiest nation on Earth. Americans expect more, and we deserve more.

Those of us who are working in the cool air-conditioned buildings of Washington have to take a long, hard look at the priorities and choices that have contributed to a situation where Americans, moms and dads, husbands and wives, people of all walks of life, work hard but still are unable to make ends meet and still live in poverty. One might think that we would be so embarrassed about these misplaced priorities that have contributed to this situation that we would change course, that we would do all we can to support those who work hard to make ends meet.

One would think that reordering priorities would be especially important in our efforts to rebuild the Gulf Coast, to restore jobs and create new opportunity, get income into people's pockets so they can rebuild their lives and jump start the local economy.

Unfortunately, as if we had learned nothing at all, one of the very first actions taken by President Bush in the wake of this storm was to issue an executive order suspending the Davis-Bacon Act, the Federal law that requires employers on Federal projects to pay employees the prevailing wage of that area. This is a law that has been supported by every President since Franklin Roosevelt, Republican and Democrat.

Even more disturbing, if press reports are to be believed, the President is apparently planning to compound the damage by also rescinding what is known as the McNamara-O'Hara Service Contract Act which contains similar wage protections for employees working on Federal service contracts. It is a law that goes back over 50 years.

Until now, I have muted my voice. I have not criticized the President nor anyone else on what has happened in New Orleans and what happened in the wake of Katrina. I have said that the time for that would come later. For now, it is time to get food and shelter and clothing and health care to the people so devastated. That is why I am so disappointed with this action by the President which will negatively impact workers' wages. So, while we need to set up a separate commission to look at what happened in the aftermath of the hurricane, why the planning was not done, why so much suffering and death before poor people were moved to places of safety, the fact is things are now moving ahead.

With the stroke of a pen, the President is going to remove the requirement for the prevailing wage to be paid for workers in this region. If press reports are to be believed, he is now going to compound it by rescinding the McNamara-O'Hara Service Contract Act that would apply that prevailing wage to Federal service contracts.

This is exactly the wrong way to put the Gulf Coast region back on its feet. Louisiana, Mississippi, and Alabama already have low wage levels compared to the rest of the Nation. For example, the current prevailing wage in the New Orleans area for a truck driver working on rebuilding the levees is $9.04 an hour. In the New Orleans area, the prevailing wage for an electrician is $14.30 an hour. Think about it. That comes to an annual income of barely $18,000 a year for a truck driver and about $28,000 a year for an electrician working full time. It is hard enough for a family to rebuild their lives in that devastated area at that income. Why in the world would the President want to slash that income, especially at this time?

Let's look at some more of the workers who would be negatively impacted by this action. We are talking about sheet and metal workers in Pearl River County, MS, who currently make less than $19,000 a year. That is their prevailing wage. We are talking about carpenters in Mobile County, AL, who currently make less than $20,000 a year. We are talking about laborers in Livingston Parish, LA, who make less than $20,000 a year. At this time, why would we want to cut their already meager income? These are the very workers we will be counting on to rebuild the highways and bridges, reconstruct houses and schools and hospitals, get our electricity up and running again in all those areas. These are the workers who will do the hazardous waste cleanup. Their wages are already barely at the poverty line. The President's actions will drive those wages down even lower.

Given the conditions these people will be working in—areas rife with bacteria and mold, chemical contaminants—we ought to be giving them a wage premium to work in these areas. Instead, the President's action will give them a wage cut. This policy fails the basic test of fairness and equity. Is the President calling for a cap on executive salaries? I haven't heard him call for that. Is there any effort to see if the companies involved in the cleanup and rebuilding would be willing to accept less than the normal profit? I see that one of the first no-bid contracts let was to Halliburton.

We know who the former president of Halliburton is: Vice President DICK CHENEY. We know that one of the chief clients of the former head of FEMA, Mr. Albaugh, who now has a consulting firm, is Halliburton. We know that Mr. Albaugh's hand-picked successor, Mr. Brown, was the head of FEMA when they gave the no-bid contract to Halliburton. It sounds like a sweetheart deal to me. Is the President calling for a cap on profits earned by those companies? Of course not. So why in the world is the President singling out low-income workers in that area and saying: We are not just going to put a cap

on what you make. We are going to lower prevailing wage. We are going to take it away. Why is he cutting their pay at a time when we should be trying to boost income and give a helping hand to people in this area?

For the life of me, the more I think about this, the more I read about it, I don't get what the President is trying to do. They have a prevailing wage. He is saying, you are not going to get that. What happens when you don't have a prevailing wage in a desperate situation? There is always somebody worse off than you that will take a job at less pay. There is always somebody a little bit more desperate. So if the prevailing wage for a truckdriver was $9 an hour, if there is no prevailing wage, the company could come in and say: Anybody want a job for $8 an hour? Someone says: Yes, I will take it for $7. Someone else will say I will take it for $6 because I am so desperate. I need work. I need income.

You end up with a race to the bottom on the wages these jobs pay if you don't have that prevailing wage. That is precisely what is going to happen in New Orleans and the Gulf Coast region. It is a blow to the workers who have already lost their homes. Many have lost jobs, families disrupted, coming back to clean up the mess in their neighborhoods. Now they are being told their wages are going to fall. Think about this. Before Katrina, a truckdriver would be making $9.04 an hour. Post-Katrina, they will get less money. Can someone please explain to me what sense this makes? Pre-Katrina we pay you more for the work you do; post-Katrina, we are going to pay you less.

I say to the President of the United States: You are going to be on television tomorrow night to talk about the cleanup effort. Please explain to the American people why it is you took away the prevailing wage for workers. Explain why it is necessary for them to make less now than they made before. Explain why it is necessary to cap their wages, but we don't cap the profits of the companies doing the work. We don't cap the executive salaries of the executives of those companies.

This is devastating. I have held my criticism of the President, but this is unconscionable. This is not right. It is not right for individuals, and it is foolish economic policy for a region that we are trying to get back on its feet. FEMA is already signing scores of contracts for vast sums of money. The question is: Will a fair share of this money work its way down to the ordinary laborers who do the dirty, hazardous jobs of cleanup and rebuilding? Or will it mostly go for executive salaries and corporate profits? Certainly, we do not want a replay of Iraq, where billions of dollars in contracts have been awarded, enriching people at the top, but with precious little trickling down to ordinary Iraqis to put income in their pockets and encourage a grassroots economic recovery.

Surely we can learn from the mistakes we made in Iraq where we just threw billions of dollars to these companies, and not much of it got down to the people in Iraq. Surely we can learn from that and not repeat those mistakes in the Gulf Coast.

The good news is that it is not too late for the President to correct this misdirection. We are still at the beginning of our response to the devastation of Hurricane Katrina. As we saw when the FEMA Director was reassigned earlier this week and has since left, of course, the President and his team have shown a capacity for shifting gears and making midcourse corrections. That is fine.

Tomorrow night, the President needs to take a second midcourse correction in the strongest possible terms. I urge the President to use his prime-time address to the Nation to reverse course and reinstate the Davis-Bacon protections for the Gulf Coast region.

I also urge the President to put in place a network of auditors and overseers to ensure that the billions of dollars going to Katrina relief is spent effectively, that the lion's share is used to restore and create jobs, to boost incomes, to spark a bottom-up economic recovery and revival all across the devastated region.

There have been numerous articles written in the days since Katrina hit the Gulf Coast underscoring how shocked Americans are to see with our own eyes the poverty and the deprivation that unfortunately still exists on a large scale in the wealthiest Nation on Earth. We need to address the issue of poverty in this country. We knew before Katrina struck. We saw the data. The U.S. Census Bureau issued updated poverty data showing that 37 million live in poverty—13 percent of our population. Since 2001, 4 million more Americans have fallen into poverty. Nearly 5 million more Americans are without health insurance. And worst of all, poverty is increasing sharply among the working poor, people who have full-time jobs. The Census Bureau's numbers show that over the last year alone, the number of Americans who work but live in poverty increased by 563,000 people—over half a million. Meanwhile, the latest Census numbers show that over the last year, real median earnings fell by nearly $1,000 for male workers, more than $300 for female workers.

It should offend our basic sense of fairness to know there are any Americans working full time, playing by the rules, and still living in poverty. Once again, it is not too late to act. Katrina can serve as a wake-up call to all of us to reorder our priorities, as I said earlier.

Before Katrina, people in the Congress, the leadership, the Republicans in Congress were poised to slash food stamps and Medicaid for the poor at the same time that we were supposed to get a bill to eliminate the estate tax and extend other tax cuts for the wealthiest Americans. Prior to Katrina, their agenda consisted of coming back here and cutting food stamps, cutting Medicaid for the poor, cutting estate taxes, giving more tax breaks to the wealthiest Americans. Let's hope Katrina has been a wake-up call that these are misordered, wrong priorities. They would have been misordered before Katrina, and they are glaringly misguided in a post-Katrina America. We should be focusing on initiatives that lift people out of poverty, not slashing programs that provide health care and food support to working families.

We must increase the minimum wage, which today is not even a living wage but a poverty wage. We need to increase education and job training opportunities. We need to be making college loans and grants more widely available and cheaper. We need to be strengthening the ladder of opportunity that allows people to achieve their own American dream. We cannot do that if we keep doing what we have been doing—if we keep cutting taxes for the wealthiest of Americans, then turning around and compensating for the deficit created by those huge tax loopholes by slashing food stamps and Medicaid and taking away the prevailing wage for workers in the Gulf Coast region.

I close my statement by, again, calling upon President Bush to do a midcourse correction. I don't know who advised you, Mr. President, to use your pen to cut the prevailing wages for our workers in the Gulf Coast region. Whoever advised you, they were wrong. Now is your time to do a midcourse correction. Tomorrow night, when you address the Nation, Mr. President, tell the American people that you are going to reinstate the prevailing wage for our workers in the Gulf Coast. In fact, give them a premium for all the dirty, hard work they'll have to do. And then don't suspend the act that also provides a prevailing wage for our service workers because they are going to be doing a lot of the hard work also in cleaning up the mess in New Orleans and around the Gulf Coast region.

It would be a terrible thing if we take hard-earned taxpayers' dollars that we are committing to rebuilding the Gulf Coast region, to rebuilding the economy and helping people rebuild their lives—it would be a slap in the face to the American taxpayer if we allow that money to go disparately into the pockets of the executives of the companies that get all the contracts, and in turn cut the wages of the workers who will be physically doing the hard work and the heavy lifting. That is not the America that we want post-Katrina.

Mr. President, tomorrow night, do the right thing: change your course.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, Hurricane Katrina may be the worst natural disaster in my lifetime, maybe in modern memory. The stories that come back from that hurricane and that disaster are so touching. Today, a man was rescued in his home. It was reported in the news that had he gone another day without water, he would have died. It is amazing that he survived through these weeks since Hurricane Katrina struck.

Senator MARY LANDRIEU, our colleague from Louisiana, came back with so many real-life stories that were so touching. There is one she told me and several others that I repeated back in my home State of Illinois. It is an amazing story about a 65-year-old woman who was living alone in a simple house in New Orleans and had nowhere to go and no way to leave. She thought her little house, which had been through an awful lot, could take whatever God would give, and she was relieved when the hurricane skirted around New Orleans.

Within hours, of course, disaster struck in the form of a flood. She told MARY LANDRIEU, who found her in one of the hospital facilities, that the water just came rushing in, first 4 feet of it, and then more. As it was rising, she was wondering where she would turn. She went through her house and thought maybe, just maybe she could crawl up into the attic. She set a stepladder up in her kitchen, but she did not have the strength to move from her stepladder up into the attic. She could just barely get her head up into the attic. The water rose to the ceiling, to her chin, while she was standing on that stepladder. She stood on that stepladder for 2 days. She told MARY LANDRIEU that she kept wondering why the level of the water was changing every once in a while. Of course, it was the tidal flow of the water from the Gulf of Mexico, the tidal flow in her kitchen.

Finally, one of her neighbors thought about her, came and helped her out, and the two of them scrambled up to the roof. With a little help, she survived to tell the story.

She told MARY LANDRIEU that in those dark hours, standing on that ladder with water up to her chin, she survived on faith, faith in God but faith in the belief that someone would come to help her.

For many people in New Orleans and Mississippi and Alabama and throughout the State of Louisiana, that someone was our Government. People knew that at the worst moments they could count on our Government to be there because our Government is our American family and we do pull together. When one part of our family is in distress, we pull together to help. And she waited and waited and waited.

A doctor I met in Chicago on Friday at one of the evacuee centers happened to be in New Orleans on Monday when the hurricane and then the flood hit. He said he didn't see his first rescue worker until Thursday in the city of New Orleans. He was lucky. He was on high ground in a hotel—a doctor. He really became the head of a small hospital in that hotel.

Something awful happened as a result of this hurricane. Too many people were left behind. Too many people were let down. The most vulnerable people in America didn't have their Government, their American family standing there to help them in their greatest hour of need.

For a long time there was a political exchange back and forth in Washington: Who is at fault? Who made the mistake? The talk shows, the talking heads, all of them had an opinion. The White House said: Don't get involved in a blame game. That was their phrase. Many others said it really wasn't the Federal Government's fault, it was this, it was that. It went on and on.

Senator MIKULSKI, who just came back to the floor, managing an important bill, was one of the first, if not the first, who came to the floor and suggested the head of FEMA should move on to another job.

Senator MIKULSKI, thank you for your leadership. He is gone. I joined her in that chorus. Whatever Mr. Brown's qualifications were, they were not up to the job of handling this natural disaster.

The President came out within the last day and conceded the fact that he had not met his responsibility to the American people in Hurricane Katrina. That is an important admission on his part. I think, once having conceded that point, we can move forward.

I come to the floor now because the Senate missed an extraordinary opportunity to move forward on a bipartisan basis today. There was an amendment offered by Senator HILLARY CLINTON of New York, who certainly knows about disasters, having lived through 9/11 with her colleague, Senator SCHUMER. Senator CLINTON came to the floor today and said: We learned a lesson on 9/11 that if you really want to get to the bottom of what failed in Hurricane Katrina and what we can do to repair the damage in the future, to make certain that the American Government and the American family stand behind its most vulnerable members, we need an independent 9/11-type commission, a bipartisan commission that will take an honest look. Don't load it up with Congressmen and Senators who may have some political axe to grind but make it truly independent.

It worked for 9/11. The two men who were chosen, Gov. Tom Kean, former Republican Governor of New Jersey, and Congressman Lee Hamilton, former Democratic Congressman from Indiana, did an extraordinary service for our country. Their analysis of 9/11 led to the most significant intelligence reform in modern history in our country, and it passed with an amazing, strong, bipartisan vote, thanks to the exceptional work of Senator SUSAN COLLINS, a Republican of Maine, and Senator JOE LIEBERMAN, a Democrat of Connecticut, and Congresswoman JANE HARMAN of California. They all came together with this intelligence reform that grew out of this independent commission.

Senator CLINTON came to the floor today and said it worked well for America's greatest terrorist attack. Let us apply the same concept, the same model for this Hurricane Katrina disaster.

We had a chance on a bipartisan basis to rise to the occasion today, and we failed. We failed to pass the Clinton amendment. On a partisan rollcall, Senator CLINTON's call for an independent commission was rejected. Why? Why? When you consider the devastation of this hurricane, when you consider the billions of dollars that need to be spent now to bring back these communities and the families and the lives, why, when we know that we want to be prepared tomorrow, God forbid, if another disaster strikes? Why wouldn't we follow Senator CLINTON's suggestion? Why wouldn't we create this independent, bipartisan commission that can get to the heart of the issue?

The American people want this, and the Senate rejected it on a partisan rollcall today. That is truly unfortunate. Those who lived through 9/11 recently commemorated a sad fourth anniversary. The lives of those who were lost, of course, will never be reclaimed. Their memories live on. But their families have dedicated themselves, not just to preserving their memory but to doing something important for America. Those families stood behind the 9/11 Commission. They were the political force that kept that commission moving forward when politicians on both sides of the aisle found plenty of excuses to stop.

We need another group of families today. We need the Hurricane Katrina families to come forward. We need for them to say to this Senate, the House of Representatives, and this Government, we truly need another independent commission. We need their voices and we need their strength. I think with it, we will succeed.

Today, Senator CLINTON, despite her best efforts, did not succeed. But for the good and safety and security of this Nation, we must.

I look forward to returning to this issue as quickly as possible. I hope we can find a way to not only analyze what we failed to do with Hurricane Katrina but make certain we bring the relief and recovery families need and make America safe again for so many vulnerable Americans who count on our leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first I would like to thank the senior Senator from Illinois for his kind words about my advocacy.

You see, I wanted not only new leadership at home—that is why I called for Michael Brown to step down—but I believe FEMA needs a new focus. It needs a new energy. And it needs a new independence.

In the 1990s I worked to form FEMA, after Hurricane Andrew, and actually worked with President Bush (I) and Andrew Card. We started that. President Clinton came in, we kept our reform efforts up, we got James Lee Witt, and what we really focused on was, No. 1, that FEMA become independent; No. 2, that it be run by professionals—meaning emergency management, military, or even private sector people with crisis management experience because this is enormously important to saving lives, saving livelihoods, and quite frankly, being good stewards of taxpayer money. We are about to spend $60 billion, and we are into no-bid contracts? OK?

So that is why I wanted Brown to go. The President has appointed someone. I look forward to getting acquainted. I supported the commission, not to finger-point, but to pinpoint, just like the 9/11 Commission. Where do we need to reform? Where do we need to reinvigorate? Where do we need to refocus?

Yes, the President is going to look into it, and he should. Yes, the Congress is going to look into it, under the able leadership of Senator COLLINS and Senator LIEBERMAN. But I believe in independence. Frankly, as you know, I say to the Senator, just as in medicine, nothing goes wrong when you get a second opinion from outside. So that is what I hoped would happen. But I look forward to working with the President on recovery.

We have to make sure we are ready and able to respond if it happens again. Thank you for your kind words.

Mr. DURBIN. I thank my colleague.

Mr. GRASSLEY. Mr. President, last night, Senator BAUCUS and I introduced a package of tax relief measures designed to help the victims of Hurricane Katrina both in the short and long term. We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport, and the other hurricane-hit areas. We're pleased that members of the affected region join us in this effort including Senators LOTT, LANDRIEU, VITTER, COCHRAN, and SHELBY.

The immediate relief package that we are announcing today will help get short-term aid to hurricane victims by encouraging food donations and the employment of displaced individuals, for example. For those who have suffered casualty losses, we have liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property. We also want to help protect Katrina victims from undeserved IRS harassment.

We expect to see prompt action by Congress on this tax relief package. We need to get these tax incentives on the books and help Katrina victims make a fresh start.

After this package is completed, our focus will be on longer term tax incentives to help rebuild homes and businesses. We are looking at depreciation changes, tax-exempt bond authority—arbitrage rebate—and enterprise-zone initiatives.

Life will never be the same for our fellow citizens in gulf region. And what we have all seen over the last 2 weeks will stay in the hearts and minds of all of us for years to come.

With this first initiative from the Finance Committee—and there will be more in other areas where we have jurisdiction—we want the victims in all of the affected areas to know that they can count on us to create a set of measures that wit1 help return vitality and vigor to the gulf region.

NOTICE OF INTENT

Mr. REID. Mr. President, in accordance with rule V of the standing rules of the Senate, I hereby give notice in writing on behalf of myself and Senator BINGAMAN that it is our intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, The Science, State, Justice, Commerce Appropriations Bill, the following amendment: No. 1706.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 1660

Mr. CHAFEE. Mr. President, Congress must make an immediate, thorough review of the Government's response to Hurricane Katrina and its aftermath.

As a member of the Senate Homeland Security Committee, I am committed to working with Chairwoman SUSAN COLLINS and Ranking Member JOE LIEBERMAN to ensure that the investigation is conducted in a bipartisan fashion.

We have already begun this investigation. On Wednesday, September 14, our committee held its first hearing on the effects of Hurricane Katrina and heard from former California Gov. Pete Wilson, former New Orleans Mayor Marc Morial, and former Grand Forks, ND, Mayor Patricia Owens. Each of these respected public officials have led their citizens through past natural disasters and shared their experiences with us in the hearings.

In the coming weeks, we will call in leaders from the administration and other relevant parties to determine what was done right and what was done wrong in responding to Hurricane Katrina. We intend to make whatever changes in structure, funding and personnel that are necessary to ensure that we are prepared to handle disasters—either natural or manmade—in the future.

During consideration of the fiscal year 2006 Commerce-Justice-Science appropriations bill, Senator HILLARY CLINTON offered an amendment to create a new committee to investigate Hurricane Katrina. I did not support this amendment for two reasons. First, it violated Senate rules by adding legislation to an appropriations bill. I have strongly opposed such legislative ''riders'' in the past since many of the ''riders'' have been used to undermine environmental laws. I believe that legislation should move through the appropriate authorization committees for consideration.

Second, I believe that our Homeland Security Committee is doing the necessary work to conduct a full investigation. The work has already begun. A new committee could take months to be organized and set up. The American people should not have to wait to have accountability.

AMENDMENT NO. 1670

Mr. CHAFFEE. Mr. President, I wish to speak about the Senate amendment No. 1670, offered by Senator DORGAN. Earlier today the Senate held a procedural vote on this amendment, and I want to make clear the reason for my vote.

Senator DORGAN's amendment would create a Special Committee of the Senate on war and reconstruction contracting. It is modeled on the highly successful committee that former President Harry Truman chaired during his Senate tenure from 1941–1944. That committee demanded the strictest accountability from defense contracting and thus saved our Government billions of dollars.

I agree with the aim of Senator DORGAN's amendment, and look forward to supporting legislation in the future that would establish a special committee to review war and reconstruction contracting. Given the great cost, length and importance of the war on terrorism, I think it is appropriate to convene such a special committee to ensure that taxpayer dollars are spent wisely.

However, Senator DORGAN offered this piece of authorizing legislation on an appropriations bill. The procedural vote was whether the Senate should set aside rule XVI, which prohibits such authorizing on appropriations. There is a troubling history of legislating on appropriations. From 1995, when the Senate voted in effect to over-turn rule XVI, until 1999, when the rule was established, there was a proliferation of so-called ''legislative riders'' on appropriations bills. No authorizing committee's territory is safe without firm lines clearly differentiating between authorizing work and appropriations work. Moreover, from 1995–1999 many of the riders were aimed at undermining environmental laws.

To avoid returning to this practice, I support rule XVI and its prohibition against adding authorizing amendments to appropriations bills, and thus voted to oppose Senator DORGAN's amendment. Again, I state this to make clear that my vote was to uphold an important Senate rule, and not to oppose Senator DORGAN's amendment.

AMENDMENT NO. 1688, AS MODIFIED

Ms. MIKULSKI. Mr. President, I now ask unanimous consent that amendment No. 1688, which was submitted by Senator STABENOW, be modified with

the changes that are at the desk and, further, that the amendment be considered and agreed to with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1688), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. It has been laid upon the table.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 1671

Mr. SHELBY. Mr. President, I now call for the regular order with respect to DeWine amendment, No. 1671.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1715 TO AMENDMENT NO. 1671

Mr. SHELBY. We have a second-degree amendment which has been agreed to on both sides. Therefore, on behalf of Senator DEWINE, I send the second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. DEWINE, proposes an amendment numbered 1715 to amendment No. 1671.

The amendment is as follows:

On page 1 strike line 6 and all that follows through page 2, line 2, and insert the following:

$859,300,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration. Of the amount available under this section in excess of $852,300,000, not more than 50 percent of such excess amount may be derived from any particular account of the National Aeronautics and Space Administration.

Mr. SHELBY. Mr. President, I believe this amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1715) was agreed to.

The PRESIDING OFFICER. Without objection, the first-degree amendment, as amended, is agreed to.

The amendment (No. 1671), as modified, was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1662

Mr. SHELBY. Mr. President, I now ask for the regular order with respect to Sarbanes amendment No. 1662.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SHELBY. Mr. President, this amendment has been cleared on both sides. I urge the adoption of the Sarbanes amendment.

Ms. MIKULSKI. I concur.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1662) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. 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. SHELBY. I ask unanimous consent that the order for the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SHELBY. I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EGYPT AND MOLDOVA

Mr. MCCONNELL. Mr. President, I rise to make two brief comments regarding Egypt and Moldova.

On Egypt, the jury is still out on whether or not the recent presidential election is a meaningful step toward greater democracy in that country. To be sure, there was plenty wrong with the poll which few Egyptians were permitted to access and no international monitors were allowed to observe. President Mubarak's victory was unsurprising. It is important to encourage President Mubarak to appreciate that progress in Egypt, whether relating to freedom, economic development, or Radio Sawa broadcasts, must be judged not by words but by concrete actions. The Egyptian people deserve no less, particularly with legislative elections on the horizon later this year.

On Moldova, I am pleased that the Senate State, Foreign Operations and Related Programs Subcommittee provided an additional $3 million above the Fiscal Year 2006 budget request for that country, a mark worthy of defending in conference. Credible elections in March demonstrated that the country's political leaders are interested in European integration and increased political and economic reforms. I encourage that country to implement proposed reforms relating to the independence of the judiciary and media, transparency in parliamentary proceedings, participation in elections, local self-government, legislative oversight of the executive, and protection of human and civil rights. Such action will demonstrate the seriousness of Moldova's intentions and strengthen its partnerships with the United States and Europe.

I look forward to continued democratic progress in Egypt and Moldova.

HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. BAUCUS. Mr. President, I join in acknowledging the life and service of Chief Justice William Rehnquist.

His was a life of public service. During the Supreme Court's 1951 and 1952 terms, he served as a law clerk for Justice Robert Jackson. From 1969 to 1971, he served as Assistant Attorney General in the Justice Department's Office of Legal Counsel. And from January 7, 1972, to his passing Saturday, he served on the Supreme Court. Through his life of service, Justice Rehnquist has left an indelible mark on this Nation.

In 1969, on appointing Judge Burger as Chief Justice of the Supreme Court, President Nixon had said: Our Chief Justices have probably had more profound and lasting influence on their times and on the direction of the nation than most Presidents.

President Nixon was right. And the service of Chief Justice Rehnquist was proof.

In 1971, President Nixon nominated Justice Rehnquist to the Supreme Court as an Associate Justice. And in 1986, President Reagan elevated him to the position of Chief Justice. In the history of this Nation, only 16 men have held this high office. Justice Rehnquist presided over the court as Chief Justice for 19 years. Only three men served longer as Chief Justice: Melville Weston Fuller, Roger Taney, and John Marshall.

I felt a tie with Justice Rehnquist, as he had attended Stanford University and Stanford Law School, a few years ahead of me at both schools. In another one of those quirks of history, he attended the same Stanford Law School class with Sandra Day O'Connor, who would later join him on the Supreme Court.

I was also able to observe Chief Justice Rehnquist at close range, in 1999, when he presided over the Senate sitting in the Presidential impeachment trial of President Clinton. Chief Justice Rehnquist had written a book on impeachments. But more importantly, his presence brought dignity and a much-needed sense of humor to those difficult proceedings.

At one point, he noted that a Senate rule forbids both sides in the impeachment trial from objecting to a question.

From the Presiding Officer's chair, the Chief Justice wryly observed: The Parliamentarian says they can only object to an answer and not to a question, which is kind of an unusual thing.

The Chief Justice chuckled, and Senators laughed with him.

At another point, Majority Leader Lott asked how much time each side had used. The Chief Justice checked with the Parliamentarian and first announced that the House Managers had taken 54 minutes and the White House had taken 57 minutes. But then the Chief Justice said that he needed to correct himself, saying that the House managers had actually used up 64 minutes, not just 54 minutes.

House Manager Rogan, who was scheduled to speak next, inquired: I trust that doesn't mean I have to sit down, Mr. Chief Justice.

The Chief Justice quipped in response: It's not retroactive.

Mr. President, Chief Justice Rehnquist wrote many opinions with which I do not agree. He was a very conservative Justice.

But I will miss Chief Justice Rehnquist. He was a great figure of our times. We will not forget him.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 15, 2005, Dwan Prince was savagely beaten by three men as Prince stood outside of his apartment building in New York, NY. The apparent motivation for the attack on Prince was his sexual orientation. According to police, the three attackers shouted antigay slurs throughout the attack on Prince.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE CANDY STORE FOR GUNS

Mr. LEVIN. Mr. President, I have consistently supported commonsense legislation to help stop the flow of guns to the black market. Unfortunately, the failure of Congress to act on several commonsense bills has allowed criminals and terrorists continued potential easy access to guns. In addition to endangering our families and communities here in the United States, congressional inaction may also be helping to fuel international trafficking of powerful firearms.

Earlier this year, the CBS news program ''60 Minutes'' aired a segment about the activities of an arms merchant who legally purchased high-powered weapons here in the U.S. and smuggled them to the Kosovo Liberation Army to be used in their fight for independence from Serbia. According to him, the weapon of choice for the KLA was the .50-caliber sniper rifle.

Published reports indicate that .50-caliber sniper rifles are capable of accurately hitting a target more than 1,500 yards away with a bullet measuring a half inch in diameter. In addition, these thumb-size bullets come in armor-piercing, incendiary, and explosive varieties that can easily punch through aircraft fuselages, fuel tanks, and engines. Under current law, .50-caliber sniper rifles can be purchased by private individuals with only minimal Federal regulation. In fact, these dangerous weapons are treated the same as other long rifles including shotguns, hunting rifles, and smaller target rifles.

''60 Minutes'' pointed out that this one individual made use of his easy access to .50-caliber sniper rifles and other high-powered weapons to help outfit the KLA. He said: Anything you need to run a small guerrilla army, you can buy here in America. You have all the guns you need here to fight a war.

He continued: All the rifles which U.S. soldiers use in every war, you can buy them in a gun store or a gun show.

While he would not discuss the total number of .50-caliber rifles he shipped out of the country, the author of a book about the subject estimated the number to be several hundred. The author told ''60 Minutes'' that on one occasion, the arms merchant and his associates hid nearly one hundred .50-caliber sniper rifles in a shipment of humanitarian aid to Albanian refugees.

For their report, ''60 Minutes'' also interviewed Joe Vince, a former senior official at the Bureau of Alcohol, Tobacco, Firearms, and Explosives. He commented on our Nation's gun laws by saying: We are the candy store for guns in the world. And it's easy for people to acquire them here.

During his interview, Mr. Vince called for computerized records of gun sales that would allow law enforcement officials to look for patterns of buying activity for high-powered firearms including .50-caliber sniper rifles. This approach may be helpful for identifying the gun trafficking operations that arm criminals in our country as well as those that support militants in other parts of the world, including terrorists.

I have cosponsored the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN. This bill would reclassify .50-caliber rifles under the National Firearms Act, treating them the same as other high powered or especially lethal firearms like machine guns and sawed off shotguns. Among other things, reclassification of .50-caliber sniper rifles under the NFA would subject them to new registration requirements. Future transfers or sales of .50-caliber sniper rifles would have to be conducted through a licensed dealer with an accompanying background check. In addition, the rifle being sold would have to be registered with Federal authorities.

We have a responsibility to those we represent as well as to other nations to help stop dangerous firearms from falling into the hands of people who seek to use them for violence. I am hopeful that the Congress will recognize the danger of inaction and pass legislation to require registration of military style firearms like the .50-caliber sniper rifle.

TAIWAN-UNITED STATES AGRICULTURAL AGREEMENT

Mr. BROWNBACK. Mr. President, every 2 years or so, an agricultural buying mission from Taiwan visits the United States, to sign letters of intent and contracts to buy billions of dollars worth of U.S. wheat, corn, soybeans and hides. As you can well imagine, this practice has helped to guaranty an income to farmers across the country, and helped to create jobs in communities throughout this Nation.

Between 1978 and 1993, Taiwan dispatched 18 of these missions to this country. Taiwan has an active ''buy American'' program, which has helped to shrink our trade deficit over the years. Hopefully, this robust trading relationship between Taiwan and the United States will continue for years to come. I know for a fact that our farmers and exporters, especially from my home State of Kansas, deeply appreciate Taiwan's business.

Our friends in Taiwan have helped this country in other ways as well. Whether it is full cooperation in the global war on terror, significant monetary contributions to the Twin Towers Fund, or their recent generous pledge of $2,000,000 in aid for the victims of Hurricane Katrina, we can always count on Taiwan to be there when we need them.

Mr. President, I rise today to thank our friends in Taiwan as they once again demonstrate their good will towards the United States through the visit of this agricultural buying mission to my State, as well as those of many of my colleagues.

COMMMORATION OF THE 200TH ANNIVERSARY OF THE BIRTH OF CONSTANTINO BRUMIDI

Mrs. CLINTON. Mr. President, this is such a happy occasion and I am delighted that so many of you who know the importance of this extraordinary artist-citizen's work could join us. I want to thank Speaker HASTERT and Senator STEVENS, as well as our leaders in the Senate, Senator FRIST and Senator REID, my colleague Senator ENZI, Congressmen PASCRELL and BILIRAKIS, and of course Ambassador Boggs. It is so wonderful that we are here in this historic building, where Americans can see the best of our democracy in action. I often just shake my head and

wonder as I walk through the Capitol—its beauty, its iconic power really defy my attempts at articulation. More than any other building, it is the exterior of the Capitol that we associate with the freedoms, values, and privileges of American citizenship. But on the inside we tell so many stories about who we are as a people, what our aspirations and our dreams might be.

Constantino Brumidi was 47 years old, a painter, when he came to our shores. As is often the case with the immigrant experience, he landed here with nothing but a dream, and within a relatively short period of years he was here at the Capitol, using his talent and the great tradition that he exalted, to turn the interior of our Capitol into something much more alive and real than just the walls and the columns that held it up. He had a Greek father, an Italian mother; some might very well say the best of both worlds. And the coincidence should not be lost on us, that classical wall painting, the medium of which he was a master, originated in Greece and reached a high degree of refinement during the Roman Republic. So he brought with him his classical training and influences and he became a master of that tradition. He believed that the Capitol required, as he put it, ''a superior style of decoration in real fresco, like the palaces of Augustus and Nero.'' In the Brumidi biography, by Capitol curator Barbara Wolanin, she so aptly writes, ''his originality lay in integrating American themes into his classical repertoire. He was inspired by the great Renaissance artist Raphael, and he emulated his design of scrolls and leaves with birds and animals, but the species of squirrels and mice he painted in the Senate Wing corridors were strictly American.''

He spent 25 years painting in the Capitol Building, but that was not his only commission. One of his most notable other great works is found in New York, at the Church of Our Lady of the Scapular and Saint Stephen, which is in the Gramercy Park area of Manhattan. My predecessor, Senator Moynihan, recognized the importance of Brumidi's work at Saint Stephen's years ago. Commissioned in 1866, Brumidi painted a huge mural of Christ's crucifixion over the church's high altar, in addition to 43 murals and paintings around the walls. He was acclaimed for this work, and you can see why as you look through the Capitol, and I also hope you will also visit Saint Stephen's. The church is engaged in an important effort to preserve Brumidi's work, and I personally hope that this ceremony and the 200th anniversary of his birth will help draw attention to that effort.

As we have learned from years of effort, preserving and restoring Brumidi's work is enormously important. For decades it was obscured by moisture and leaks, and gas torch light residue, but finally in the 1980s and the 1990s his work had begun to be restored to its original splendor. I remember coming in late at night in the Capitol on numerous occasions in the past 10 or 15 years and seeing the restorers working so meticulously to preserve and enhance and once again reveal the full beauty of his work.

Yes, he was an artist-citizen. He used his artistry on behalf of his citizenship, and he used his citizenship to elevate his art. He is reported 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.'' I believe his daily prayer was answered and I am delighted that so many of us could be here to recognize and celebrate the 200th anniversary of his birth, but even more the work he did which has stood the test of time.

MEMORIAL FOUNDATION FOR THE BLIND'S 100TH ANNIVERSARY

Mr. KENNEDY. Mr. President, today I pay tribute to the Memorial Foundation for the Blind in Worcester, MA as they celebrate a century of good deeds in the Commonwealth. I would especially like to congratulate the board of directors on this special day, led by President Lawrence M. Raymond and Vice President Janet LaBreck. Without the board's leadership and dedication this day may not have been possible.

For most of our Nation's history, blind and visually impaired men and women, like all people with disabilities, were treated like second-class citizens. They had fewer opportunities to succeed in school and work and participate in the life of their communities, and their special needs were too often considered a burden without remedy and not worth addressing.

Since those dark days, enormous progress has been made in promoting a life full of possibilities for blind and visually impaired men and women. Leaders like Helen Keller changed hearts and minds by showing us all that what is often seen as a limitation can be a blessing in disguise. But much of the credit also goes to local organizations such as the memorial foundation, that cared about these basic issues and stood up for civil rights. It represents the best in progressive philanthropic organizations that changed communities one at a time, and encouraged the rest of the Nation to follow suit. Their great legacy is a stronger and fairer America.

In Worcester County, the foundation operated a special home and provided support services for many years, making sure that a safe and welcoming shelter existed in the community. In 1960 it shifted its focus to providing financial assistance to one and later on to many agencies and organizations in the community that exemplify its giving spirit. They continue to do so today, adapting to new developments, supporting assistive technologies and giving blind and visually impaired men and women unprecedented new independence.

This new century holds great promise for further extraordinary progress, especially in the area of employment. I am proud to join the memorial foundation in its ongoing efforts for greater justice and equality. You represent the very best in our Commonwealth and our Nation.

ADDITIONAL STATEMENTS

SALUTE TO EDWIN LEE ALLEN

• Mr. HARKIN. Mr. President, I rise today in celebration of the 95th birthday later this week of a truly beloved Iowa artist, Lee Allen.

Born in Muscatine on September 16, 1910, Edwin Lee Allen has called Iowa home for his entire life. The son of an engineer, Lee was raised with a unique blend of curiosity and problem-solving ability. As a young boy, his father gave him a set of oil paints and Lee quickly developed into an excellent artist. At the age of 18, Lee won a blue ribbon for oil painting at the Iowa State fair. Another artist who won an award at that fair was Grant Wood, later to become famous for his painting ''American Gothic.'' Lee and Grant Wood became friends and, as director of a Federal fine arts project during the Depression, Grant Wood asked Lee to work for him.

In 1935, Lee studied under Diego Rivera in Mexico City. Upon returning to Iowa City, Lee won a competition to paint murals for post offices. Two were produced. One, ''Soil Conservation,'' still hangs in the Onawa post office, and another, ''Conservation of Wildlife,'' hangs in the Emmetsburg post office. ''Soil Conservation'' was selected for the American Century exhibit at the Whitney Museum of American Art in 1999.

In 1937, Lee began working for the University of Iowa as a medical illustrator in the Eye Department. He quickly distinguished himself as a medical illustrator, but also made many contributions to the medical profession. For example, in 1941, frustrated with then-current gonioprisms, Lee developed the ''Allen-Thorpe Goniprism,'' which was sold by the Bausch and Lomb Company. He also developed the ''Allen Dot'' which diminished flare and reflections on cameras designed for photographing eyes.

Following World War II, Lee began making artificial eyes. And in 1976, he retired from the University of Iowa to open his own company, Iowa Eye Prosthetics. Using the same scientific mind and artist's skill, Lee revolutionized the process of making artificial eyes. His development of the ''painting lens'' allowed ocularists—artificial eye artisans—to develop incredibly comfortable and life-like artificial eyes. His Iowa Eye Implant provided for a very natural eye movement. Because of Lee's success and dedication, today artificial eyes look every bit as natural as the real thing.

Throughout his career, Lee continued to paint and win awards, and his art hangs in museums across the country.

Today, Lee is fully retired and lives in Iowa City, welcoming the opportunity to spend time with his three daughters, Loredo, Mary Lee, and Elizabeth. I wish him the best on this his 95th birthday, and thank him for his contributions to art, medicine, and America.●

25TH ANNIVERSARY OF THE ICE AGE NATIONAL SCENIC TRAIL

● Mr. FEINGOLD. Mr. President, today I wish to honor the 25th anniversary of the Ice Age National Scenic Trail, which will be observed later this week but officially occurs on October 3, 2005. This anniversary is an appropriate time to celebrate not just the breathtaking beauty of our natural surroundings or the accomplishments of and opportunities provided by a cherished unit of the National Park Service over the past 25 years. It also gives us the chance to mark the achievements that are possible when a dedicated group of volunteers commit themselves to a long-term vision of improving their environment, their communities, their State, and their country.

Much of North America's landscape was formed by retreating ice sheets some 15,000 years ago and the beauty this retreat exposed surrounds each of us. However, it is the two-thirds of Wisconsin that were shaped during this glacial movement whose majestic beauty is, quite simply, unmatched. I know that all Wisconsinites appreciate the special places that owe their existence to these glacial changes—from our thousands of inland lakes and streams to our meandering eskers and rolling moraines, and from the top of Timm's Hill down to the gravelly shores of Lake Michigan.

Wisconsin's geological history communicates a fascinating story and the Ice Age National Scenic Trail helps to both preserve that story, by protecting the scenic beauty, and to tell that story, by allowing people the opportunity to explore it. The trail, which starts in Green Bay, follows the path of the Wisconsin Glaciation, stretches for more than 1,000 miles across the State, and finally ends at the Interstate State Park Ice Age Reserve Unit at the Dalles of the St. Croix River. Throughout its meanderings, the trail takes you on a journey like no other.

In addition to learning about the geological history of Wisconsin, a visitor to the trail will find a multitude of recreational opportunities. These activities can be equally enjoyed by individuals seeking solitude and by groups and families who want to increase their togetherness. All areas on the Ice Age Trail encourage hiking and backpacking, and some portions permit non-motorized sports such as bicycling, horseback riding, cross-country skiing, snowshoeing, and jogging. I cannot think of a better place to engage in these activities than along the Ice Age Trail.

The stories associated with the trail aren't only about the geological history of our State. The trail also tells the story of individuals working to fulfill a dream. In the 1950s, the late Ray Zillmer, of Milwaukee, envisioned a trail spanning across Wisconsin's glacial landscape. In 1958, the Ice Age Park and Trail Foundation was formed by a grassroots movement of Wisconsin citizens interested in promoting the creation of a national park that would recognize the glacial footprint in Wisconsin. These citizens' efforts were finally recognized when, in 1971, the State of Wisconsin cooperated with the National Park Service to create the Ice Age National Scientific Reserve. Finally, in 1980—over 20 years after Mr. Zillmer's work began—Congress recognized the national significance of our landscape and the importance of sharing it with the country and designated the Ice Age Trail as a National Scenic Trail.

Our trail is administered jointly by the Wisconsin Department of Natural Resources, the Ice Age Park and Trail Foundation, and the National Park Service, but it is the efforts of volunteers that truly make the trail shine. From those as young as 11 to those in their 70s, I salute the volunteers who are committed to improving our Ice Age National Scenic Trail. Their actions carry on the vision of past Wisconsinites to leave their surroundings a bit better off than they found them.

Over the past 25 years, the trail has flourished. It has grown tremendously and today there are many segments proposed for inclusion. I can't wait to watch as the next 25 years go by. In fact, I look forward to participating in the 50th anniversary celebration!

In closing, I congratulate the Ice Age National Scenic Trail on its 25th anniversary and commend all those associated with it for their efforts to make it one of the most outstanding parts of the National Trails System.●

100TH ANNIVERSARY OF THE UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES

● Mr. CONRAD. Mr. President, I rise today to recognize the outstanding achievements of the School of Medicine and Health Sciences at the University of North Dakota, UND, as it celebrates 100 years of excellence, innovation and service. On September 30 through October 1, the students, faculty, and alumni of the UND School of Medicine and Health Sciences will gather to celebrate their institution's history and founding.

As the only medical school in the State of North Dakota, the School of Medicine and Health Sciences has played a key role in ensuring access to quality health care in our region. When the School was established by the North Dakota State Legislature in 1905, most of the State's citizens were farmers living in areas with little or no medical care. Throughout the past 100 years, the UND School of Medicine and Health Sciences has maintained its focus on training health professionals that seek to practice in rural areas. The school has educated nearly half of all practicing doctors in North Dakota and almost 80 percent of the physician assistants and physical and occupational therapists. The school has also trained medical doctors and other health professionals for service on reservations through its Indians Into Medicine program.

One of the most notable offices within the School of Medicine and Health Sciences is the Center for Rural Health. As one of the Nation's top resources for rural health research and policy, the Center for Rural Health has been recognized again and again for its work in studying and improving rural health. The center is home to the Nation's only Rural Assistance Center, a clearinghouse for rural health providers and communities to access the full range of funding and research opportunities.

The School of Medicine and Health Sciences has also focused resources on medical research. As one of eleven nationwide sites with the advanced technology to study neurodegenerative diseases, the school has utilized its scientists and resources to study diseases and conditions that affect people in the Midwest region, including diabetes, cancer, fetal alcohol syndrome, and Parkinson's. Over the past 10 years, the school has attracted nearly $30 million in Federal grant funding.

The UND School of Medicine and Health Sciences has provided a century of excellence, innovation, and service to not only its students and faculty, but to the entire State of North Dakota. The school has grown and expanded over the past 100 years, but has remained committed to educating future health care providers. I ask the Senate to join me in congratulating the School of Medicine and Health Sciences on its first 100 years of service to North Dakota and in wishing it well as it embarks on the next century. By honoring the UND School of Medicine and Health Sciences, we recognize the unique contributions that smaller, community-based medical schools have made to our Nation's health care system, particularly in rural areas.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bills:

S. 252. An act to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada.

S. 264. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii.

H.R. 804. An act to exclude from consideration as income certain payments under the national flood insurance program.

H.R. 3669. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 11:14 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 539. An act to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 276. An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 26. Concurrent resolution honoring and memorializing the passengers and crew of I United Airlines Flight 93.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 539. An act to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

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–3726. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of nomination notifications for four Presidentially-appointed Senate-confirmed positions within the Department of Housing and Urban Development received on August 23, 2005; to the Committee on Banking, Housing and Urban Affairs.

EC–3727. A communication from the Acting Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–3728. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico (New Pidiregas Projects); to the Committee on Banking, Housing, and Urban Affairs.

EC–3729. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico (Cantarell oil field); to the Committee on Banking, Housing, and Urban Affairs.

EC–3730. A communication from the Deputy Secretary of State, transmitting, pursuant to law, a report entitled ''Authorization for Use of Military Force Against Iraq Resolution of 2002 (April 15—June 15, 2005)''; to the Committee on Foreign Relations.

EC–3731. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((70 FR 43056)(44 CFR Part 67)) received on August 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3732. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((70 FR 43055)(Docket No. FEMA–D–7575)(44 CFR Part 65)) received on August 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3733. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((70 FR 43067)(44 CFR Part 67)) received on August 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3734. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((70 FR 47129)(44 CFR Part 67)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3735. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((70 FR 47128)(44 CFR Part 67)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3736. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((70 FR 48481)(Docket No. FEMA-7889)(44 CFR Part 64)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3737. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((70 FR 40913)(44 CFR Part 65)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3738. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((70 FR 40909)(44 CFR Part 65)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3739. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((70 FR 38038)(Docket No. FEMA–7883)(44 CFR Part 64)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3740. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((70 FR 40915)(44 CFR Part 67)) received on August 31, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–3741. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05-200—05-213); to the Committee on Foreign Relations.

EC–3742. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to action taken by the Department of State in response to the program recommendations of the Baghdad (Mollen) Accountability Review Board; to the Committee on Foreign Relations.

EC–3743. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. Contributions to the International Fund for Ireland in Fiscal Year 2005; to the Committee on Foreign Relations.

EC–3744. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the International Traffic in Arms Regulations: Port Directors Definition, NATO Definition, Major Non-NATO Ally Definition, Recordkeeping Requirements, Supporting Documentation for Electronic License Applications, Disclosure of Registration Documents'' (22 CFR Parts 120, 122, 123, 124, 126, and 127) received on August 22, 2005; to the Committee on Foreign Relations.

EC–3745. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the fifty-third report on the extent and disposition of United States contributions to international organizations for fiscal year 2004; to the Committee on Foreign Relations.

EC–3746. A communication from the National Treasurer, American Ex-Prisoners of War, transmitting, pursuant to law, the American Ex-Prisoners of War, Inc. Financial Statements with the Independent Auditors report for the year ended August 31, 2004; to the Committee on the Judiciary.

EC–3747. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Reports by Registrants of Theft or Significant Loss of Controlled Substances'' (RIN1117-AA73) received on August 31, 2005; to the Committee on the Judiciary.

EC–3748. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for Demand Reduction, received on August 31, 2005; to the Committee on the Judiciary.

EC–3749. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for Supply Reduction, received on August 31, 2005; to the Committee on the Judiciary.

EC–3750. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Inmate Fees for Health Care Services'' ((RIN1120-AB11)(70 FR 43047)) received on August 31, 2005; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mr. BINGAMAN):

S. 1697. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to cover fees, books, supplies, and equipment and to exempt Federal Pell Grants and Federal supplemental educational opportunity grants from reducing expenses taken into account for the Hope Scholarship Credit; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1698. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. HATCH, Mr. DEWINE, Mr. CORNYN, Mr. BROWNBACK, Mr. VOINOVICH, Mr. FEINGOLD, Mr. LEVIN, Mr. BAYH, Mr. REED, and Ms. STABENOW):

S. 1699. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. OBAMA, Mr. FRIST, Mr. REID, Mr. LAUTENBERG, Mr. CARPER, and Mr. DEMINT):

S. 1700. A bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1701. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. BOND, and Mr. JEFFORDS):

S. 1702. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Environment and Public Works.

By Mr. KERRY:

S. 1703. A bill to provide for the development and implementation of an emergency backup communications system; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN:

S. 1704. A bill to prohibit the use of Federal funds for the taking of property by eminent domain for economic development; to the Committee on the Judiciary.

By Mr. SALAZAR:

S. 1705. A bill to allow a credit against income tax for providing housing to victims of Hurricane Katrina and to amend the Internal Revenue Code of 1986 to waive the limitation on charitable donations by individuals for donations for the relief of the victims of Hurricane Katrina; to the Committee on Finance.

By Ms. LANDRIEU:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. LUGAR, and Mr. BIDEN):

S. Res. 237. A resolution expressing the sense of the Senate on reaching an agreement on the future status of Kosovo; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. ALEXANDER, Mr. ALLEN, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COLEMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. ROBERTS, Mr. SANTORUM, Mr. STEVENS, Mr. TALENT, and Mr. VOINOVICH):

S. Res. 238. A resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 114

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 114, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 246

At the request of Mr. BUNNING, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 309

At the request of Mr. DEMINT, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

S. 381

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 385

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 385, a bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 842

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 842, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 855

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 855, a bill to improve the security of the Nation's ports by providing Federal grants to support Area Maritime Transportation Security Plans and to address vulnerabilities in port areas identified in approved vulnerability assessments or by the Secretary of Homeland Security.

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 1038

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1038, a bill to amend the Farm

Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1117

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1117, a bill to deepen the peaceful business and cultural engagement of the United States and the People's Republic of China, and for other purposes.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1143

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1143, a bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1197, supra.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors 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. 1309

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1369

At the request of Mr. TALENT, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1369, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice.

S. 1405

At the request of Mr. NELSON of Nebraska, the names of the Senator from Maine (Ms. SNOWE), the Senator from Minnesota (Mr. DAYTON), the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1527

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1527, a bill to amend the Public Health Service Act with respect to immunizations against vaccine-preventable diseases, including influenza, and for other purposes.

S. 1597

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1637

At the request of Mr. REID, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1637, a bill to provide emergency relief to meet the immediate needs of survivors of Hurricane Katrina for health care, housing, education, and financial relief, and for other purposes.

S. 1638

At the request of Mr. OBAMA, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1638, a bill to provide for the establishment of programs and activities to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1646

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1646, a bill to provide for the care of veterans affected by Hurricane Katrina.

S. 1678

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1678, a bill to temporarily increase the standard mileage rate for use of an automobile for purposes of certain deductions allowed under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees.

S. 1685

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1685, a bill to ensure the evacuation of individuals with special needs in times of emergency.

AMENDMENT NO. 1523

At the request of Mrs. DOLE, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1523 intended to be proposed to S. 1042, an original bill 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.

AMENDMENT NO. 1652

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 1652 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1654

At the request of Mr. DAYTON, the names of the Senator from Florida (Mr. NELSON) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 1654 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1661

At the request of Mr. BIDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1661 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1670

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1670 proposed to H.R. 2862, a bill making appropriations for

Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1687

At the request of Ms. STABENOW, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 1687 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1688

At the request of Ms. STABENOW, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Wisconsin (Mr. KOHL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1688 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1694

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1694 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1695

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 1695 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1703

At the request of Mr. PRYOR, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 1703 proposed to H.R. 2862, a bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 1703 proposed to H.R. 2862, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1703 proposed to H.R. 2862, supra.

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 1703 proposed to H.R. 2862, supra.

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 1703 proposed to H.R. 2862, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself and Mr. BINGAMAN):

S. 1697. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to cover fees, books, supplies, and equipment and to exempt Federal Pell Grants and Federal supplemental educational opportunity grants from reducing expenses taken into account for the Hope Scholarship Credit; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, Senator SMITH and I are introducing legislation today that would allow more students in our Nation to take full advantage of the Hope Scholarship Tax Credit.

Since it was signed into law by President Clinton in 1997, the Hope Scholarship Tax Credit has annually helped millions of students reduce the cost of going to college. In 2003 alone, more than 7.3 million college students claimed this and the Lifetime Learning tax credit. This credit, which can be as much as $1,500, has helped families offset the increasing cost of college—costs that have gone up 51 percent at public 4-year colleges, 36 percent at private 4-year colleges and 26 percent at public 2-year colleges over the past decade.

Unfortunately, many students and their families are unable to take advantage of the maximum amount of the credit because it is limited to covering ''tuition and related expenses.'' Students that attend colleges with lower tuition costs, such as those at many of our Nation's community colleges, are not entitled to the maximum amount of the credit. As we all know, tuition is just one of the many expenses associated with going to college. Room, board, books, supplies, equipment and fees can be prohibitively expensive for those who attend colleges that have reasonable tuition charges.

The bill addresses this inequity, by allowing the Hope scholarship tax credit to cover expenses associated with fees, books, supplies, and equipment. To limit the bill's cost, a student's room, board and related expenses would remain excluded. It is important to note that the Tax Code commonly recognizes non-tuition expenses, including substantial living expenses, in programs such as section 529 plans and tax-exempt, pre-paid tuition plans. Our bill, reasonably, covers a much more limited subset of these same expenses.

In addition, the legislation changes the Tax Code so that any Federal Pell grants and Federal Supplemental Educational Opportunity Grants students receive are not counted against their eligible expenses when Hope eligibility is calculated. This change will provide some assistance to needier students, especially those attending 4-year public colleges. However, since the Hope tax credit will remain non-refundable, the costs of these changes will remain low.

Both of these modest changes will make college more affordable to many students and families that do not currently benefit from many of the other tax provisions that are targeted to more wealthy families. For many of these students, the ability to get the maximum amount of the tax credit may be the difference in the student being able to take an additional class or not having to sit out a semester.

This legislation is supported by the American Council on Education, the United States Student Association, the American Association of Community Colleges, the American Association of State Colleges and Universities, the National Association of State Universities and Land Grant Colleges, the Association of Jesuit Colleges and Universities, the Hispanic Association of Colleges and Universities, and a number of other prominent higher education organizations.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1698. A bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, this week world leaders are meeting at the United Nations to reaffirm the commitments made five years ago under the United Nations Millennium Declaration, including the commitment to halt and begin to reverse by the year 2015 the spread of HIV/AIDs, malaria, and other major diseases that claim the lives of millions of people around the world every year. We still have a long way to go if we are going to meet this challenge.

AIDS, which has already claimed the lives of 20 million people, continues to be the leading cause of premature death in sub-Saharan Africa. An estimated 39 million people worldwide are infected with HIV. Last year alone, 4.9 million people were newly infected with HIV, and 3.1 million died. For years, the epidemic was focused on sub-Saharan Africa, but now HIV is spreading fastest in Central Europe and in parts of Asia.

Although the AIDS pandemic has gripped the world's notice, other diseases such as malaria and tuberculosis have drawn less attention—but they too are deadly, particularly for those in the world's poorest countries. Malaria claims the lives of a million people annually, many of them young children; ninety percent of these deaths occur among people living in sub-Saharan Africa. Tuberculosis, once thought to be eradicated, has reemerged in new and more drug resistant strains. An estimated 1.7 million people now die annually from TB. Because those living

with HIV or AIDS are particularly vulnerable, the number of TB cases has been growing rapidly in sub-Saharan Africa and Central Europe.

Taken together HIV/AIDS, TB and malaria kill over 5 million people annually. A human crisis of this proportion demands that we respond with urgency and thoughtfulness. We must continue to support robust prevention, treatment and care programs. But we must also recognize that vaccines are the most effective weapons in the arsenal of modern medicine to stop the threat of AIDS and other infectious diseases that are decimating the developing world. Pharmaceutical and biotechnology companies, however, are reluctant to invest in research for vaccines for these diseases because they fear that the market will not be lucrative enough to cover the costs of research and development

The bill that I am introducing today, Vaccines for the New Millennium Act of 2005, is designed to address this problem by providing incentives for these companies to accelerate their efforts to develop vaccines and microbicides to prevent HIV/AIDS, TB, malaria and other neglected diseases. It builds upon legislation that I introduced in 2001 with Senator FRIST. I am pleased that the Chairman of the Foreign Relations Committee, Senator LUGAR, is joining me in introducing this new, expanded bill.

The bill provides a variety of economic incentives. First, it mandates that the Secretary of the Treasury enter into negotiations with the World Bank, the International Development Association, the Global Alliance for Vaccines and Immunizations, and other interested parties in order to establish advanced market commitments, AMCs, for the purchase of vaccines and microbicides to combat neglected diseases. Research has shown that the major obstacle to the development of vaccines for these diseases is the absence of a market because these diseases hit hardest in poor countries that cannot afford to buy the vaccines. Advanced market commitments AMCs are designed to remove this obstacle by creating the market ahead of time. AMCs would be legally binding contracts to purchase a vaccine or microbicide at a fair market price for a guaranteed number of treatments, thereby creating a market incentive for a company to invest in the development and production of vaccines for these diseases. The international framework for the AMCs would also include clearly defined requirements for eligible vaccines to ensure that they are safe and effective as well as clearly defined and transparent rules of competition. The bill also mandates that the Secretary establish a purchase fund in the Treasury as soon as a vaccine to combat one of these diseases is available.

Second, the bill supplements the market incentive with a variety of tax incentives designed to provide appropriate and equitable incentives to both large pharmaceutical and small private sector companies to stimulate vaccine development. The bill provides a 30 percent tax credit each year on qualified research expenses to develop microbicides for HIV and vaccines for HIV, TB, malaria and other neglected diseases that kill more than 1 million people annually. This is an expansion of the existing R&D tax credit and can be applied to clinical trials outside of the United States, since the majority of those infected with these diseases are beyond our borders.

It provides a refundable tax credit to small biotechnology companies based on the amount of qualified research that they do in a given year. This credit is designed to stimulate research among the firms that are the most innovative and to ensure that assistance is given to those small companies that need it the most. Increased research efforts by these firms could be instrumental to the effort to develop effective vaccines for neglected diseases, particularly for HIV/AIDS.

And it provides a 100 percent tax credit on contracts and other arrangements for research and development of these vaccines and microbicides. This credit, which is an increase over the 65 percent credit now in the tax code, is designed to serve as an incentive to larger pharmaceutical companies to work hand in hand with the smaller biotech companies to pick up the pace of vaccine development.

Once vaccines are developed, it is imperative that they be widely distributed. The bill that I am introducing today with Senator LUGAR also addresses the distribution side of the equation. It provides a 100 percent tax credit to companies on the sales of new vaccines and microbicides as long as those sales are made to a qualified international health organization or foreign government for distribution in developing countries

Finally, the bill sets up a pilot program under the Small Business Act to encourage the development of vaccines and microbicides by eligible companies under the auspices of the Small Business Innovation Research, SBIR, and the Small Business Technology Transfer, STTR, programs in US government agencies with a global health or disease prevention mission. Under this pilot program, these agencies have new authority to undertake outreach activities to eligible biotech firms and other small business to promote the objectives of the pilot program.

In recent years, a number of pharmaceutical companies have taken steps to help in the treatment of those infected with AIDS by providing life-extending therapies to the developing world at reduced costs. These drugs are critically important but the war against AIDS cannot be won unless we develop vaccines against the HIV virus and other neglected diseases. The pharmaceutical and biotech companies hold the key

Many steps need to be taken in the war against these diseases. This bill focuses on only one area but a critically important one: vaccine development and distribution. If the public and private sectors work together with energy and commitment, I believe we can develop the vaccines, and once developed, we will win the war against these deadly diseases that victimize so many in the developing world.

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. 1698

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 ''Vaccines for the New Millennium Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AIDS.—The term ''AIDS'' has the meaning given the term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) DEVELOPING COUNTRY.—The term ''developing country'' means a country that the World Bank determines to be a country with a lower middle income or less.

(4) HIV/AIDS.—The term ''HIV/AIDS'' has the meaning given the term in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2).

(5) GLOBAL ALLIANCE FOR VACCINES AND IMMUNIZATIONS.—The term ''Global Alliance for Vaccines and Immunizations'' means the public-private partnership launched in 2000 for the purpose of saving the lives of children and protecting the health of all people through the widespread use of vaccines.

(6) NEGLECTED DISEASE.—The term ''neglected disease'' means—

(A) HIV/AIDS;

(B) malaria;

(C) tuberculosis; or

(D) any infectious disease (of a single etiology), which, according to the World Health Organization, causes more than 1,000,000 deaths each year in developing countries.

(7) WORLD BANK.—The term ''World Bank'' means the International Bank for Reconstruction and Development.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Immunization is cheap, reliable, and effective, and has made a profound impact on global health, in both rich and poor countries.

(2) During the 20th century, global immunization efforts have successfully led to the eradication of smallpox and the elimination of polio from the Western Hemisphere, Europe, and most of Asia. Vaccines for diseases such as measles and tetanus have dramatically reduced childhood mortality worldwide, and vaccines for diseases such as influenza, pneumonia, and hepatitis help prevent sickness and death of adults as well as children.

(3) According to the World Health Organization, combined, AIDS, tuberculosis, and malaria kill more than 5,000,000 people a year, most of whom are in the developing

world, yet there are no vaccines for these diseases.

(4) It is estimated that just 10 percent of the world's research and development on health is targeted on diseases affecting 90 percent of the world's population.

(5) Economic disincentives result in little private sector investment in vaccines for neglected diseases, a situation which disproportionately affects populations in developing countries.

(6) Of more than $100,000,000,000 spent on health research and development across the world, only $6,000,000,000 is spent each year on diseases that are specific to developing countries, most of which is from public and philanthropic sources.

(7) Infants, children, and adolescents are among the populations hardest hit by AIDS and malaria, but they are at risk of being left behind in the search for effective vaccines against such diseases.

(8) Providing a broad range of economic incentives to increase private sector research on neglected diseases, including increased public and private sector funding for research and development, guaranteed markets, tax credits, and improved regulatory procedures would increase the number of products in development and the likelihood of finding effective vaccines for such diseases.

SEC. 4. SENSE OF CONGRESS ON SUPPORT FOR NEGLECTED DISEASES.

It is the sense of Congress that—

(1) the President should continue to encourage efforts to support the Global HIV Vaccine Enterprise, a virtual consortium of scientists and organizations committed to accelerating the development of an effective HIV vaccine;

(2) the United States should work with the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (''UNAIDS''), the World Health Organization, the International AIDS Vaccine Initiative, and the World Bank to ensure that all countries heavily affected by the HIV/AIDS pandemic have national AIDS vaccine plans;

(3) the United States should support and encourage the carrying out of the agreements of the Group of 8 made at the 2005 Summit at Gleneagles, Scotland, to increase direct investment and create market incentives, including through public-private partnerships and advance market commitments, to complement public research in the development of vaccines, microbicides, and drugs for HIV/AIDS, malaria, tuberculosis, and other neglected diseases;

(4) the United States should support testing of promising vaccines in infants, children, and adolescents as early as is medically and ethically appropriate, in order to avoid significant delays in the availability of pediatric vaccines at the cost of thousands of lives;

(5) the United States should continue supporting the work of the Global Alliance for Vaccines and Immunizations and the Global Fund for Children's Vaccines as appropriate and effective vehicles to purchase and distribute vaccines for neglected diseases at an affordable price once such vaccines are discovered in order to distribute them to the developing world; and

(6) the United States should work with others in the international community to address the multiple obstacles to the development of vaccines for neglected diseases including scientific barriers, insufficient economic incentives, protracted regulatory procedures, lack of delivery systems for products once developed, liability risks, and intellectual property rights.

SEC. 5. PUBLIC-PRIVATE PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) Creative partnerships between governments and organizations in the private sector (including foundations, universities, corporations including pharmaceutical companies and biotechnology firms, community-based organizations and other nongovernmental organizations) are playing a critical role in the area of global health, particularly in the fight against neglected diseases, including HIV/AIDS, tuberculosis, and malaria.

(2) Public-private sector partnerships increase local and international capacities to improve the delivery of health services in developing countries and to accelerate research and development of vaccines and other preventive medical technologies essential to combating infectious diseases that disproportionately kill people in developing countries.

(3) These partnerships maximize the unique capabilities of each sector while combining financial and other resources, scientific knowledge, and expertise toward common goals which cannot be achieved by either sector alone.

(4) Public-private partnerships such as the International AIDS Vaccine Initiative, the Malaria Vaccine Initiative, and the Global TB Drug Facility are playing cutting edge roles in the efforts to develop vaccines for these diseases.

(5) Public-private partnerships serve as incentives to the research and development of vaccines for neglected diseases by providing biotechnology companies, which often have no experience in developing countries, with technical assistance and on the ground support for clinical trials of the vaccine through the various stages of development.

(6) Sustaining existing public-private partnerships and building new ones where needed are essential to the success of the efforts by the United States and others in the international community to find a cure for these and other neglected diseases.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sustainment and promotion of public-private partnerships must be a central element of the strategy pursued by the United States to create effective incentives for the development of vaccines and other preventive medical technologies for neglected diseases debilitating the developing world; and

(2) the United States government should take steps to address the obstacles to the development of these technologies by increasing investment in research and development and establishing market and other incentives.

(c) POLICY.—It is the policy of the United States to accelerate research and development for vaccines and microbicides for neglected diseases by substantially increasing funding for public-private partnerships that invest directly in research, such as the International AIDS Vaccine Initiative, the Malaria Vaccine Initiative, and the Global TB Drug Facility, and for partnerships such as the Vaccine Fund that incentivize the development of new vaccines by purchase existing vaccines.

SEC. 6. COMPREHENSIVE STRATEGY FOR ACCELERATING THE DEVELOPMENT OF VACCINES FOR NEGLECTED DISEASES.

(a) REQUIREMENT FOR STRATEGY.—The President shall establish a comprehensive strategy to accelerate efforts to develop vaccines and microbicides for neglected diseases such as HIV/AIDS, malaria, and tuberculosis. Such strategy shall—

(1) expand public-private partnerships and the leveraging of resources from other countries and the private sector;

(2) include initiatives to create economic incentives for the research, development, and manufacturing of vaccines for HIV/AIDS, tuberculosis, malaria, and other neglected diseases;

(3) include the negotiation of advanced market commitments;

(4) address intellectual property issues surrounding the development of vaccines and microbicidies for neglected diseases;

(5) maximize United States capabilities to support clinical trials of vaccines and microbicidies in developing countries;

(6) address the issue of regulatory approval of such vaccines, whether through the Commissioner of the Food and Drug Administration, or the World Health Organization or another internally-recognized and agreed upon entity;

(7) expand the purchase and delivery of existing vaccines; and

(8) address the challenges of delivering vaccines in developing countries in advance so as to minimize historical delays in access once vaccines are available.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report setting forth the strategy described in subsection (a) and the steps to implement such strategy.

SEC. 7. ADVANCED MARKET COMMITMENTS.

(a) PURPOSE.—The purpose of this section is to create incentives for the private sector to invest in research, development, and manufacturing of vaccines for neglected diseases by creating a competitive market for future vaccines through advanced market commitments.

(b) AUTHORITY TO NEGOTIATE.—

(1) IN GENERAL.—The Secretary of the Treasury shall enter into negotiations with the appropriate officials of the World Bank, the International Development Association, and Global Alliance for Vaccines and Immunizations, the member nations of such entities, and other interested parties for the purpose of establishing advanced market commitments to purchase vaccines and microbicides to combat neglected diseases.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of the negotiations to create advanced market commitments under this section.

(c) REQUIREMENTS.—The Secretary of the Treasury shall work with the entities referred to in subsection (b) to ensure that there is an international framework for the establishment and implementation of advanced market commitments and that such commitments include—

(1) legally binding contracts for product purchase that include a fair market price for a guaranteed number of treatments to ensure that the market incentive is sufficient;

(2) clearly defined and transparent rules of competition for qualified developers and suppliers of the product;

(3) clearly defined requirements for eligible vaccines to ensure that they are safe and effective;

(4) dispute settlement mechanisms; and

(5) sufficient flexibility to enable the contracts to be adjusted in accord with new information related to projected market size and other factors while still maintaining the purchase commitment at a fair price.

(d) TRUST FUND.—

(1) AUTHORITY TO ESTABLISH.—On the date that the Secretary of the Treasury determines that a vaccine to combat a neglected disease is available for purchase, the Secretary shall establish in the Treasury of the United States a fund to be known as the

Lifesaving Vaccine Purchase Fund consisting of amounts appropriated pursuant to paragraph (4).

(2) INVESTMENT OF FUND.—Amounts in such Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from any such investment shall be credited to and become part of the Fund.

(3) USE OF FUND.—The Secretary is authorized to expend amounts in such Fund for the purchase of a vaccine to combat a neglected disease pursuant to an advanced market commitment undertaken on behalf of the Government of the United States.

(4) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The President may accept and use in furtherance of the purposes of this Act contributions from nongovernmental organizations, international health agencies, the United Nations, the Global Fund to Fight AIDS, Tuberculosis and Malaria, private nonprofit organizations that are organized to support public health research and programs, and any other organizations willing to contribute to the Lifesaving Vaccine Purchase Fund.

(5) APPROPRIATIONS.—

(A) IN GENERAL.—For each fiscal year beginning after the date that the Secretary determines that a vaccine to combat a neglected disease is available for purchase, there are authorized to be appropriated out of any funds in the Treasury not otherwise appropriated such sums as may be necessary to carry out the purposes of such Fund.

(B) TRANSFER OF FUNDS.—The Secretary shall transfer the amount appropriated under paragraph (1) for a fiscal year to such Fund.

(C) AVAILABILITY.—Amounts appropriated pursuant to this paragraph shall remain available until expended without fiscal year limitation.

SEC. 8. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES AGAINST NEGLECTED DISEASES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45J. CREDIT FOR MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES FOR NEGLECTED DISEASES.

''(a) GENERAL RULE.—For purposes of section 38, the vaccine research credit determined under this section for the taxable year is an amount equal to 30 percent of the qualified vaccine research expenses for the taxable year.

''(b) QUALIFIED VACCINE RESEARCH EXPENSES.—For purposes of this section—

''(1) QUALIFIED VACCINE RESEARCH EXPENSES.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified vaccine research expenses' means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 41 if such subsection were applied with the modifications set forth in subparagraph (B).

''(B) MODIFICATIONS; INCREASED INCENTIVE FOR CONTRACT RESEARCH PAYMENTS.—For purposes of subparagraph (A), subsection (b) of section 41 shall be applied—

''(i) by substituting 'vaccine research' for 'qualified research' each place it appears in paragraphs (2) and (3) of such subsection, and

''(ii) by substituting '100 percent' for '65 percent' in paragraph (3)(A) of such subsection.

''(C) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified vaccine research expenses' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

''(2) VACCINE RESEARCH.—The term 'vaccine research' means research to develop vaccines and microbicides for—

''(A) HIV/AIDS (as that term is defined in section 104A(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 21516–2)),

''(B) malaria,

''(C) tuberculosis, or

''(D) any infectious disease (of a single etiology) which, according to the World Health Organization, causes more than 1,000,000 human deaths each year in developing countries.

''(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any qualified vaccine research expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.

''(2) EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any qualified vaccine research expenses for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(d) SPECIAL RULES.—

''(1) LIMITATIONS ON FOREIGN TESTING.—No credit shall be allowed under this section with respect to any vaccine research (other than human clinical testing) conducted outside the United States.

''(2) PRE-CLINICAL RESEARCH.—No credit shall be allowed under this section for preclinical research unless such research is pursuant to a research plan an abstract of which has been filed with the Secretary before the beginning of such year. The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe regulations specifying the requirements for such plans and procedures for filing under this paragraph.

''(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

''(4) ELECTION.—This section (other than subsection (e)) shall apply to any taxpayer for any taxable year only if such taxpayer elects to have this section apply for such taxable year.

''(e) CREDIT TO BE REFUNDABLE FOR CERTAIN TAXPAYERS.—

''(1) IN GENERAL.—In the case of an electing qualified taxpayer—

''(A) the credit under this section shall be determined without regard to section 38(c), and

''(B) the credit so determined shall be allowed as a credit under subpart C.

''(2) ELECTING QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'electing qualified taxpayer' means, with respect to any taxable year, any domestic C corporation if—

''(A) the aggregate gross assets of such corporation at any time during such taxable year are $500,000,000 or less,

''(B) the net income tax (as defined in section 38(c)) of such corporation is zero for such taxable year and the 2 preceding taxable years,

''(C) as of the close of the taxable year, the corporation is not under the jurisdiction of a court in a title 11 or similar case (within the meaning of section 368(a)(3)(A)),

''(D) the corporation provides such assurances as the Secretary requires that, not later than 2 taxable years after the taxable year in which the taxpayer receives any refund of a credit under this subsection, the taxpayer will make an amount of qualified vaccine research expenses equal to the amount of such refund, and

''(E) the corporation elects the application of this subsection for such taxable year.

''(3) AGGREGATE GROSS ASSETS.—Aggregate gross assets shall be determined in the same manner as such assets are determined under section 1202(d).

''(4) CONTROLLED GROUPS.—A corporation shall be treated as meeting the requirement of paragraph (2)(B) only if each person who is treated with such corporation as a single employer under subsections (a) and (b) of section 52 also meets such requirement.

''(5) SPECIAL RULES.—

''(A) RECAPTURE OF CREDIT.—The Secretary shall promulgate such regulations as necessary and appropriate to provide for the recapture of any credit allowed under this subsection in cases where the taxpayer fails to make the expenditures described in paragraph (2)(D).

''(B) EXCLUSION OF CERTAIN QUALIFIED VACCINE RESEARCH EXPENSES.—For purposes of determining the credit under this section for a taxable year, the qualified vaccine research expenses taken into account for such taxable year shall not include an amount paid or incurred during such taxable year equal to the amount described in paragraph (2)(D) (and not already taken into account under this subparagraph for a previous taxable year).''.

(b) INCLUSION IN GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting '', plus'', and by adding at the end the following new paragraph:

''(20) the vaccine research credit determined under section 45J.''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) CREDIT FOR QUALIFIED VACCINE RESEARCH EXPENSES.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified vaccine research expenses (as defined in section 45J(b)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45J(a).

''(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (2), (3), and (4) of subsection (c) shall apply for purposes of this subsection.''.

(d) DEDUCTION FOR UNUSED PORTION OF CREDIT.—Section 196(c) of the Internal Revenue Code of 1986 (defining qualified business credits) is amended by striking ''and'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', and'', and by adding at the end the following new paragraph:

''(13) the vaccine research credit determined under section 45J(a) (other than such credit determined under the rules of section 280C(e)(2)).''.

(e) TECHNICAL AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''or from section 45J(e) of such Code,'' after ''1978,''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 45J. Credit for medical research related to developing vaccines against widespread diseases.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(g) STUDY.—

(1) IN GENERAL.—The National Institutes of Health shall conduct a study of the extent to which the credit under section 45J of the Internal Revenue Code of 1986, as added by subsection (a), has stimulated vaccine research.

(2) REPORT.—Not later than the date that is 5 years after the date of the enactment of this Act, the National Institutes of Health shall submit to Congress the results of the study conducted under paragraph (1), together with recommendations (if any) to improve the effectiveness of such credit in stimulating vaccine research.

SEC. 9. CREDIT FOR CERTAIN SALES OF LIFE-SAVING VACCINES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits), as amended by section 4, is amended by adding at the end the following new section:

"SEC. 45K. CREDIT FOR CERTAIN SALES OF LIFE-SAVING VACCINES.

''(a) IN GENERAL.—For purposes of section 38, the lifesaving vaccine sale credit determined under this section with respect to a taxpayer for the taxable year is an amount equal to the amount of qualified vaccine sales for the taxable year.

''(b) QUALIFIED VACCINE SALES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified vaccine sales' means the aggregate amount paid to the taxpayer for a qualified sale.

''(2) QUALIFIED SALE.—

''(A) IN GENERAL.—The term 'qualified sale' means a sale of a qualified vaccine—

''(i) to a nonprofit organization or to a government of any foreign country (or instrumentality of such a government), and

''(ii) for distribution in a developing country.

''(B) DEVELOPING COUNTRY.—For purposes of this paragraph, the term 'developing country' means a country which the Secretary determines to be a country with a lower middle income or less (as such term is used by the International Bank for Reconstruction and Development).

''(3) QUALIFIED VACCINE.—The term 'qualified vaccine' means any vaccine and microbicide—

''(A) which is described in section 45J(b)(2), and

''(B) which is approved as a new drug after the date of the enactment of this paragraph by—

''(i) the Food and Drug Administration,

''(ii) the World Health Organization, or

''(iii) the appropriate authority of a country included in the list under section 802(b)(1) of the Federal Food, Drug, and Cosmetic Act.

''(c) LIMIT ON AMOUNT OF CREDIT.—The maximum amount of the credit allowable under subsection (a) with respect to a sale shall not exceed the portion of the limitation amount allocated under subsection (d) with respect to such sale.

''(d) NATIONAL LIMITATION ON AMOUNT OF CREDITS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), there is a lifesaving vaccine sale credit limitation amount for each calendar year equal to—

''(A) $100,000,000 for each of years 2006 through 2010, and

''(B) $125,000,000 for each of years 2011 through 2012.

''(2) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The limitation amount under paragraph (1) shall be allocated for any calendar year by the Administrator of the United States Agency for International Development (referred to in this section as the 'Administrator') among organizations with an application approved by the Administrator in accordance with subparagraph (B).

''(B) APPLICATION FOR ALLOCATION.—The Administrator shall prescribe the procedures for an application for an allocation under this subsection and the factors to be taken into account in making such allocations. Such applications shall be made at such time and in such form and manner as the Administrator shall prescribe and shall include a detailed plan for distribution of the vaccine.

''(3) CARRYOVER OF UNUSED LIMITATION.—If the limitation amount under paragraph (1) for any calendar year exceeds the aggregate amount allocated under paragraph (2), such limitation for the following calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2024.

''(e) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 41(f)(2) shall apply.''.

(b) INCLUSION IN GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit), as amended by section 4(b), is amended by striking ''plus'' at the end of paragraph (19), by striking the period at the end of paragraph (20) and inserting '', plus'', and by adding at the end the following new paragraph:

''(21) the lifesaving vaccine sale credit determined under section 45K.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by section 2(c), is amended by adding at the end the following new item:

''Sec. 45K. Credit for certain sales of lifesaving vaccines.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales of vaccines after December 31, 2005, in taxable years ending after such date.

SEC. 10. SBIR AND STTR PROGRAM FUNDING FOR VACCINE DEVELOPMENT.

(a) PILOT PROGRAM.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(x) REQUIRED EXPENDITURES FOR THE DEVELOPMENT OF VACCINES FOR NEGLECTED DISEASES.—

''(1) SBIR EXPENDITURES.—Each agency required to make expenditures under subsection (f)(1) or under subsection (n)(1), that is determined by the Administrator to have a mission related to global health or disease prevention shall expend with small business concerns, in addition to any amounts required to be expended under subsections (f) and (n), not less than $10,000,000 for fiscal year 2006 and each fiscal year thereafter, specifically in connection with SBIR and STTR programs which meet the requirements of this section, policy directives, and regulations to carry out this section, to carry out the pilot program established under this subsection.

''(2) PILOT PROGRAM.—During the 4-year period beginning on the date of enactment of the Vaccines for the New Millennium Act of 2005, the Administrator shall establish and carry out a program to encourage the development of vaccines and microbicides to combat a neglected disease, including outreach activities to raise awareness of such program.

''(3) ADMINISTRATIVE COSTS.—The limitations in subsection (f)(2) and (n)(2) shall not apply to agency expenditures under the pilot program established under this subsection.

''(4) REPORT.—Six months before the date of expiration of the pilot program established under this subsection, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing an assessment of whether the pilot program is meeting the objective of providing incentives to small business concerns to research the development of vaccines and microbicides to combat a neglected disease, and an accounting of the expenditures for the pilot program.

''(5) DEFINITIONS.—As used in this subsection and subsection (j), the terms 'neglected disease' and 'developing country' have the same meanings as in section 2 of the Vaccines for the New Millennium Act of 2005.''.

(b) POLICY OBJECTIVES.—Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(4) ADDITIONAL MODIFICATIONS FOR THE DEVELOPMENT OF VACCINES FOR A NEGLECTED DISEASE.—Not later than 90 days after the date of enactment of the Vaccines for the New Millennium Act of 2005, the Administrator shall modify the policy directives issued pursuant to this subsection to ensure that agencies participating in the SBIR and STTR programs develop an action plan for implementing the pilot program for the development of vaccines and microbicides to combat a neglected disease under subsection (x), including outreach to raise awareness of the pilot program.''.

Mr. LUGAR. Mr. President, I rise to introduce with Senator KERRY the Vaccines for a New Millennium Act of 2005.

The AIDS crisis is devastating sub-Saharan Africa. According to the latest figures from UNAIDS, there are approximately 40 million people living with HIV/AIDS around the world. An estimated 4.9 million people were newly infected last year. This means that every day, some 14,000 people contract HIV/AIDS. Last year, an estimated 3 million people died from AIDS.

The AIDS crisis in sub-Saharan Africa has profound implications for political stability, development, and human welfare that extend far beyond the region. In addition to the current crisis in Africa, public health experts warn of a ''second wave'' of countries on the verge of potential AIDS crises, such as China, India, Russia, Nigeria, and Ethiopia.

Despite efforts through programs like the President's Emergency Plan for AIDS Relief PEPFAR, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the Bill and Melinda Gates Foundation to treat those living with HIV/AIDS and to prevent new infections, the disease is outpacing us. While prevention programs are critical in the struggle to slow the spread of the disease, over the long term, the most effective way to defeat this pandemic is through the development of an effective HIV vaccine.

In addition to AIDS, malaria and tuberculosis continue to kill many in the developing world. More than 300 million people are infected with malaria annually, and an estimated 1 million people—mostly children under the age of five—die from malaria. Combined, AIDS, tuberculosis, and malaria kill an estimated 5 million people a year. Yet

there are no vaccines for these diseases. While we must remain committed to current prevention and treatment programs, we must also look toward the future to see what hope science has for preventing the spread of these diseases.

Historically, vaccines have led to some of the greatest achievements in public health and are among the most cost-effective health interventions. During the 20th century, global immunization efforts have led to the eradication of smallpox and the elimination of polio from the Western Hemisphere, Europe and most of Asia. Vaccines for diseases such as measles and tetanus have dramatically reduced childhood mortality worldwide, and vaccines for diseases such as influenza, pneumonia, and hepatitis now help prevent sickness and death of adults, too.

Vaccines for these diseases would play an important role in saving lives in developing countries. Governments, private foundations, and the private sector have made enormous strides. Public-private partnerships have also contributed to scientific advances in this area. However, much more needs to be done.

Because of the promise that vaccines hold, Senator KERRY and I are introducing the ''Vaccines for the New Millennium Act of 2005.'' Representative PETE VISCLOSKY is introducing a companion bill in the House of Representatives. Our bill would require the United States to develop a comprehensive strategy to accelerate research and development in vaccines for HIV/AIDS, tuberculosis, malaria, and other infectious diseases that are major killers in the developing world. The strategy would require an increase in public-private partnerships, whereby public entities such as governments, team up with companies or private foundations to conduct research or vaccine trials. The bill would require the United States government to commit to purchase vaccines for these diseases once they are developed through ''advance market commitments.'' Finally, the legislation would create a tax credit for companies that invest in research and development for vaccines for these diseases.

I am hopeful that Senators will join Senator KERRY and me in supporting this legislation.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. HATCH, Mr. DEWINE, Mr. CORNYN, Mr. BROWNBACK, Mr. VOINOVICH, Mr. FEINGOLD, Mr. LEVIN, Mr. BAYH, Mr. REED, and Ms. STABENOW):

S. 1699. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, on behalf of myself, Senator LEAHY, and my colleagues Senators HATCH, DEWINE, CORNYN, BROWNBACK, VOINOVICH, FEINGOLD, LEVIN, BAYH, REED, and STABENOW, I seek recognition to introduce the Stop Counterfeiting in Manufactured Goods Act, a bill that amends title 18 of the United States Code to provide criminal penalties for trafficking in counterfeit marks.

This legislation closes a loophole in Federal trademark law, which currently criminalizes the trafficking in counterfeit trademarks ''on or in connection with goods or services.'' This language, however, does not extend criminal liability to those persons who manufacture and/or traffic the counterfeit marks themselves, marks which are later applied to a product or service. In other words, Federal law does not prohibit a person Tom selling counterfeit labels bearing otherwise protected trademarks within the United States.

This current loophole was created in large part by the Tenth Circuit's opinion in United States v. Giles, 213 F.3d 1247 (10th Cir. 2000). In this case, the United States prosecuted the defendant for manufacturing and selling counterfeit Dooney & Bourke labels that third parties could later affix to generic purses. Examining Title 18, section 2320, of the United States Code, the Tenth Circuit held that persons who sell counterfeit trademarks that are not actually attached to any ''goods or services'' do not violate the Federal criminal trademark infringement statute. And because the defendant did not attach the counterfeit mark to a ''good or service,'' the court found that the defendant did not run afoul of the criminal statute as a matter of law. Thus, an individual, caught red-handed with counterfeit trademarks, walked free. Congress must act now to close this loophole, which this legislation being introduced today will most certainly do. Specifically, the bill will prohibit the trafficking, or attempt to traffic, in ''labels, patches, stickers'' and generally any item to which a counterfeit mark has been applied.

In addition to closing the loophole, the Stop Counterfeiting in Manufactured Goods Act strengthens the criminal code's forfeiture provision by providing enhanced penalties for those trafficking in counterfeit marks, goods and services bearing counterfeit marks. Current law does not provide for the seizure and forfeiture of goods and services bearing counterfeit marks. As such, many times such counterfeit goods are seized one day, only to be returned and sold to an unsuspecting public. To ensure that individuals engaging in the practice of trafficking in counterfeit marks cannot reopen their doors, this bill provides procedures for the mandatory seizure, forfeiture, and destruction of counterfeit marks preconviction. Further, it provides for procedures for the mandatory forfeiture and destruction of property derived from or used to engage in the trafficking of counterfeit marks.

The trade in counterfeit marks is only part of a much larger problem. The Bureau of Customs and Border Protection estimates that trafficking in counterfeit goods costs the United States approximately $200 million annually. With each passing year, the United States loses millions of dollars in tax revenues to the sale of counterfeit goods. Further, counterfeit items manufactured overseas and distributed in the United States cost American workers tens of thousands of jobs. This is a problem that we can no longer ignore.

The trafficking in counterfeit goods and marks is not limited to those of the popular designer goods that we have all seen sold on corners of just about every major metropolitan city in the United States. Counterfeited products can range from children's toys to clothing to Christmas tree lights. More disturbing are the potentially hazardous counterfeit automobile parts, batteries, and electrical equipment that are being manufactured and placed into the stream of commerce by the thousands with each passing day.

This legislation closes a loophole in the current criminal trademark infringement statute and ensures that it is a crime not only to traffic in goods or services bearing counterfeit marks, but also in the counterfeit marks themselves. Further, this legislation ensures that counterfeit goods and marks seized in violation of this statute are properly disposed of and do not make their way back onto the street. I am pleased to introduce this piece of legislation with my colleagues and hope that it will receive the support that it is due.

Mr. LEAHY. Counterfeiting is a threat to America. It wreaks real harm on our economy, our workers, and our consumers. Today, Senator SPECTER and I introduce the ''Stop Counterfeiting in Manufactured Goods Act,'' a tough bill that will give law enforcement improved tools to fight this form of theft. The bill is short and straightforward, but its impact should be profound and far-reaching.

It is all too easy to think of counterfeiting as a victimless crime, a means of buying sunglasses or a purse that would otherwise strain a monthly budget. The reality, however, is far different. According to the Federal Bureau of Investigation, counterfeiting costs the U.S. between $200 billion and $250 billion annually. In Vermont, companies like Burton Snowboards, Vermont Tubbs, SB Electronics, and Hubbardton Forge—all of which have cultivated their good names through pure hard work and creativity—have felt keenly the damage of intellectual property theft on their businesses. This is wrong. It is simply not fair to the businesses who innovate and to the people whose economic livelihoods depend on these companies.

The threat posed by counterfeiting is more than a matter of economics. Inferior products can threaten the safety of those who use them. When a driver taps a car's brake pedals there should be no uncertainty about whether the

brake linings are made of compressed grass, sawdust, or cardboard. Sick patients should not have to worry that they will ingest counterfeit prescription drugs and, at best, have no effect. The World Health Organization estimates that the market for counterfeit drugs is about $32 billion each year. Knock-off parts have even been found in NATO helicopters. What's more, according to Interpol, there is an identifiable link between counterfeit goods and the financing of terrorist operations.

This is a global problem, and it demands global solutions. Earlier this year at a Judiciary Committee hearing on international piracy, the General Counsel for the United States Trade Representative reported that China continues to see piracy rates of about ninety percent in nearly all industries. Russia is a growing concern too, even as that country seeks membership in the World Trade Organization. Both countries were added to USTR's Priority Watch List this year. Such lists are useful, but they are meaningless without concrete steps by the countries singled out by USTR. We know that counterfeiting can be fought when a country treats it as a priority. China, for example, flexed its intellectual property enforcement muscle recently in protecting logos related to Beijing's 2008 Summer Olympic Games. In a Newsweek International article last January, one vendor who was fined for selling Olympic t-shirts noted that the crackdown was concerted: '' 'They are,' she says, 'very serious.' ''

I am very serious as well. Even as we work toward better international enforcement, there is much we can do, and much that we have done, to improve domestic law. In 1996, I worked with Senator HATCH to pass the Anticounterfeiting Consumer Protection Act, which strengthened our criminal and tariff codes and applied federal racketeering laws to counterfeiting. And earlier this year, Senator CORNYN and I introduced S. 1095, the Protecting American Goods and Services Act. That bill would criminalize possession of counterfeit goods with intent to traffic, expand the definition of ''traffic,'' and criminalize the importing and exporting of counterfeit goods.

The bill that Senator SPECTER and I are introducing today also makes several improvements to the U.S. Code. The bill strengthens 18 U.S.C. 2318, the part of the criminal code that deals with counterfeit goods and services, to make it a crime to traffic in counterfeit labels or packaging, even when counterfeit labels or packaging are shipped separately from the goods to which they will ultimately be attached. Savvy counterfeiters have exploited this loophole to escape liability. This bill closes that loophole.

The bill will also make counterfeit labels and goods, and any equipment used in facilitating a crime under this part of the code, subject to forfeiture upon conviction. Any forfeited goods or machinery would then be destroyed, and the convicted infringer would have to pay restitution to the lawful owner of the trademark. Finally, although the bill is tough, it is also fair. It states that nothing ''shall entitle the United States to bring a cause of action under this section for the repackaging of genuine goods or services not intended to deceive or confuse.'' It is truly just the bad actors we want to punish.

Those who profit from another's innovation have proved their creativity only at escaping responsibility for their actions. As legislators it is important that we provide law enforcement with the tools needed to capture these thieves. It is a task to which Senator SPECTER and I are both committed. I would like to thank Senator BAYH, Senator BROWNBACK, Senator CORNYN, Senator DEWINE, Senator FEINGOLD, Senator HATCH, Senator LEVIN, Senator REED, and Senator STABENOW for cosponsoring this important legislation.

By Mr. KERRY:

S. 1703. A bill to provide for the development and implementation of an emergency backup communications system; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, today I am introducing the Communications Security Act of 2005. The events of 9/11 uncovered manifest structural weaknesses in our communications system, which were then highlighted by the 9/11 Commission. At the time, public safety and emergency response officials were not able to communicate at a basic level. We have not taken adequate steps to fix that dangerous problem, and Hurricane Katrina has bluntly demonstrated that. Much of the communications system was knocked offline along the Gulf Coast. It was remarkable to watch as the television news crews had better luck communicating than our first responders. As the disaster unfolded, our first responders and emergency officials repeatedly cited communications failures as a major obstacle to the disaster response effort.

We need a redundant communications system that will work in times of emergency. Dramatic advances in technology and the availability of new spectrum as part of the DTV transition offer opportunities to address this problem. The Communications Security Act of 2005 requires the technical experts at the Department of Homeland Security and the Federal Communications Commission evaluate the feasibility and cost of deploying a back-up emergency communications system. The agencies will evaluate all reasonable options, including satellites, wireless and terrestrial-based systems. They will evaluate all available public and private resources that could provide such a system and submit a report to Congress detailing the findings. The DHS is then authorized to request appropriations to implement the system. Congress would then be in position to put in place whatever programs and funding are needed to get the job done.

This proposal will not resolve all of our long-term needs in preparedness and interoperability, and I am pleased that many of my colleagues are working on the various pieces of this puzzle. However, in the interim, we must ensure that we can respond in emergency situations with an eye toward building a reliable, redundant system for the long term.

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. 1703

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 ''Communications Security Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The tragic events of September 11, 2001, placed an enormous strain on the communications network in New York City, New York and Washington, District of Columbia. Officials from both cities struggled to communicate and coordinate among the various emergency response teams dispatched to ''Ground Zero'' and the Pentagon. These events uncovered manifest structural weaknesses in the communications infrastructure of the United States.

(2) The 9/11 Commission Report states that our Nation remains largely unprepared to communicate effectively in the event of another attack or natural catastrophe.

(3) The massive communications failures associated with Hurricane Katrina illustrate the continuing inadequacies of our communications systems in times of crisis.

(4) Despite heroic efforts by public officials and communications industry personnel, the failure of our communications network to persevere in the face of a catastrophic hurricane severely hampered post-storm recovery efforts.

(5) A comprehensive effort must be undertaken to deal with the communications challenges faced by our Nation, including short-term and long-term steps that can be taken to improve the interoperable communications and emergency response capability within the United States.

(6) There is an immediate need for the development and deployment of an emergency back-up communications system to enhance the Nation's emergency response capabilities. Deployment of an emergency back-up communications system should be a priority of the United States.

(7) The deployment of such a system is a critical first step in enhancing the overall communications infrastructure. Other required improvements will need to be made in such areas as training, personnel, equipment, software, and services for local governments, and assistance with capital expenses. Supporting and enhancing ongoing efforts in this regard is an important goal.

SEC. 3. EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.

Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 4, is further amended by adding at the end the following:

"SEC. 317. EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Communications Security Act of 2005, the Secretary, in conjunction with the Federal Communications Commission, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. In conducting that evaluation, the Secretary shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

''(b) COMPONENTS.—The back-up system shall include—

''(1) reliable means of emergency communications; and

''(2) if necessary, handsets, desktop communications devices, or other appropriate devices for each public safety entity.

''(c) FACTORS TO BE EVALUATED.—The evaluation under subsection (a) shall include—

''(1) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for purposes creating such an emergency back-up medical facility public safety communications system;

''(2) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

''(3) the technical options, cost, and deployment methods of software, equipment,handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

''(4) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as an emergency back-up communications systems.

''(d) REPORT.—Upon the completion of the evaluation under subsection (a), the Secretary shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

''(f) EXPEDITED FUNDING OPTION AND IMPLEMENTATION STRATEGY.—If, as a result of the evaluation conducted under subsection (a), the Secretary determines that the establishment of such a back-up system is feasible then the Secretary shall request appropriations for the deployment of such a back-up communications system not later than 90 days after submission of the report under subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002, as amended by section 4, is amended by inserting after the item relating to section 316 the following:

''Sec. 317. Emergency communications back-up system.''.

By Mr. DORGAN:

S. 1704. A bill to prohibit the use of Federal funds for the taking of property by eminent domain for economic development; to the Committee on the Judiciary.

Mr. DORGAN. Earlier this year, the Supreme Court ruled in Kelo vs. New London that it was permissible for a government to use the power of eminent domain simply for the purpose of economic development.

I am greatly troubled by this case. I do not believe that the government can or should take property for a non-governmental purpose simply because it will generate additional tax revenue.

This court decision stands logic on its head—and it is a dangerous precedent as well.

I understand that there will be times when it is essential for the government to use eminent domain for the public good. For example, eminent domain is appropriate in order to build a flood control project to protect a city. Or to construct a highway or lay a water line.

But it makes no sense for the Court to allow a city—or a state or even the federal government—to use its power to allow private developers to acquire property under the takings clause. Once you start down that path, whose private property is safe? Could my home be condemned because a larger, more expensive house could be built on that lot? Can a local café be seized in order to provide space for a new, high-end French restaurant?

Government at all levels should be protecting and strengthening private property rights—not diminishing them.

So today I am introducing legislation to clarify and strengthen private property rights and ensure that government cannot abuse its power of eminent domain in the name of ''economic development.''

First, my bill prevents the use of Federal funds for any economic development project that uses property that was subject of an eminent domain taking. This would cut off the spigot of Federal dollars to these questionable projects. Frankly, most economic development projects rely in some way on Federal dollars so this provision would have the practical effect of sharply curtailing this practice.

Second, my bill is explicit that traditional public use and public purpose projects are still permitted. I am not trying to end the use of eminent domain in order to protect public health and safety or in order to build important infrastructure in our communities. My bill makes this clear.

Finally, this bill clearly lays out that the funding prohibition includes takings of private property for the use of, or ownership of, another private individual or entity. One of the most troubling trends in this area is the use of eminent domain by a government that then turns the property over to a private person or group for their private gain.

This issue also demands attention at the state level. I commend the efforts of a number of leaders in North Dakota to make changes to our state constitution in a way that will protect private property owners.

Our former state attorney general, Heidi Heitkamp, is spearheading an effort to prevent the use of eminent domain at the State level for economic development purposes regardless of whether Federal funds are used. This is an important initiative and I fully support it. It is an important complement to the bill I am introducing today. In fact, much of the language in my bill reflects the language in the initiated measure in North Dakota.

Strong private property rights are a fundamental part of our country's heritage and I believe that we should take steps to protect those rights. This bill will afford all Americans better protection against inappropriate uses of eminent domain and seizure of property.

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. 1704

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

SECTION 1. PROHIBITION ON USE OF FEDERAL FUNDS IN ECONOMIC DEVELOPMENT RELATING TO PROPERTY TAKEN BY EMINENT DOMAIN.

(a) SHORT TITLE.—This Act may be cited as the ''Private Property Protection Act of 2005''.

(b) PROHIBITION.—

(1) IN GENERAL.—No Federal funds may be used relating to a property that is the subject of a taking by eminent domain.

(2) EXCEPTION.—Paragraph (1) shall not apply if the property is being used for public use or a public purpose.

(c) PUBLIC USE OR PUBLIC PURPOSE .—Economic development, including an increase in the tax base, tax revenues, or employment, may not be the primary basis for establishing a public use or public purpose under subsection (b).

(d) TAKINGS FOR USE BY PRIVATE INDIVIDUAL OR ENTITY.—Subsection (b) shall include to takings of private property for the use of, or ownership by, any private individual or entity.

Ms. LANDRIEU:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, a Federal District Court judge in the Ninth Circuit has once again declared that the reference to God in the Pledge of Allegiance is unconstitutional. Just a couple of years ago, the Ninth Circuit Court of Appeals reached a similar conclusion in the case of Newdow v. U.S. Congress. I am now, as I was then, surprised and disappointed with this new ruling by the District Court.

Today I am reintroducing a proposed constitutional amendment that simply says that references to God in the Pledge of Allegiance and on our currency do not affect an establishment of religion under the First Amendment. References to God are found in every

one of our founding documents from the Declaration of Independence to the Constitution, as well as in the Pledge of Allegiance. The phrase ''In God We Trust'' appears on all of our currency and on many public buildings. Every day, we begin Senate sessions with a prayer and the Pledge. I firmly believe that the framers of the Constitution and the First Amendment did not want to ban all references to God from public discourse when they wrote the Establishment Clause. What they wanted to prevent was the establishment of an official national religion and to keep the government from getting intimately involved in the organization of one religion over another.

These references to God are ceremonial. Certainly, they do have meaning, but individuals are free to put whatever meaning on the word they choose. Indeed, I fully respect and support the rights of people not to participate in the Pledge or in ceremonial prayer and my amendment will not coerce anyone to recite the Pledge of Allegiance in public or in school.

I had hoped that the Supreme Court, which took the Newdow case up on appeal, would have settled this question once and for all. It did not. The Court dismissed the case saying Mr. Newdow lacked standing. The Supreme Court may have the opportunity to hear arguments in this case later on. If the Supreme Court should decide not to hear the case or to overrule the lower court, then Congress should restore the appropriate balance between church and state that I believe was the intent of the framers.

I urge my colleagues to support this joint resolution and I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD as follows.

S.J. RES. 24

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. A reference to God in the Pledge of Allegiance or on United States currency shall not be construed as affecting the establishment of religion under the first article of amendment of this Constitution.

''SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE ON REACHING AN AGREEMENT ON THE FUTURE STATUS OF KOSOVO

Mr. VOINOVICH (for himself, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 237

Whereas, on June 10, 1999, the United Nations Security Council adopted Resolution 1244 which authorized the Secretary-General of the United Nations to establish an interim administration for Kosovo to assume the supreme legal authority in Kosovo with the task of promoting ''substantial autonomy and self-governance'' in Kosovo and facilitating a political process to determine the future status of Kosovo;

Whereas, on December 10, 2003, the United Nations interim administration, known as the United Nations Interim Administration Mission in Kosovo, presented the Standards for Kosovo document which set out the requirements to be met to advance stability in Kosovo;

Whereas the Standards for Kosovo require the establishment of functioning democratic institutions in Kosovo, including providing for the holding of elections, establishing the Provisional Institutions of Self-Government, and establishing media and civil society, the establishment of rule of law to ensure equal access to justice and to implement mechanisms to suppress economic and financial crime, and the establishment of freedom of movement in Kosovo, including the free use of language;

Whereas the Standards for Kosovo further require sustainable returns and the rights of communities and their members, improvements in economic and financial institutions, including the prevention of money laundering and the establishment of an attractive environment for investors, the establishment of property rights, including the preservation of cultural heritage, and the development of a sustained dialogue, including a Pristina-Belgrade dialogue and a regional dialogue;

Whereas the ethnic violence that occurred in Kosovo from March 17, 2004 through March 19, 2004, represented a severe setback to the progress the people of Kosovo achieved in implementing the Standards for Kosovo and resulted in 20 deaths and damage to or destruction of approximately 900 homes and 30 Serbian Orthodox churches and other religious sites;

Whereas the bomb attacks against the people and international institutions in Kosovo that occurred from July 2, 2005 through July 4, 2005, were unacceptable events that work counter to the interests and efforts of the majority of the people of Kosovo and signal that more work must be done to promote the implementation of the Standards for Kosovo;

Whereas the status of Kosovo, which is neither stable nor sustainable, is a critical issue affecting the aspirations of Southeast Europe for stability, peace, and eventual membership in the European Union;

Whereas the authorities and institutions of Kosovo must be empowered to act independently to achieve the Standards for Kosovo so that such authorities and institutions may assume responsibility for any progress or setbacks;

Whereas 2005 must be a year of decision for representatives of Kosovo, Serbia and Montenegro, and the United Nations to move forward on the status of Kosovo;

Whereas the basic values of multi-ethnicity, democracy, and market-orientation must remain at the heart of any effort to resolve the question of the future status of Kosovo; and

Whereas the support of all of the people of Kosovo is required to achieve a successful outcome that addresses those basic values: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unresolved status of Kosovo is neither sustainable nor beneficial to the progress toward stability and peace in Southeast Europe and its integration with Europe;

(2) the leaders of Kosovo and Serbia and Montenegro and the representatives of the United Nations should work toward an agreement on the future status of Kosovo and a plan for transformation in Kosovo;

(3) such agreement and plan should—

(A) address the claims and satisfy the key concerns of the people of Kosovo and the people of Serbia and Montenegro;

(B) seek compromises from both Kosovo and Serbia and Montenegro to reach an agreement;

(C) promote the integration of Southeast Europe with the European Union and the North Atlantic Treaty Organization;

(D) reinforce efforts to encourage full cooperation by the governments of Kosovo and of Serbia and Montenegro with the International Crimes Tribunal for the Former Yugoslavia;

(E) promote stability in the region and take into consideration the stability of democracy in Kosovo and in Serbia and Montenegro;

(F) promote the active participation of Serbians in Kosovo in elections and in the government of Kosovo; and

(G) require the fulfillment of the Standards for Kosovo, the requirements that the United Nations Interim Administration Mission in Kosovo established to advance stability in Kosovo, in accordance with prior commitments and in support of the initiation of discussions on status with particular emphasis on the problem of human rights in minority communities;

(4) the anticipated discussions of the long-term status of Kosovo should result in a plan for implementing the Standards for Kosovo, particularly with regard to minority protections, return of property, and the development of rule of law as it relates to the improvement of protection of minorities, the return of internally displaced persons, the return of property, and the prosecution of human rights violations; and

(5) Kosovo, Serbia and Montenegro, and the United Nations, during the negotiations related to the long-term status of Kosovo, should require—

(A) increased monitoring and reporting of the progress on the implementation of the Standards for Kosovo and any incidents of human rights violations, and should broaden the involvement of minorities and community-level representatives in monitoring, reporting, and publicizing that progress;

(B) that the authorities and institutions of Kosovo be given greater authority and independence in fulfilling the Standards for Kosovo, including assuming the responsibility for any setbacks and progress and acquiring experience in assuming greater autonomy; and

(C) a broad public awareness campaign to raise awareness of both the plan to resolve the question of the status of Kosovo and the requirements for the transition of Kosovo to a permanent status, including the importance of the progress in implementing the

Standards for Kosovo and the necessity of ensuring peace and suppressing all forms of discrimination and violence so that the region may move forward toward a future of greater prosperity, stability, and lasting peace.

SENATE RESOLUTION 238—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE VAST CONTRIBUTIONS OF HISPANIC AMERICANS TO THE STRENGTH AND CULTURE OF OUR NATION

Mr. FRIST (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. ALEXANDER, Mr. ALLEN, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COLEMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. ROBERTS, Mr. SANTORUM, Mr. STEVENS, Mr. TALENT, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 238

Whereas from September 15, 2005, through October 15, 2005, the country celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics on this continent predates the founding of our Nation, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on American history, values, and culture;

Whereas since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, El Salvador and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of our nation;

Whereas the United States Census Bureau now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the military and have fought valiantly in every war in United States history;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty'';

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the military have continued their service to our country;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including two seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2005, through October 15, 2005, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of our Nation; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1706. Mr. BINGAMAN (for himself, Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1707. Mr. MCCAIN proposed an amendment to the bill H.R. 2862, supra.

SA 1708. Mr. SHELBY (for Mr. MARTINEZ) proposed an amendment to the bill H.R. 2862, supra.

SA 1709. Mr. SHELBY (for Mr. TALENT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2862, supra.

SA 1710. Mr. SHELBY (for Ms. CANTWELL (for herself and Mr. ALLEN)) proposed an amendment to the bill H.R. 2862, supra.

SA 1711. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, supra.

SA 1712. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1713. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1714. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1715. Mr. SHELBY (for Mr. DEWINE) proposed an amendment to amendment SA 1671 proposed by Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) to the bill H.R. 2862, supra.

SA 1716. Mr. INOUYE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1717. Ms. SNOWE (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1706. Mr. BINGAMAN (for himself, Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____EDUCATIONAL ASSISTANCE FOR INDIVIDUALS AND SCHOOLS IMPACTED BY HURRICANE KATRINA

Subtitle A—Support for Elementary and Secondary Schools With a Large Influx of Displaced Students

SEC. ____. SUPPORT FOR ELEMENTARY AND SECONDARY SCHOOLS WITH A LARGE INFLUX OF DISPLACED STUDENTS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to eligible local educational agencies experiencing large increases in student enrollment due to Hurricane Katrina;

(2) to facilitate the enrollment of students impacted by Hurricane Katrina into elementary schools and secondary schools served by such agencies; and

(3) to provide high quality instruction to such students.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education shall award grants to eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) CHILD COUNT.—Each State that has a large influx of displaced students due to Hurricane Katrina, as determined by the Secretary of Education, shall set a child count date for local educational agencies in the State that have a large influx of such students, as determined by the State, for the purpose of determining the total number of such students in each such agency.

(B) DEFINITION.—In this section, the term ''eligible local educational agency'' means a local educational agency—

(i) that serves, as determined in accordance with the child count described in subparagraph (A), not less than 30 displaced students due to Hurricane Katrina; or

(ii) that serves an elementary school or secondary school in which not less than 3 percent of the students enrolled at the school are displaced students due to Hurricane Katrina, as determined in accordance with the child count described in subparagraph (A).

(3) GRANT AMOUNT.—An eligible local educational agency that receives a grant under this section shall receive a grant amount that is equal to $4,000 multiplied by the number of students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina.

(c) APPLICATION.—Each eligible local educational agency desiring a grant under this section shall prepare and submit an application to the Secretary of Education that contains—

(1) an assurance that the educational programs, services, and activities proposed under this section will be administered by or under the supervision of the agency;

(2) an assurance that the agency will coordinate the use of funds received under this section with other funds received by the agency under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and with programs described under such Act;

(3) an assurance that funds will be used—

(A) to improve instruction to students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina; and

(B) to facilitate such students' transition into schools served by the agency; and

(4) such other information and assurances as the Secretary may reasonably require.

(d) USE OF FUNDS.—Each eligible local educational agency that receives a grant under this section shall use the grant funds to enhance instructional opportunities for students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina, which may include—

(1) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(2) salaries of personnel, including teacher aides, to provide instructional services to such students;

(3) identification and acquisition of curricular material, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such instructional services for such students;

(4) health services (including mental health services), meals, and clothing; and

(5) such other activities, related to the purpose of this section, as the Secretary of Education may authorize.

(e) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section such $1,200,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle B—Fund for Early Childhood Care and Education

SEC. ___. FUND FOR EARLY CHILDHOOD CARE AND EDUCATION.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to local communities experiencing large influxes of preschool-aged children displaced by Hurricane Katrina; and

(2) to facilitate placement of such children in early childhood education programs.

(b) EARLY CHILDHOOD EDUCATION PROGRAMS.—In this section, the term ''early childhood education program'' means a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a State licensed or regulated child care program or school, or a State prekindergarten program that serves children from birth through kindergarten.

(c) GRANTS AND SUBGRANTS AUTHORIZED.—

(1) GRANTS.—The Secretary of Health and Human Services shall award grants to States demonstrating large influxes of children and families displaced due to Hurricane Katrina.

(2) SUBGRANTS.—

(A) IN GENERAL.—A State receiving a grant under paragraph (1) shall award subgrants to affected local communities in the State to facilitate placement of displaced children in existing early childhood education programs.

(B) AFFECTED LOCAL COMMUNITIES.—In this paragraph, the term ''affected local community'' means a local community in a State described in subparagraph (A) in which—

(i) there are not less than 200 pre-school aged children who are displaced due to Hurricane Katrina; or

(ii) there is a significant percentage of the total number of children participating in early childhood education programs in the community who are children who are in the community because the children are displaced due to Hurricane Katrina, as determined by the Secretary of Health and Human Services.

(d) APPLICATIONS.—Each State that desires to receive a grant under this section shall prepare and submit an application to the Secretary of Health and Human Services that contains—

(1) a description of the collaborative planning process between the State agency responsible for pre-kindergarten, State child care administrator, and Head Start Collaboration Director to facilitate the placement of children who are displaced due to Hurricane Katrina in early childhood education programs;

(2) assurances that funds received under this section will be used for the purpose described in subsection (a);

(3) a plan to coordinate funds received under this section with existing resources available to the early childhood education programs for similar purposes; and

(4) such other information and assurances as the Secretary of Health and Human Services may reasonably require.

(e) USE OF SUBGRANT FUNDS.—

(1) IN GENERAL.—Each affected local community receiving a subgrant under this section shall use the subgrant funds only for—

(A) costs associated with accommodating the influx of displaced children, including acquisition or rental of space;

(B) costs associated with providing services to displaced children, including related services such as nutrition and acquisition of related materials; and

(C) costs associated with hiring additional personnel, including teacher aides or personnel working with families of children.

(2) INCOME AND DOCUMENTATION WAIVER.—The Secretary of Health and Human Services shall waive requirements of income eligibility and documentation for children displaced by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded by subgrants awarded pursuant to this section.

(f) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section $635,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle C—Support for Students in Higher Education

SEC. ___. SUPPORT FOR STUDENTS IN HIGHER EDUCATION.

(a) STUDENTS IN SCHOOL.—

(1) NO QUESTIONS ASKED POLICY.—The Secretary of Education shall authorize an institution of higher education to waive Federal financial aid requirements, as determined appropriate by the Secretary of Education, with respect to a student at such institution who enrolls in such institution because such student was impacted by Hurricane Katrina.

(2) CAMPUS-BASED AID.—

(A) SEOG.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated under subclause (II), the Secretary of Education shall carry out a program of making payments to institutions of higher education to enable such institutions to award Federal supplemental educational opportunity grants under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) to students enrolled at such institutions who are eligible to receive a grant under such subpart and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) APPROPRIATIONS.—

(aa) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out subclause (I) $76,500,000.

(bb) EMERGENCY DESIGNATION.—The amount appropriated under this subclause is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.), the Federal share of awards made pursuant to this subparagraph shall be equal to 100 percent.

(B) WORK-STUDY PROGRAMS.—

(i) IN GENERAL.—

(I) AUTHORIZATION.—From funds appropriated under subclause (II), the Secretary of Education shall carry out a program of awarding grants to institutions of higher education to enable such institutions to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.) for students enrolled at such institutions who are eligible to participate in work-study programs under such part and who enrolled at such institutions because the students are displaced due to Hurricane Katrina, as determined by the Secretary.

(II) APPROPRIATIONS.—

(aa) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out subclause (I) $114,500,000.

(bb) EMERGENCY DESIGNATION.—The amount appropriated under this subclause is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(ii) WAIVER OF NONFEDERAL SHARE.—Notwithstanding part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 2751 et seq.), the Federal share of the compensation of students made pursuant to this subparagraph shall be equal to 100 percent.

(b) HELP FOR INDIVIDUALS WITH STUDENT LOANS.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE BORROWER.—The term ''eligible borrower'' means an individual who has lost the individual's job due to the impact of Hurricane Katrina, as determined by the Secretary of Education.

(B) ELIGIBLE LOAN.—In this subsection, the term ''eligible loan'' means a student loan of an eligible borrower made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(2) GRACE PERIOD.—The Secretary of Education shall carry out a program in which the Secretary enters into an agreement with the holder of an eligible loan in which, for a 180 day period, periodic installments of principal are not paid but interest shall accrue and be paid by the Secretary on such loan.

(3) PERIOD NOT TO COUNT AGAINST ECONOMIC HARDSHIP PERIODS PROVIDED IN HIGHER EDUCATION ACT OF 1965.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the 180-day grace period provided in paragraph (2) for an eligible borrower shall not count as part of the 3-year economic hardship periods provided in sections 427(a)(2)(C)(iii), 428(b)(1)(M)(iii), 455(f)(2)(C), and 464(c)(2)(A)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii), 1078(b)(1)(M)(iii), 1087e(f)(2)(C), and 1087dd(c)(2)(A)(iii)).

(4) EMERGENCY DESIGNATION.—The amounts provided under this paragraph are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle D—Immediate Aid to Restart School Operations

SEC. ___. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies that are in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary

schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) GRANTS AUTHORIZED.—The Secretary of Education shall award a grant to a local educational agency that is in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina, based upon—

(1) the number of school-aged children served by the local educational agency in the academic year preceding the academic year during which the grant is awarded; and

(2) the severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency that is in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina.

(c) USE OF FUNDS.—Each local educational agency that receives a grant under this section shall use the grant funds to restart operations in the elementary schools and secondary schools served by such agency and to take steps to resume the instruction that was halted due to Hurricane Katrina, which may include—

(1) recovery of student and personnel data, and other electronic information;

(2) replacement of school district information systems, including hardware and software;

(3) financial operations;

(4) decontamination;

(5) damage assessments in school and administration buildings;

(6) refurbishing school and administration buildings;

(7) rental of portable classroom units and facilities;

(8) initial replacement of instructional materials and equipment;

(9) redeveloping instructional plans; and

(10) such other activities related to the purpose of this section that may be required.

(d) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section $1,500,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle E—Improving Educational Infrastructure

SEC. ___. IMPROVING EDUCATIONAL INFRASTRUCTURE.

(a) PURPOSE.—It is the purpose of this section to assist areas impacted by Hurricane Katrina to repair, renovate, alter, or construct facilities critical to the educational needs of students, by providing Federal funds to enable local educational agencies, early childhood education programs, and institutions of higher education to meet costs associated with repairing, renovating, altering, or constructing the facilities of such entities.

(b) GRANTS AUTHORIZED.—The Secretary of Education shall award grants to local educational agencies, early childhood education programs, and institutions of higher education that are in an area that is subject to a declaration by the President of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) related to Hurricane Katrina, relative to the demonstrated need for the repair, renovation, alteration, or construction of the facilities of such entities based on the condition of the facilities due to the impact of Hurricane Katrina.

(c) APPLICATIONS.—A local educational agency, early childhood education program, or institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary of Education that contains—

(1) the number of students served by such agency, program, or institution who are, or would be, served in the facilities of such entity that were impacted due to Hurricane Katrina;

(2) a description of the improvement to be supported with funds provided under this section, including the relative cost of carrying out such improvements;

(3) an identification of other Federal, State, or local resources available to carry out improvements for which funds are requested under this section; and

(4) such other information and assurances as the Secretary of Education may reasonably require.

(d) CONSIDERATION.—In awarding grants under this section to local educational agencies and early childhood education programs, the Secretary of Education shall take into consideration the number of students residing in the geographic area served by such agencies and programs.

(e) USE OF FUNDS.—Each local educational agency, early childhood education program, or institution of higher education receiving funds under this section shall use such funds only to facilitate the education of students through the repair, renovation, alteration, or construction of a public elementary school or secondary school facility, institution of higher education, or early childhood education facility, used for academic, vocational, or developmental instruction.

(f) APPROPRIATIONS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated to carry out this section $2,000,000,000.

(2) EMERGENCY DESIGNATION.—The amount appropriated under this subsection is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle F—Education for Homeless Children and Youths

SEC. ___. EDUCATION FOR HOMELESS CHILDREN AND YOUTHS.

(a) IN GENERAL.—In addition to amounts otherwise appropriated to carry out subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) and out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated and there are appropriated $20,000,000 for the 180 day period beginning on the date of enactment of this section to carry out education for homeless children and youths under such subtitle for homeless children and youths affected by Hurricane Katrina.

(b) EMERGENCY DESIGNATION.—The amount appropriated under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Subtitle G—Period of Availability of Benefits

SEC. ___. PERIOD OF AVAILABILITY OF BENEFITS.

(a) IN GENERAL.—A benefit or assistance provided under this title shall be available, and monies appropriated under this title are available for obligation by the grantee, through the date that is 180 days after the date of enactment of this title.

(b) AUTOMATIC EXTENSION.—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this title, unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals, households, and schools affected by Hurricane Katrina or a related condition.

(c) REPORT.—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

SA 1707. Mr. MCCAIN proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) In a time of national catastrophe, it is the responsibility of Congress and the Executive Branch to take quick and decisive action to help those in need.

(2) The size, scope, and complexity of Hurricane Katrina are unprecedented, and the emergency response and long-term recovery efforts will be extensive and require significant resources.

(3) It is the responsibility of Congress and the Executive Branch to ensure the financial stability of the nation by being good stewards of Americans' hard-earned tax dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any funding directive contained in this Act, or its accompanying report, that is not specifically authorized in any Federal law as of the date of enactment of this section, or Act or resolution passed by the Senate during the 1st Session of the 109th Congress prior to such date, or proposed in pursuance to an estimate submitted in accordance with law, that is for the benefit of an identifiable program, project, activity, entity, or jurisdiction and is not directly related to the impact of Hurricane Katrina, may be redirected to recovery efforts if the appropriate head of an agency or department determines, after consultation with appropriate Congressional Committees, that the funding directive is not of national significance or is not in the public interest.

SA 1708. Mr. SHELBY (for Mr. MARTINEZ) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. It is the sense of Congress that the U.S. Coral Reef Task Force should join with its Federal and State partners to provide an appropriate level of financial and technical support to make the 11th International Coral Reef Symposium a successful event.

SA 1709. Mr. SHELBY (for Mr. TALENT (for himself and Mr. DODD)) proposed an amendment to the bill H.R.

2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title VI, insert the following:

SEC. 6____.(a) It is the sense of Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation and other entities within the Department of Justice, should—

(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and

(2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.

(b) In this section:

(1) The term ''Chief'' means the Chief of the Section.

(2) The term ''criminal civil rights statutes'' means—

(A) section 241 of title 18, United States Code (relating to conspiracy against rights);

(B) section 242 of title 18, United States Code (relating to deprivation of rights under color of law);

(C) section 245 of title 18, United States Code (relating to federally protected activities);

(D) sections 1581 and 1584 of title 18, United States Code (relating to involuntary servitude and peonage);

(E) section 901 of the Fair Housing Act (42 U.S.C. 3631); and

(F) any other Federal law that—

(i) was in effect on or before December 31, 1969; and

(ii) the Criminal Section of the Civil Rights Division of the Department of Justice enforced, prior to the date of enactment of this Act.

(3) The term ''Section'' (except when used as part of the term ''Criminal Section'') means the Unsolved Crimes Section established under subsection (c).

(c)(1) There is established in the Civil Rights Division of the Department of Justice an Unsolved Crimes Section. The Section shall be headed by a Chief of the Section.

(2)(A) Notwithstanding any other provision of Federal law, the Chief shall be responsible for investigating and prosecuting violations of criminal civil rights statutes, in each case in which a complaint alleges that such a violation—

(i) occurred not later than December 31, 1969; and

(ii) resulted in a death.

(B) After investigating a complaint under subparagraph (A), if the Chief determines that an alleged practice that is a violation of a criminal civil rights statute occurred in a State, or political subdivision of a State, that has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local official to grant or seek relief from such practice or to institute criminal proceedings with respect to the practice on receiving notice of the practice, the Chief shall consult with the State or local official regarding the appropriate venue for the case involved.

(C) After investigating a complaint under subparagraph (A), the Chief shall refer the complaint to the Criminal Section of the Civil Rights Division, if the Chief determines that the subject of the complaint has violated a criminal civil rights statute in the case involved but the violation does not meet the requirements of clause (i) or (ii) of subparagraph (A).

(3)(A) The Chief shall annually conduct a study of the cases under the jurisdiction of the Chief and, in conducting the study, shall determine the cases—

(i) for which the Chief has sufficient evidence to prosecute violations of criminal civil rights statutes; and

(ii) for which the Chief has insufficient evidence to prosecute those violations.

(B) Not later than September 30 of 2006 and of each subsequent year, the Chief shall prepare and submit to Congress a report containing the results of the study conducted under subparagraph (A), including a description of the cases described in subparagraph (A)(ii).

(4)(A) There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006 and each subsequent fiscal year.

(B) Any funds appropriated under this paragraph shall consist of additional appropriations for the activities described in this subsection, rather than funds made available through reductions in the appropriations authorized for other enforcement activities of the Department of Justice.

SA 1710. Mr. SHELBY (for Ms. CANTWELL (for herself and Mr. ALLEN)) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 135, line 25, strike ''$515,087,000'' and insert ''$534,987,000, of which $19,900,000 shall be offset by reducing appropriations in this title for Department of Justice supplies and materials by a total of $19,900,000,''.

On page 136, between lines 13 and 14, in the item relating to Methamphetamine Hot Spots, strike ''$60,100,000'' and insert ''$80,000,000''.

SA 1711. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 111, line 5, strike ''$125,936,000'' and insert ''$116,936,000''.

On page 130, line 23, strike ''$362,997,000'' and insert ''$371,997,000''.

On page 132, strike line 14 and insert the following:

386;

(9) $2,000,000 for the Rape Abuse and Incest National Network (RAINN);

(10) $1,000,000 for nonprofit, nongovernmental statewide coalitions serving sexual assault victims; and

(11) $6,000,000 to be allocated, in consultation with the Department of Health and Human Services, to nonprofit, nongovernmental statewide domestic violence coalitions serving domestic violence programs.

SA 1712. Mr. SHELBY proposed an amendment to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 129, line 7, before the ''\:'' insert the following:

'', and of which $5,000,000 should be for site planning and development of a Federal Correctional Institution in the Mid-Atlantic region''.

SA 1713. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after ''SEC. 522.'' and insert the following: ''None of the funds appropriated or otherwise made available by this Act may be used in a manner that is inconsistent with the principle negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

''(1) to enforce vigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

''(2) to avoid agreements that—

''(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

''(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

''(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.''.

SA 1714. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, line 24, strike ''$1,078,350,000'' and insert ''$1,098,350,000, of which $20,000,000 shall be offset by reducing appropriations in this title for other services by a total of $20,000,000,''.

On page 134, between lines 4 and 5, in the item relating to Justice Assistance Grants, strike ''$530,000,000'' and insert ''$550,000,000''.

On page 134, line 10, strike the period at the end and insert the following: ''\: Provided further, That of the funds provided under this heading for Justice Assistance Grants, no State, including the District of Columbia and the Commonwealth of Puerto Rico, shall receive less than the greater of .50 percent or the amount of funds for Justice Assistance Grants such State received in fiscal year 2005, and no territory of the United States shall receive less than the greater of .25 percent or the amount of funds for Justice Assistance Grants such territory received in fiscal year 2005.''.

SA 1715. Mr. SHELBY (for Mr. DEWINE) proposed an amendment to amendment SA 1671 proposed by Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 1 strike line 6 and all that follows through page 2, line 2, and insert the following:

$859,300,000 shall be available for aeronautics research and development programs of the National Aeronautics and Space Administration. Of the amount available under this section in excess of $852,300,000, not more than

50 percent of such excess amount may be derived from any particular account of the National Aeronautics and Space Administration.

SA 1716. Mr. INOUYE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. EXTENSION OF UNIVERSAL SERVICE FUND EXEMPTION FROM THE ANTIDEFICIENCY ACT.

Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2005,'' each place it appears and inserting ''December 31, 2006,''.

SA 1717. Ms. SNOWE (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5___. SMALL BUSINESS, HOMEOWNERS, AND RENTERS DISASTER RELIEF.

(a) DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) DISASTER LOANS AFTER HURRICANE KATRINA.—

''(A) ADDITIONAL LOAN AUTHORITY.—

''(i) LOANS TO SMALL BUSINESSES.—In addition to any other loan authorized by this subsection, the Administrator may make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern or small agricultural cooperative that demonstrates a direct adverse economic impact caused by Hurricane Katrina, based on such criteria as the Administrator may set by rule, regulation, or order.

''(ii) LOANS TO NONPROFITS.—In addition to any other loan authorized by this subsection, the Administrator may make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a nonprofit organization for purposes of repairing damage caused by Hurricane Katrina or performing other hurricane relief services in a damaged area.

''(B) INCREASED LOAN CAPS.—

''(i) AGGREGATE LOAN AMOUNTS.—Except as provided in clause (ii), the aggregate loan amount outstanding and committed to a qualified borrower in a damaged area under this paragraph may not exceed $10,000,000.

''(ii) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amount established under clause (i).

''(C) DEFERMENT OF DISASTER LOAN PAYMENTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, payments of principal and interest on a loan to a qualified borrower located in a damaged area made under this subsection before, on, or after the date of enactment of this paragraph shall be deferred, and no interest shall accrue with respect to such loan, during the time period described in clause (ii).

''(ii) TIME PERIOD.—The time period for purposes of clause (i) shall be 1 year from the later of the date of enactment of this paragraph or the date of issuance of a loan described in clause (i), but may be extended to 2 years from such date, at the discretion of the Administrator.

''(iii) RESUMPTION OF PAYMENTS.—At the end of the time period described in clause (ii), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

''(D) DEFINITIONS.—In this paragraph, the following definitions shall apply:

''(i) DAMAGED AREA.—The term 'damaged area' means an area which the President has designated as a disaster area as a result of Hurricane Katrina of August 2005.

''(ii) QUALIFIED BORROWER.—The term 'qualified borrower' means a small business concern or non-profit organization—

''(I) located in a damaged area; or

''(II) located in a State contiguous to a damaged area that is using, or intends to use, a loan made under this subsection for purposes of rebuilding or conducting operations in a damaged area.''.

(b) DEVELOPMENT COMPANY DEBENTURES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended by adding at the end the following:

''(j) DEBENTURES AFTER HURRICANE KATRINA.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—In addition to any other guarantee authorized by this section, the Administrator may guarantee the timely payment of all principal and interest as scheduled on any debenture issued for purposes of rebuilding or resuming operations in a damaged area, as the Administrator determines appropriate.

''(B) TERMS.—The Administrator shall establish a fee for a guarantee issued under subparagraph (A) that is lower than that for other guarantees under this section.

''(2) EXISTING GUARANTEES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may temporarily defer payments of principal and interest on a guarantee made under this section before the date of enactment of this subsection to a small business concern in a damaged area, in any case in which the payments are owed to the Administration.

''(B) PAYMENTS TO OTHER PARTIES.—Notwithstanding any other provision of law, the Administrator may temporarily make payments of principal and interest on a loan made under this section before the date of enactment of this subsection to a small business concern in a damaged area, in any case in which the payments are owed to a person other than the Administration.

''(C) TERMINATION OF AUTHORITY.—The authority to defer, or make, payments under this paragraph shall terminate 1 year after the date of enactment of this subsection.

''(3) DEFINITIONS.—In this subsection, the following definitions shall apply:

''(A) DAMAGED AREA.—The term 'damaged area' means an area which the President has designated as a disaster area as a result of Hurricane Katrina of August 2005.

''(B) QUALIFIED BORROWER.—The term 'qualified borrower' means a small business concern—

''(i) located in a damaged area; or

''(ii) that demonstrates a direct adverse economic impact caused by Hurricane Katrina, based on such criteria as the Administrator may set by rule, regulation, or order.''.

(c) SMALL BUSINESS EMERGENCY RELIEF.—

(1) DEFINITIONS.—As used in this subsection—

(A) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act; and

(B) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively.

(2) BUSINESS LOAN PROGRAMS.—Section 20(e) of the Small Business Act (15 U.S.C. 631 note) is amended—

(A) by striking ''$25,050,000,000'' and inserting ''$30,550,000,000''; and

(B) in paragraph (1)(B)—

(i) by striking ''$17,000,000,000'' and inserting ''$20,000,000,000'';

(ii) by striking ''$7,500,000,000'' and inserting ''$10,000,000,000''; and

(C) by striking ''25,050,000,000'' and inserting ''30,550,000,000''.

(3) GRANTS TO STATES DAMAGED BY HURRICANE KATRINA.—There is authorized to be appropriated, and there is appropriated, to the Department of Commerce $400,000,000 to provide, through appropriate government agencies in Louisiana, Alabama, Mississippi, Texas, and Florida, to provide bridge grants and loans to small business concerns located in the area which the President has designated as a disaster area as a result of Hurricane Katrina, to assist in covering costs of such concerns until they are able to obtain loans through Administration assistance programs or other sources.

(4) DISASTER LOAN ADDITIONAL AMOUNTS.—In addition to any other amounts otherwise appropriated for such purpose, there is authorized to be appropriated, and there is appropriated, to the Administration $86,000,000, to make loans under section 7(b) of the Small Business Act.

(5) OTHER DISASTER LOANS FOLLOWING HURRICANE KATRINA.—

(A) IN GENERAL.—Paragraph (4) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act, is amended by adding at the end the following:

''(E) REFINANCING DISASTER LOANS AFTER HURRICANE KATRINA.—

''(i) IN GENERAL.—Any loan made under this subsection that was outstanding as to principal or interest on August 24, 2005, may be refinanced by a small business concern that is located in an area designated by the President as a disaster area as a result of Hurricane Katrina of 2005 (in this paragraph referred to as the 'disaster area'), and the refinanced amount shall be considered to be part of the new loan for purposes of this subparagraph.

''(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

''(F) REFINANCING BUSINESS DEBT.—

''(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on August 24, 2005, may be refinanced by the small business concern if it is located in the disaster area. With respect to a refinancing under this clause, payments of principal shall be deferred, and interest may accrue, during the 1-year period following the date of refinancing, and the refinanced amount shall be considered to be part of a new loan for purposes of this subparagraph.

''(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of

principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

''(G) TERMS.—A loan under subparagraph (E) or (F) shall be made at the same interest rate as economic injury loans under paragraph (2).

''(H) EXTENDED APPLICATION PERIOD.—Notwithstanding any other provision of law, the Administrator shall accept applications for assistance under paragraphs (1) and (4) until one year after the date on which the President designated the area as a disaster area as a result of Hurricane Katrina.

''(I) NO SALE.—No loan under this subsection made as a result of Hurricane Katrina may be sold.''.

(B) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(i) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(ii) by striking '', (2), or (4)'' and inserting ''(2)''.

(d) ENTREPRENEURAL DEVELOPMENT.—In addition to any other amounts authorized for any fiscal year, there are authorized to be appropriated, and there is appropriated, to the Administration, to remain available until expended, for fiscal year 2006—

(1) $21,000,000, to be used for activities of small business development centers pursuant to section 21 of the Small Business Act, $15,000,000 of which shall be non-matching funds and used to aid and assist small business concerns affected by Hurricane Katrina;

(2) $2,000,000, to be used for the SCORE program authorized by section 8(b)(1) of the Small Business Act, for the activities described in section 8(b)(1)(B)(ii) of that Act, $1,000,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina;

(3) $4,500,000, to be used for activities of women's business centers authorized by section 29(b) of the Small Business Act and for recipients of a grant under section 29(l) of that Act, $2,500,000 of which shall be non-matching funds used to aid and assist small business concerns affected by Hurricane Katrina, which may also be made available to a women's business center whose 5-year project ended in fiscal year 2004;

(4) $1,250,000, to be used for activities of the office of veteran's business development pursuant to section 32 of the Small Business Act, $750,000 of which shall be used to aid and assist small business concerns affected by Hurricane Katrina; and

(5) $5,000,000, to be used for activities of the microloan program authorized by clauses (ii) and (iii) of section 7(m)(1)(G) of the Small Business Act to aid and assist small business concerns adversely affected by Hurricane Katrina.

(e) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) is amended by adding at the end the following:

''(D) FISCAL YEARS 2005 AND 2006.—For fiscal years 2005 and 2006, the Administrator has the authority to waive the maximum amount of $100,000 for grants under paragraph (C)(viii) for small business development centers assisting small business concerns adversely affected by Hurricane Katrina.''.

(f) HUBZONES.—Section 3(p)(1) of the Small Business Act (15 U.S.C. 632(p)(1)) is amended—

(1) in subparagraph (D), by striking ''or'';

(2) in subparagraph (E), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(F) the Hurricane Katrina disaster area, as designated by the Administrator.''.

(g) OUTREACH PROGRAMS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall establish a contracting outreach and technical assistance program for small business concerns which have had a primary place of business in, or other significant presence in the Hurricane Katrina disaster area at any time following the 60 days prior to the designation of such area by the Administrator.

(2) ADMINISTRATOR ACTION.—The Administrator may fulfill the requirement of paragraph (1) by acting through—

(A) the Small Business Administration;

(B) the Federal agency small business officials designated under Section 15(k)(1) of the Small Business Act (15 U.S.C. 644(k)(1)); and

(C) any Federal, State, or local government entity, higher education institution, or private nonprofit organization that the Administrator may deem proper, upon conclusion of a memorandum of understanding or assistance agreement, as appropriate, with the Administrator.

(h) SMALL BUSINESS BONDING THRESHOLD.—Notwithstanding any other provision of law, for all procurements related to Hurricane Katrina, the Administrator may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

(i) SUPPLEMENTAL EMERGENCY LOANS.—

(1) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(32) SUPPLEMENTAL EMERGENCY LOANS AFTER HURRICANE KATRINA.—

''(A) LOAN AUTHORITY.—In addition to any other loan authorized by this subsection, the Administrator shall make such loans under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to a small business concern adversely affected by Hurricane Katrina, subject to subparagraph (B).

''(B) OVERSIGHT PROTECTIONS.—In making any loan under subparagraph (A)—

''(i) the borrower shall be made aware that such loans are for those adversely affected by Hurricane Katrina; and

''(ii) for loans made in cooperation with a bank or other lending institution—

''(I) lenders shall document for the Administrator how the borrower was adversely affected by Hurricane Katrina, whether directly, or indirectly; and

''(II) not later than 6 months after the date of enactment of this paragraph, and every 6 months thereafter until the date that is 18 months after the date of enactment of this paragraph, the Comptroller General shall make a report regarding such loans to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, including verification that such loans are being used for purposes authorized by this paragraph.

''(C) FEES.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Administrator shall, in lieu of the fee established under paragraph (23)(A), collect an annual fee of 0.25 percent of the outstanding balance of deferred participation loans made under this subsection to qualified borrowers for a period of 1 year after the date of enactment of this paragraph.

''(ii) GUARANTEE FEES.—Notwithstanding any other provision of law, the guarantee fee under paragraph (18)(A) for a period of 1 year after the date of enactment of this subparagraph shall be as follows:

''(I) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than $150,000.

''(II) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

''(III) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.''.

(2) APPROPRIATION.—There is authorized to be appropriated, and there is appropriated, $75,000,000 to carry out the amendment made by paragraph (1).

(j) SMALL BUSINESS PARTICIPATION.—In order to facilitate the maximum practicable participation of small business concerns in activities related to relief and recovery from Hurricane Katrina, the Administrator and the head of any Federal agency making procurements related to the aftermath of Hurricane Katrina, shall set a goal, to be met within a reasonable time, of awarding to small business concerns not less than 30 percent of amounts expended for prime contracts and not less than 40 percent of amounts expended for subcontracts on procurements such agency related to the aftermath of Hurricane Katrina.

(k) ENERGY EMERGENCY RELIEF.—

(1) SMALL BUSINESS AND FARM ENERGY EMERGENCY DISASTER LOAN PROGRAM.—

(A) SMALL BUSINESS DISASTER LOAN AUTHORITY.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (4), as added by this Act, the following:

''(5)(A) For purposes of this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, gasoline, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, gasoline, or propane during the subsequent calendar month, commonly known as the 'front month';

''(iii) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, gasoline, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant; and

''(iv) a small business concern engaged in the heating oil business is eligible for a loan, if the small business concern sells not more than 10,000,000 gallons of heating oil per year.

''(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene occurring on or after January 1, 2005.

''(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(E) For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating oil, natural gas, gasoline, propane, or kerosene to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(B) CONFORMING AMENDMENTS.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(i) by inserting '', significant increase in the price of heating oil, natural gas, gasoline, propane, or kerosene'' after ''civil disorders''; and

(ii) by inserting ''other'' before ''economic''.

(C) REPORT.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under paragraph (3)(A), and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(5) of the Small Business Act, as added by this subsection, including—

(i) the number of small business concerns that applied for a loan under that section 7(b)(5) and the number of those that received such loans;

(ii) the dollar value of those loans;

(iii) the States in which the small business concerns that received such loans are located;

(iv) the type of energy that caused the significant increase in the cost for the participating small business concerns; and

(v) recommendations for ways to improve the assistance provided under that section 7(b)(5), if any.

(D) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Administrator of the Small Business Administration under paragraph (3), or 30 days after the date of enactment of this Act, with respect to assistance under section 7(b)(5) of the Small Business Act, as added by this subsection.

(2) FARM ENERGY EMERGENCY RELIEF.—

(A) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(i) in the first sentence—

(I) by striking ''operations have'' and inserting ''operations (i) have''; and

(II) by inserting before '': *Provided*,'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after January 1, 2005, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after January 1, 2005, in connection with an energy emergency declared by the President or the Secretary'';

(ii) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(iii) in the fourth sentence—

(I) by inserting ''or energy emergency'' after ''natural disaster'' each place that term appears; and

(II) by inserting ''or declaration'' after ''emergency designation''.

(B) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subparagraph (A) to meet the needs resulting from natural disasters.

(C) REPORT.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under paragraph (3)(A), and annually thereafter, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(i) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this section; and

(ii) contains recommendations for ways to improve the assistance provided under such section 321(a).

(D) EFFECTIVE DATE.—The amendments made by this subsection shall apply during the 4-year period beginning on the earlier of the date on which guidelines are published by the Secretary of Agriculture under paragraph (3), or 30 days after the date of enactment of this Act, with respect to assistance under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by this subsection.

(3) GUIDELINES AND RULEMAKING.—

(A) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue guidelines to carry out paragraphs (1) and (2), respectively, and the amendments made thereby, which guidelines shall become effective on the date of their issuance.

(B) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(5)(A)(iii)(II) of the Small Business Act, as added by this Act.

(l) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—

(1) IN GENERAL.—Assistance made available under any loan made or approved by the Administration under this section, subsections (a) or (b) of section 7 of the Small Business Act (15 U.S.C. 636(a)), as amended by this section, except for subsection 7(a)(23)(C), or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this section, on and after the date of enactment of this Act, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(2) USE OF FUNDS.—Assistance under this section and the amendments made by this section shall be available effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such assistance.

(m) EMERGENCY SPENDING.—Appropriations under this section are designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 14, 2005 at 10:30 a.m. to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet to conduct a hearing during the session of the Senate on Wednesday September 14, 2005, at 10 a.m. in Dirksen Senate Office Building, room 342, on ''Recovering from Katrina: The Next Phase''

Witness List: The Honorable Pete Wilson, Former Governor, California; The Honorable Patricia A. Owens, Former Mayor, Grand Forks, North Dakota; The Honorable Marc H. Morial, President and CEO, National Urban League, Former Mayor of New Orleans; Iain B. Logan, Operations Liaison, International Federation of Red Cross and Red Crescent Societies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY.

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts Jr. to be Chief Justice of the United States on Wednesday, September 14, 2005 at 9 a.m. in the Hart Senate Office Building Room 216. John G. Roberts Jr. is the only witness. Note that this is a time change.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized

to meet on Wednesday, September 14, 2005, at 10 a.m., on the Impact of Hurricane Katrina on the Aviation Industry, in SD–562.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE SOLDIERS OF THE ARMY'S BLACK CORPS OF ENGINEERS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 67.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 67) honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SHELBY. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 67) was agreed to.

The preamble was agreed to.

NATIONAL CAMPUS SAFETY AWARENESS MONTH

Mr. SHELBY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 221 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 221) supporting the goals and ideals of ''National Campus Safety Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SHELBY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas college and university campuses are subject to criminal threats both from within and outside their borders;

Whereas under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act a total of 86 homicides, 7,648 sex offenses, 9,649 aggravated assaults, and 3,590 arsons were reported on-campus from 2000 to 2002;

Whereas between ⅕ and ¼ of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers;

Whereas each year more than 70,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault;

Whereas each year more than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking;

Whereas 1,400 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes;

Whereas each year there is approximately $2.8 million dollars worth of property damage from fires on-campus;

Whereas Security On Campus, Inc., a national group dedicated to promoting safety and security on college and university campuses, and the University of Wisconsin-Green Bay Student Government Association have designated September 2005 as National Campus Safety Awareness Month; and

Whereas the designation of National Campus Safety Awareness Month provides an opportunity for colleges and universities to inform students about existing campus crime trends, campus security policies, crime prevention techniques, fire safety, and alcohol and other drug education, prevention, and treatment programs: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of ''National Campus Safety Awareness Month''.

HISPANIC HERITAGE MONTH

Mr. SHELBY. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 238, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 238) recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SHELBY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The resolution (S. Res. 238) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 238

Whereas from September 15, 2005, through October 15, 2005, the country celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics on this continent predates the founding of our Nation, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on American history, values, and culture;

Whereas since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, El Salvador and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of our nation;

Whereas the United States Census Bureau now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the military and have fought valiantly in every war in United States history;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty'';

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the military have continued their service to our country;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including two seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2005, through October 15, 2005, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of our Nation; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

ORDERS FOR THURSDAY, SEPTEMBER 15, 2005

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 15. I further ask unanimous consent that following the prayer and the 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 resume consideration of H.R. 2862, the Commerce-Justice-Science appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SHELBY. Mr. President, on behalf of the leader, and as manager of the bill, I announce to my colleagues that we are very close to completing action on the bill. Earlier, we had hoped to finish this evening but we were working on just a few remaining issues.

Tomorrow, we will resume consideration of the bill shortly after 9:30 a.m. At that time, we hope to clear several of the remaining amendments. That will then allow us to proceed to votes on those few amendments which require votes.

It is the expectation of the leader that we will begin voting around 10:45

or 11 tomorrow morning. We should continue voting until we proceed to final passage.

Again, I thank my colleagues for their cooperation on the bill today, and I look forward to completion of the bill at an early hour tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SHELBY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:26 p.m., adjourned until Thursday, September 15, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

ON THE PLEDGE OF ALLEGIANCE

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RAHALL. Mr. Speaker, I rise today to affirm that we are one Nation under God. For over 225 years the moral fiber of this Nation has been built not upon the law of man, but rather upon the law of God.

The roots of the Pledge of Allegiance go back to Francis Bellamy, a Baptist minister who wrote the original Pledge in August 1892. It was still an ''unofficial'' pledge until June 22, 1942, when the United States Congress included the ''Pledge to the Flag'' in the United States Flag Code. On December 28, 1945, the Pledge to the Flag received its official title as our Nation's Pledge of Allegiance.

The last change in the Pledge of Allegiance occurred on June 14, 1954 (Flag Day), when Congress added the words, ''under God,'' to the Pledge of Allegiance.

Although today, U.S. District Judge Lawrence Karlton ruled that the pledge's reference to one nation ''under God'' violates schoolchildren's right to be ''free from a coercive requirement to affirm God.'' Judge Karlton then issued a restraining order preventing the recitation of the pledge at three separate elementary schools where the plaintiff's children attended school. Will this judge also take away American schoolchildren's milk money emblazoned with the words, ''In God We Trust?'' Will this judge deny our schoolchildren hearing the ringing words of our Declaration of Independence, which intones the Almighty throughout this sacred document?

A restraining order to prevent children from reaffirming their faith in God and Country? How absurd! Can you imagine the police storming an elementary school and handcuffing a 9-year-old child for uttering ''under God''?

President Eisenhower said at the time, ''In this way we are reaffirming the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war.''

As President Eisenhower stated, God is America's most powerful resource. In his presence, we remain attentive of the character and spirit of our Nation, and we are determined to fashion a better and brighter future for the generations that follow. Only under the watchful eye of God can all we hope for be accomplished and all we dream of come true.

For 58 years, schoolchildren and billions of men and women across this Nation have gazed upon our Flag, the Star Spangled Banner, and proudly recited their pledge to their home and the greatest Nation on Earth, and I can think of no better way to begin each and every day, as we do in the House of Representatives, with these 31 words.

As an editorial from the Register-Herald, of my hometown of Beckley, West Virginia, best summed up last year:

> Children cannot be compelled to recite the Pledge or even listen to it, if they don't wish to.
>
> The Supreme Court will sooner or later have to delete the phrase or else rule in its defense, an action requiring only this: respect for constitutional language and a grain of common sense.

IN RECOGNITION OF MR. ROGER DESJARLAIS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize my good friend, Broward County Administrator Roger Desjarlais who will retire this month following seven and a half years of service to the people and residents of Broward County.

In 1998, after more than twenty years of distinguished service in Lee County, Florida, Roger Desjarlais was appointed Broward County Administrator by the Board of County Commissioners. Throughout his tenure, his dynamic leadership style, exemplified by his track record of work with local, State, and Federal officials and business and community leaders, has proven effective throughout his time in Broward County.

Mr. Desjarlais has accomplished a great deal during the past seven and a half years: improving key services, providing critical infrastructure improvements in unincorporated areas of Broward County, and implementing multi-million dollar expansion programs for Port Everglades and Fort Lauderdale-Hollywood International Airport at Dania Beach. He has managed this and more, expanding programs and levels of service, all while developing a balanced budget with reduced millage rates for the past seven years in a row.

Mr. Speaker, Roger Desjarlais' capable and collaborative style has been outstandingly successful and has greatly benefited the people of Broward County. Although he has decided to pursue new opportunities, his work has not gone unnoticed, and I am certain that Roger will remain an active participant in his community, State, and Nation.

IN MEMORY OF THOSE LOST IN KATRINA—LET US ENSURE NO ONE IS ABANDONED AGAIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RANGEL. Mr. Speaker, Hurricane Katrina and the tragedy that followed forced many people to revisit an issue that had been ignored by this Nation for far too long—the high rate of poverty in the United States.

There is no question that one of the root causes of the tragedy that occurred in New Orleans was poverty. The people with the economic means to do so left the city prior to the storm. Those left in the city were unable to flee because they could not afford to do so, thereby forcing them to ride out the storm in their homes or in the shelter of ''last resort.'' Many of those left behind were from predominately low-income areas, such as the city's ninth ward.

Ironically, the day after Hurricane Katrina ravaged New Orleans, the Census Bureau reported that nearly 30 percent of the city's residents were living in poverty, making it the second poorest city in the Nation. Meanwhile, the overall poverty rate for the Nation increased for the fourth year in a row. An additional 1.1 million Americans fell into poverty last year, bringing the total number to 37 million.

It is clear that although many residents of New Orleans waited for days to be rescued from flood waters, they, and millions of other Americans, were abandoned by this administration a long time ago. Programs designed to alleviate poverty and assist working families struggling to make ends meet have seen their funding cut in recent years. Critical programs such as child care assistance, job training, low-income housing assistance, and after-school programs have seen their budgets reduced in favor of tax cuts for the wealthy.

Meanwhile, the Republican leadership plans to continue to pursue its irresponsible plan to further dismantle what is left of this country's safety net by making additional cuts to entitlement programs. Many of these programs are going to provide critical services to the survivors of Hurricane Katrina.

Repairing the damage from Hurricane Katrina and its aftermath will take more than repairing broken levees and rebuilding homes and businesses. If we truly want to ensure that the death, destruction, and human suffering that was caused by the storm and its aftermath does not happen again, we need to remove the hurdles that force people to live in poverty.

We should work to ensure that all workers receive a livable wage so that they are able to support themselves and their families. Also, we need to guarantee that every American has access to all of the educational opportunities that are available so that all of our citizens have the means to live a better life. Finally, when families fall behind and need additional assistance to get them through tough times, we need to ensure that the Federal Government has the resources to assist our most vulnerable citizens.

Let us use the tragedy that occurred in the Gulf region as a catalyst for eradicating poverty in this Nation. In memory of those who were lost in the storm and its aftermath, and for the survivors, let us do everything we can to ensure that no one is abandoned again.

TRIBUTE TO NICOLE ROBBINS

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. GIBBONS. Mr. Speaker, I rise today to honor Nicole Robbins of Nevada: mother, concerned citizen, and modern-day crime-fighter. On July 13th, Ms. Robbins observed a series of events unfold outside her apartment complex involving what appeared to be an attempted kidnapping of a five year old girl by an intoxicated, convicted Tier 2 sex offender. The man, calling himself ''Pastor Tree'', attempted to lure the girl away with him, promising to take her to a store. Thankfully the little girl was smart enough to alert her mother, who subsequently called the police, after the man went to retrieve his car. The boyfriend of the mother confronted the man upon his return for the girl. During this confrontation, the man started to drive away.

Although police were en route, this man had already begun to flee. Realizing the potential getaway, Ms. Robbins claimed that ''something made her go inside her home and grab her car keys and cell phone.'' A mother of two young sons herself, Ms. Robbins bravely followed this attempted kidnapper for four miles, in contact with police the entire way providing details to help in his apprehension. When stopped by police, the man was found to be driving with a blood-alcohol limit more than twice the legal limit, and was subsequently arrested on suspicion of first-degree kidnapping and child luring.

Ms. Robbins' actions should be commended in that not only did she aid local authorities by providing accurate and detailed information on a fleeing suspect, but she was wise enough in exercising restraint by not interfering before his capture. For her efforts, Ms. Robbins was honored by Reno police by receiving a citizen commendation certificate and medal, a prestigious award presented only once a year.

Ms. Robbins stands as an example to all future kidnappers and child molesters that the people of Nevada are serious about protecting their children. I would like to conclude by addressing the next child molester or kidnapper that comes to Nevada with an intention to commit a crime against a child. Know that we are watching our children with you, protecting our children from you, and in cases like Ms. Robbins, even helping local authorities arrest you.

TRIBUTE TO SHAWN RICHARD TALLANT

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. FORD. Mr. Speaker, I rise today to pay tribute to Shawn Richard Tallant who has served our country with bravery and distinction as a member of the United States Navy. A graduate of the United States Naval Academy, Captain Tallant retired from the Navy on July 15, 2005 after 27 years of distinguished service.

Captain Tallant was Commanding Officer of the USS *Nashville*, which participated in Operation Iraqi Freedom and Operation Enduring Freedom. In addition, the USS *Nashville*, under Captain Tallant's command, was one of three ships sent to conduct humanitarian operations under Joint Task Force Liberia.

Like all citizens of Tennessee, I am proud of the historical importance of these events and how one of our namesake ships was critical to the success of this Nation's peacekeeping efforts in Iraq, Afghanistan and Liberia. Captain Tallant's leadership was integral to the *Nashville*'s contributions.

Prior to his service on the Nashville, Captain Tallant was the Executive Officer on the nuclear-powered aircraft carrier USS *Dwight D. Eisenhower*. Today, Captain Tallant has joined the private sector involved in the design of future nuclear aircraft carriers.

Captain Tallant is an example of the courage and commitment of our military and I ask my colleagues to join me in honoring Captain Tallant for his meritorious and distinguished service to his fellow sailors and our Nation.

THE NATIONAL WOMEN'S RIGHTS HISTORY PROJECT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. SLAUGHTER. Mr. Speaker, today I am proud to celebrate the accomplishments of our foremothers by introducing the National Women's Rights History Project Act.

In contemporary American society, women enjoy rights to education, wages, and property ownership. However, it was only 85 years ago that women were finally granted the right to vote. Yet few Americans have any real knowledge of the long struggle to obtain the rights that we take for granted today. The National Women's Rights History Project Act will provide Americans with the opportunity to learn more about the female heroes that fought tirelessly to secure these rights.

On July 19, 1848, a group of activists including Elizabeth Cady Stanton, Lucretia Mott, and Mary Ann M'Clintock convened the first Women's Rights Convention at Wesleyan Chapel in Seneca Falls, New York. The Women's Rights Convention heralded the beginning of a 72-year struggle for suffrage. During the Convention, 68 women and 32 men signed the Declaration of Sentiments, which was drafted to mirror the Declaration of Independence and set out such radical notions like women's freedom to own property, receive an education, and file for divorce.

In 1851, a second women's rights convention was held in Akron, Ohio. It was at this convention that Sojourner Truth delivered the famous ''Ain't I A Woman?'' speech. The woman's suffrage movement, however, was not solely limited to organized conventions. Under the leadership of Elizabeth Cady Stanton and Susan B. Anthony the National American Women Suffrage Association (NAWSA) was formed.

Susan B. Anthony also established the Equal Rights Association to refute ideas that women were inferior to men and fight for a woman's right to vote. In 1872, Susan B. Anthony and other women voted in the presidential election, and were arrested and fined for illegal voting. At her trial, which attracted nationwide attention, Susan B. Anthony made a speech that ended with the slogan ''Resistance to Tyranny Is Obedience to God''. She also campaigned for the rights of women to own property, to keep their own earnings, and to have custody of their children. I am especially proud that it was in Rochester, New York that Susan B. Anthony fought so hard for the rights that women throughout this country rely on today. In fact, in 1900, she persuaded the University of Rochester, in my Congressional District, to admit women.

In the early 1900s, a new generation of leaders joined the women's suffrage movement, including Carrie Chapman Catt, Maud Wood Park, Lucy Burns, Alice Paul, and Harriot E. Blatch. During this era, the Women's Rights movement increased its momentum by organizing marches, pickets and other protests. Suffragette Alice Paul and other activists began chaining themselves to the White House fence and participating in hunger strikes to gain the attention of Congress.

The struggle for women's suffrage was not easy, and oftentimes it was made more difficult as a consequence of public misinformation and fear. Consider these remarks which, in 1912, appeared in the New York Times under the title, ''The Uprising of Women'':

''The vote will secure to woman no new privilege that she either deserves or requires . . . Women will get the vote and play havoc with it for themselves and society, if men are not wise and firm enough and it may as well be said, masculine enough, to prevent them.''

If by playing havoc, the New York Times meant becoming the single most sought after voting block in the country that often determines the outcome of elections, I guess they were right.

Because of the persistent dedication of Susan B. Anthony and other remarkable leaders, women persevered. Although Susan B. Anthony was not alive to see it, the efforts of the women's rights struggle came to fruition when the Nineteenth amendment to the U.S. Constitution, giving women the right to vote, was finally passed by Congress on June 4, 1919, and ratified on August 18, 1920.

We have clearly come a long way in 85 years—and we still have a long way to go. We must work to continue the momentum that started in Seneca Falls, by not only ensuring that all women vote, but that they do so with an understanding of the long fight to obtain this right and with a sense of responsibility to do their part in the struggle for women's equality.

To honor these important women, the National Women's Rights History Project Act will establish a trail route linking sites significant to the struggle for women's suffrage and civil rights. It also will expand the current National Register travel itinerary website, ''Places Where Women Made History,'' to include additional historic sites. Finally, this bill will require the Department of Interior to establish a partnership-based network to offer financial and technical assistance for interpretive and educational program development of national women's rights history.

The women of this country have fought tirelessly to achieve equitable rights for our grandmothers, our mothers, ourselves, and our daughters. It is my hope that this bill will provide Americans with the opportunity to learn more about the female leaders who struggled to secure these rights.

Mr. Speaker, I encourage all Members to join me in celebrating their accomplishments by National Women's Rights History Project Act today.

HONORING THE INTERNATIONAL CHILDREN'S FESTIVAL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 35th year of the International Children's Festival, held in Fairfax County, Virginia.

The International Children's Festival is produced by the Arts Council of Fairfax County in cooperation with the Wolf Trap Foundation for the Performing Arts and the National Park Service. Since 1971, the Festival has allowed children from all over the world to come together and share cultural traditions through the international language of the arts. The inaugural event attracted 7,000 spectators, volunteers and performers. In two years the event became the International Children's Festival, which was extended to a two day event and nearly doubled its audience.

Many celebrities have served to make the event a success, and to bring attention to a worthy cause. Past participants include First Lady Nancy Reagan and Bob McGrath, also known as "Bob of Sesame Street". Some previous highlights have included the twentieth annual International Children's Festival themed, "The Americas, a Rainbow of Colors". This festival featured performers from North, South, and Central America. In the following years, performers from Europe, Jordan, Uganda, Zimbabwe, Siberia, Taiwan, and the Republic of Uzbekistan attended the festival giving the children an even wider appreciation of the arts from around the globe. Since 1971, groups from over 35 countries have participated in the festival. This year's event features international youth performers from Georgia, India, Mexico, and Nigeria. While many have traveled far to contribute, it has also remained close to its roots showcasing a variety of cultural arts performed by student groups from throughout the Washington metropolitan area.

Mr. Speaker, in closing, I would like to commend and congratulate the International Children's Festival on its 35th year. The Festival has enriched many lives, truly meriting recognition. I call upon my colleagues to join me in applauding the International Children's Festival's past accomplishments and in wishing it continued success in the many years to come.

COMMENDING JUDY AND ALAN ROOTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's distinguished citizens, Judy and Alan Rooth. On Sunday, September 25, 2005, Judy and Alan will be honored for their exemplary and dedicated service to our community and to the State of Israel. Their praiseworthy efforts will be recognized at the Northwest Indiana-Israel Dinner of State, as they receive the Jerusalem Medal. The Special Guest speaker is Dr. Mitchell Bard, executive director of the American-Israeli Cooperative Enterprise.

Judy Rooth is completing her fourth year as president of the Jewish Federation. She previously served as the Federation's Women's Division Campaign co-chair for 3 years, and she also chaired the Jewish Community Services of the Federation. Judy is a lifetime member of Hadassah and has served as board secretary for Congregation Beth Israel. She also served on the boards of Kneseth Israel and CBI. Judy is also active in the Kneseth Israel Sisterhood.

Alan Rooth has served on various committees and also as an officer of several organizations. He was vice president of the Jewish Federation and also served as vice president and co-president of Kneseth Israel. Alan served as the chairman of the Annual Walks for Israel. He has also served on the Kneseth Israel Board and Congregation Beth Israel for a total of 20 years. Alan is the School Board chairman of both Kneseth Israel and Congregation Beth Israel.

The Jerusalem Medal is given each year to worthy recipients who demonstrate their dedication and service to Israel, the State of Israel Bonds, the Jewish community, and their own community at large. The Rooths are most certainly worthy recipients of this year's award. The Jewish Federation Community Building will be filled Sunday night with friends and family who have been blessed with the opportunity to know and work with Judy and Alan Rooth and who wish to celebrate with them as they receive the Jerusalem Medal.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Judy and Alan Rooth for receiving the 2005 Jerusalem Medal. Their dedicated service to both the State of Israel and our Northwest Indiana community is commendable and admirable. No government, leader, or military can safeguard the twin blessings of freedom and opportunity without the labors of dedicated, conscientious citizens. Their service and devotion to Indiana's First Congressional District deserves the highest commendation, and I am proud to represent them in Congress.

HONORING HERSHA ARNOLD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to honor the accomplishments of a friend and fellow West Virginian, Hersha Arnold, who recently was given the prestigious Jerry Maldavir Award by the American Cancer Society.

Hersha has been a tireless advocate for public awareness about the risks of cancer, prevention, serving cancer survivors, and many other activities. She has been a leader in her local community, the State of West Virginia and the South Atlantic region for the American Cancer Society.

In addition to her efforts for the American Cancer Society, Hersha has been a diligent volunteer for several causes including running a camp for children with cancer and serving as a strong leader for other State initiatives.

Hersha is a wonderful leader in her community and an invaluable asset to the efforts of improving cancer awareness in the State of West Virginia. We need more people like Hersha to attain the goal of eradicating cancer by 2015. It is with great pride that I am able to recognize my friend and fellow West Virginian for her significant contributions.

RECOGNIZING AND HONORING 100TH BOMB GROUP OF THE 8TH AIR CORPS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to recognize and honor the 100th Bomb Group of the 8th Air Corps. Having a history filled with grand achievements, it is with great pride that I commend these brave soldiers for their service and sacrifice during America's greatest war in history, World War II.

Flying its first mission in June 1943, the 100th Bomb Group concentrated its military efforts against airfields, submarine facilities, and aircraft industries in both France and Germany. During this time, the coalition was active in many valiant air raids including the bombing of Rujkan, Norway, which delayed the completion of heavy water for the German atomic bomb. Throughout eight noble missions to Germany, the troop experienced their heaviest losses, earning them the nickname, "The Bloody Hundredth." The 100th Bomb Group of the 8th Air Corps, however, did not lose hope. The group went on to fight in many renowned battles of World War II, including the Battle of the Bulge and the allied invasion of Normandy, which came to be known as D-day. Overall, this courageous troop flew 306 missions, lost 229 planes and sacrificed 785 men which were either killed or deemed Missing in Action, MIA. On April 20, 1945, the group flew its last combat mission to Oranienburg, Berlin, with no losses.

The freedom of the United States of America has depended upon the courage of men and women like the 100th Bomb Group, 8th Air Corps, for over 200 years. As members of the greatest military in the world, their time and efforts did not go unnoticed. The 100th Bomb Group received two Presidential Unit Citations for their efforts in Regensburg and Berlin, Germany, as well as the French Croix de Guerre with Palm for their distinguished service in France during World War II.

On October 1, the 100th Bomb Group of the 8th Air Corps will meet in Pittsburgh, PA, to celebrate its 60th anniversary and renew relationships of its members.

Mr. Speaker, I hope my colleagues will join me in celebrating the 100th Bomb Group of the 8th Air Corps on its 60th anniversary of the year of their final combat mission.

RECOGNIZING BOB McGRATH FOR HIS CONTRIBUTIONS TO THE INTERNATIONAL CHILDREN'S FESTIVAL

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize Bob McGrath for his commitment to educating and entertaining children and for his contributions to the International Children's Festival.

Mr. McGrath is most often referred to as ''Bob on Sesame Street'' where he has performed for 34 years, but he is also an accomplished musician and successful author. He began his professional career singing and recording with the Robert Shaw Chorale and Fred Waring's Pennsylvanians. He later spent five years as the featured tenor soloist on Mitch Miller's series, ''Sing Along With Mitch'', and traveled to Japan to expand his resume ultimately resulting in a career that has afforded him the opportunity to appear with over 100 symphony orchestras. His successful children's albums have sold over half a million copies, and some have received recognition from the Parents' Choice Award and the American Library Association. He has also utilized his talent by writing children's books. For example, Oops! Excuse Me Please! And Other Mannerly Tales has educated countless children about the importance of manners. Mr. McGrath's other books have effectively taught children life skills, and most have received tremendous acclaim.

Among his many professional accomplishments, Mr. McGrath has dedicated his time to serve as Chairperson of National UNICEF day, host of the United National celebration for the ''Rights of the Child'', and host for World Children's Day at the UN General Assembly. Most notably, he has generously acted as host and consultant for seventeen consecutive years for the International Children's Festival held in Vienna, Virginia. Each year the International Children's Festival is produced by the Arts Council of Fairfax County in cooperation with the Wolf Trap Foundation for the Performing Arts and the National Park Service. Since 1971, the Festival has allowed children from all over the world to come together and share cultural traditions through the international language of the arts. Much of the success of the Festival can be attributed to Mr. McGrath's efforts and expertise.

Mr. Speaker, in closing, I would like to thank Mr. McGrath for his continued support of the International Children's Festival. I call upon my colleagues to join me in recognizing his accomplishments, and wish him the best of luck in all future endeavors.

CONGRATULATING CROATIAN SONS LODGE NUMBER 170 ON 98TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 98th Anniversary and Golden Member banquet on Sunday, October 16, 2005.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved 50 years of membership, This year's honorees that have attained 50 years of membership include: James Andrew Blaney, Mary Ann Ciochina, Ann Fadell (deceased), Patricia Janjecic, Mary Ann Kasperan, Leonard J. Klarich, Margaret M. Lacko, Gloria J. Miller, Marie Morgan, Theresa Peretin, Johanna M. Petruch, Janis Marie Ramirez, Steve John Ratajec, Matthew Sedey, Petar Seibal, Thomas Sencaj, Vilma Stipancic, Kathy R. Sut, Margaret Jean Tomich, Roy P. Vale, Steven J. Vician, Magdaline M. Wagner, Carole J. Waters, Paul William Yurkas, John Zamko, Bernard Zemen, and Helen Zemen.

These loyal and dedicated individuals share this prestigious honor with approximately 455 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana, with the Reverend Father Stephen Loncar officiating. The Banat Tamburitza Orchestra will perform at this gala event. A formal dinner banquet at 3:30 in the afternoon will end the day's festivities.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge president Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families.

HONORING THE ACCOMPLISHMENTS OF DR. ELIZABETH SPANGLER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to honor the accomplishments of a friend and fellow West Virginian, Dr. Elizabeth Spangler.

On August 27, 2005, Dr. Spangler became the first woman to take office as President of the West Virginia State Medical Association. Prior to her installation, Dr. Spangler held other leadership roles within the State Medical Association including Vice President and Vice Speaker for the Association's House of Delegates.

Dr. Spangler first began her career in health care as a graduate from Mercy Hospital School of Nursing in Springfield, Massachusetts. After practicing as a registered nurse for 23 years, she earned her medical degree from the Marshall University School of Medicine, and then completed her residency in internal medicine at the West Virginia University School of Medicine, Charleston Division.

In 1989, after 8 years as a primary care provider and medical director at Health Right Clinic of Charleston, Dr. Spangler was named medical director of medical affairs at Charleston Area Medical Center. She has held other medical management positions including medical director of the School Health Services Home Health Agency; Vice President of Clinical Affairs for outpatient services at CAMC, and interim Chief Medical Officer at Carelink Health Plus. Finally, in 1999, she was named Vice President for Medical Affairs and Chief Medical Officer for CAMC.

Dr. Spangler's list of accomplishments has grown over the years to include fellowship in the College of Medical Quality and membership in the American College of Physicians, the American College of Physician Executives, and the American Medical Association.

Dr. Spangler continues to be a distinguished leader in the medical community and a rolemodel for women in West Virginia and across the nation. She is a devoted contributor to her community and her state. Dr. Spangler is to be highly commended for her accomplishments and West Virginia is fortunate to have her as a leader in the health care community.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. MALONEY. Mr. Speaker, on September 13, 2005, I was unavoidably detained and missed rollcall votes numbered 465, 466, and 467. Rollcall vote 465 was on the motion to suspend the rules and agree to SCONRES 26, a bill honoring and memorializing the passengers and crew of United Airlines Flight 93. Rollcall vote 466 was on the motion to suspend the rules and pass H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act. Rollcall vote 467 was on the motion to suspend the rules and pass S. 276, the Wind Cave National Park Boundary Revision Act.

Had I been present I would have voted ''yea'' on rollcall votes 465, 466, and 467.

ACKNOWLEDGING EUGENE P. SINCLAIR, M.D.

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. SENSENBRENNER. Mr. Speaker, I rise today to acknowledge one of my constituents, Eugene P. Sinclair, M.D., as he completes his term as President of the American Society of Anesthesiologists, a 100 year old national professional organization currently representing over 39,000 anesthesiologists.

Founded in 1905, ASA is the predominant professional organization representing medically trained anesthesiologists. Since its founding, ASA has been the leader in the development of patient safety standards and guidelines for the delivery of safe patient care before, during and after surgery. The ASA's efforts on behalf of the specialty have been acknowledged by both the medical and lay press alike. Both The Institute of Medicine (IOM), in

its 1999 report on medical errors, and the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), in its report on improving the medical liability system and preventing patient injury, recognized the successes of organized anesthesiology in improving patient outcomes. In June, the Wall Street Journal, in a front page article, reported on the unique role ASA and anesthesiologists have played in addressing patient safety in the delivery of anesthesia and in reducing their liability costs, holding up anesthesiologists as a model for other specialties to follow.

Dr. Sinclair received his medical degree from Marquette University School of Medicine in Milwaukee, Wisconsin. After medical school, he served in the U.S. Army's distinguished 101st Airborne Division in Ft. Campbell, Kentucky for 3 years. Following his military service, Dr. Sinclair completed his anesthesiology residency at the Milwaukee County General Hospital and the VA Hospital in Wood, Wisconsin.

Dr. Sinclair is currently Chief, Anesthesia Service at the Orthopedic Hospital of Wisconsin. He has been active in the Wisconsin Society of Anesthesiologists, the Milwaukee Society of Anesthesiologists and the State Medical Society of Wisconsin and Milwaukee Country Medical Society.

For ASA, Dr. Sinclair has served as president-elect, first vice president, speaker of the ASA House of Delegates, delegate, and director. He has also served on numerous Society committees and task forces including the committees on quality management and ambulatory surgical care and the task forces on office-based anesthesia and practice management.

During his year as ASA President, Dr. Sinclair devoted countless hours to the pursuit of knowledge, consensus and education regarding the rare but highly publicized problem of awareness under general anesthesia. He also fostered partnerships with many other leading national medical organizations who share the common goal of improved safety and quality of care for the surgical patient.

These are extremely challenging yet rewarding times for anesthesiologists as they shepherd the most vulnerable of patients—from the tiniest babies to the frailest of the elderly—through the most intricate and, in many cases, life-saving, surgical procedures.

Mr. Speaker, I ask my colleagues to join me today in recognizing Eugene Sinclair, M.D., for his notable career achievements, his exemplary leadership, and his dedication to patient safety.

50TH ANNIVERSARY OF THE FRANKENMUTH, MICHIGAN BEAUTIFICATION COMMITTEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. KILDEE. Mr. Speaker, I am happy to rise before you today, and to ask my colleagues in the 109th Congress to please join me in celebrating the 50th anniversary of the Frankenmuth, Michigan Beautification Committee. On Wednesday, September 14, civic and community leaders will join Frankenmuth residents to commemorate this momentous occasion.

The Frankenmuth Beautification Committee was created in 1955 by Village Superintendent Herbert L. Keinath, his wife Edna, Village President Otto Trinklein, former Village President Carl Satow, and Councilman M.F. ''Hick'' Leslie. These individuals envisioned a group working as one to promote, cultivate, and enhance the city's natural beauty. The original Committee consisted of 11 dedicated pioneers who laid a foundation and structure for the organization: Ed Daenzer, Ellen Felgner, Lena Stromer, Edna Keinath, Liz Zeilinger, Police Chief Henry Zinck, Reverend August Kehrberg, Oscar Rau, Carl Rupprecht, Howard Mueller, and Wally Bronner. Since its inception, nearly 100 Frankenmuth residents have served as part of the Committee.

As the organization has grown over the years, so have its projects. Originally, the Committee's tasks included planting petunias and placing Christmas decorations on Main Street. Today they, with the cooperation of area businesses and organizations such as the Zehnder family, Greater Frankenmuth Area Community Foundation, Wallace & Irene Bronner and Family Foundation, Frankenmuth Women's Club, and many others, are responsible for thousands of floral arrangements, banners and flags, flower baskets that have become one of the city's signature products, and an awe-inspiring display of holidays lights and displays that have become one of the state's largest tourist attractions. In addition, the Committee, under the leadership of Mayor James Wickson, commemorates Arbor Day each year with the donation and planting of more than 100 trees, every year since 1963.

Mr. Speaker, I would also like to acknowledge perhaps Frankenmuth's greatest natural resource, its people. It is the generosity of business owners who donate money and resources, the spirit of community exhibited by its caring residents, and the pride in ownership they all possess, that make Frankenmuth such a warm and welcoming environment, and a wonderful place in which to live. I am grateful to have men and women such as these in my district. Once again, I ask the House of Representatives to join me in congratulating the Frankenmuth Beautification Committee on its 50th Anniversary.

TRIBUTE TO LANCE CORPORAL JOSHUA BUTLER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the bravery and heroism of Lance Corporal Joshua Butler of the United States Marine Corps. Lance Corporal Butler's valiant and selfless actions during his tour of duty in Iraq make him a true American Hero.

On the morning of April 11, 2005, only three days after his twenty-first birthday, Lance Corporal Butler helped thwart an insurgent attack against the Marines of India Company stationed at Camp Gannon, near the Syrian border. While standing guard in a lookout tower, an explosive-laden dump truck charged the camp's gate. Lance Corporal Butler opened fire on the truck, causing it to swerve and miss the gate before exploding.

Even though the explosion threw Lance Corporal Butler to the ground and covered him with debris, he quickly returned to his feet in time to intercept an armored fire truck manned by two suicide bombers bearing down on the camp. Again, Lance Corporal Butler opened fire on the bombers, sending over 100 rounds into the fire truck. The truck detonated without being able to breach Camp Gannon's gate. So powerful was this second explosion, that it sent debris over 400 yards away and hurled Marines from their bunks.

Despite a third suicide bomber attack and over 30 armed insurgents, who at one point cowered behind a group of school children, the Marines at Camp Gannon were able to escape serious injury in large part because of the courageous actions of Lance Corporal Butler. ''Butler—that day, that Marine—that's the critical error the insurgents made. They thought they could keep the Marine's heads down. But he gets back up,'' remarked camp commandant Captain Frank Diorio.

The actions of Lance Corporal Butler and his fellow Marines on April 11th make me proud of our men and women in uniform and grateful for their service. I ask my colleagues to join me in commending Lance Corporal Joshua Butler for his heroism and thanking him for his patriotic dedication to this great nation.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. CONAWAY. Mr. Speaker, due to a death in the family, I missed rollcall votes on September 6th, 7th, and 8th. Had I been in Washington, I would have voted:

''Yea,'' on rollcall No. 454, H. Res. 360, commemorating the 60th anniversary of V–J Day and the end of World War II in the Pacific.

''Yea,'' on rollcall No. 455, S.J. Res. 19, calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

''Yea,'' on rollcall No. 456, H.R. 365, to allow United States Courts to conduct business during emergency conditions, and for other purposes.

''Yea,'' on rollcall No. 457, H.R. 3169, to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster.

''Yea,'' on rollcall No. 460, H.R. 3673, further Emergency Supplemental Appropriations, Hurricane Katrina, 2005.

''Yea,'' on rollcall No. 461, H.R. 3669, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood Insurance program.

''Yea,'' on rollcall No. 462, H.R. 3668, student Grant Hurricane and Disaster Relief Act.

''Yea,'' on rollcall No. 463, H. Res. 428, expressing the sincere gratitude of the House of Representatives to the foreign individuals, organizations, and governments that have offered material assistance and other forms of support to those who have been affected by Hurricane Katrina.

''Yea,'' on rollcall No. 464, H. Res. 427, relating to the terrorist attacks against the United States on September 11, 2001.

UGANDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. TOWNS. Mr. Speaker, I rise today to express our Nation's gratitude for the contribution made by the people and government of Uganda to the relief efforts in the wake of Hurricane Katrina.

Minister of Foreign Affairs Sam Kutesa was in Washington recently when he announced that his country was donating $200,000 to the Bush-Clinton Katrina Fund. Expressing his government's sympathies toward the people affected by Hurricane Katrina, Minister Kutesa said: "We know that, under the guidance of the two former presidents, money collected by the Bush-Clinton Katrina Fund will go where it is needed most and where it can be used best."

While a contribution of $200,000 may seem small in comparison to the vastness of the hurricane's destruction, please keep in mind that Uganda is a small country that has also suffered its share of devastation.

Americans must remember the terror and oppression of the Idi Amin regime, which came to an end in 1979 but its effects are still being felt. The ruthless dictator Idi Amin deliberately destroyed Uganda's economy and infrastructure and displaced hundreds of thousands of people from their homes and businesses.

In 1986, after a long civil war, President Yoweri Museveni came into office with promises to stabilize the country, facilitate economic growth, and restore dignity and humanity to the political process. In the years since, he has largely lived up to those promises, although—like any country trying to emerge from decades of tyrannical government—Uganda still has problems that need to be addressed.

Uganda's contribution to the recovery efforts after Hurricane Katrina should be seen in the context of the bonds of friendship between our two countries. Uganda is a key regional ally in the global war on terror, and through the efforts of President Museveni and his government, East Africa is a more stable place today than it was twenty years ago.

Indeed, Uganda has faced its own, homegrown terrorism, in the form of the brutal Lord's Resistance Army, which has raped and pillaged the northern part of Uganda and terrorized the population there. Led by religious zealot Joseph Kony, the Lord's Resistance Army kidnaps children and forces them to be soldiers in a pointless war against their own families and neighbors. There is a very good reason that the Lord's Resistance Army has consistently been listed as a major terrorist organization by the State Department's annual publication, Patterns of Global Terrorism.

Uganda also faces a terrorist insurgency by the smaller, but no less deadly, Allied Democratic Forces. The ADF, as it is known, extends its tentacles beyond Uganda: several of its members were captured in Afghanistan fighting for the Taliban and al-Qaeda, and they are now interned by the U.S. Government at Guantanamo Bay.

With all this in mind, our gratitude toward Uganda and its people, and particularly toward President Museveni, should be clear and strong.

Mr. Speaker, it recently became my pleasure to become the co-chair of the Congressional Caucus on Uganda. I encourage all Members of this body to consider joining the caucus so that they can study more closely the U.S.-Ugandan bilateral relationship and learn more about how Uganda and the United States can work together on matters of mutual concern.

Finally, Mr. Speaker, I ask that an article entitled "Uganda Is Latest African Donor of Relief to Hurricane Katrina," by Washington File staff writer Jim Fisher-Thompson, be entered into the RECORD. This article treats in more detail some of the issues I have just described.

[From the Washington File]

UGANDA IS LATEST AFRICAN DONOR OF RELIEF TO HURRICANE KATRINA—FOREIGN MINISTER KUTESA DESCRIBES $200,000 DONATION

(By Jim Fisher-Thompson)

WASHINGTON.—Uganda has joined other African nations responding to devastation caused by Hurricane Katrina with a donation of $200,000 for relief and rebuilding efforts in New Orleans and communities along the Gulf of Mexico coast.

Visiting Ugandan Foreign Minister Sam Kutesa told the Washington File September 7 that the government of President Yoweri Museveni and the people of Uganda "feel with you and sympathize with you at this time of sorrow. We know you have lost dear ones, as well as considerable property. And we want Americans to know we are thinking of them and are standing shoulder to shoulder with them."

The official made a point of mentioning the donation was not just a pledge but that the money would be transferred immediately to the Bush-Clinton Katrina fund.

Hurricane Katrina struck the U.S. Gulf Coast August 29. The storm and subsequent flooding have devastated parts of Louisiana, Mississippi and Alabama and left thousands homeless.

A statement released by the Ugandan Embassy September 8 announcing the donation quoted Museveni as saying, "The United States has been generous in responding to natural and humanitarian disasters all over the world, including in Africa. Uganda has more than once been the beneficiary of this generosity and justice requires us to aid the people in Louisiana, Mississippi and Alabama who have lost their homes and loved ones."

President Bush named his father, a former president, and former President Bill Clinton to head up fund-raising efforts for reconstruction that may cost more than $150 billion. The hope is they can duplicate their very successful fund-raising efforts for victims of the devastating tsunami that struck South Asia in December 2004.

Kutesa said, "We know that under the guidance of the two former presidents money will go where it is needed most and where it can be used best."

Uganda joins other African nations contributing to Katrina relief including: Djibouti, $50,000; Gabon, $500,000; and Kenya, $100,000.

Noting the symbolic value of the Uganda donation matched against the immense sums needed for reconstruction, Kutesa told the Washington File, "America has been very generous in helping Uganda fight HIV/AIDS and developing its economy. So it is only right that we try to help as much as we can. We wish we could do more but we are limited."

Kutesa said, "We know what human tragedy can mean. Unfortunately in Africa much of it has been man-made instead of natural. The human tragedies of Idi Amin and Milton Obote, for example, led to the deaths of more than 800,000 Ugandans" in the late 1970s and early 1980s.

Now, he said, Uganda is one of the best friends America has in Africa and "we look forward to strengthening our relations as we both cope with the aftermath of disasters that have struck our countries."

Kutesa's next stop in America is New York City, where he said he will participate in the annual United Nations General Assembly meeting the week of September 13–17. President Museveni plans to attend with a number of other African leaders.

A highlight of the U.N. gathering, Kutesa said, will be a meeting of the foreign ministers of the Democratic Republic of Congo, Rwanda and Uganda in a tripartite peace process for eastern Congo begun two years ago with the help of the U.S. State Department. After Burundi recently joined, the Great Lakes peace effort is now called the "3 plus 1" talks.

50TH ANNIVERSARY OF THE ST. FRANCIS DE SALES CATHOLIC HIGH SCHOOL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize a milestone anniversary in the life of a school in our district. St. Francis de Sales Catholic High School is a college preparatory school operated by the Oblates of St. Francis which has been educating young men since 1955. On Sunday, September 18, 2005, the school, alumni, friends, and our community will celebrate the school's 50th anniversary.

St. Francis was the first college preparatory high school in Toledo and is well known for its academic excellence. Nearly all of its students go on to higher education. The school offers advanced placement courses so that more than half of graduating seniors complete their high school education with college course credit. As a result of this coursework, St. Francis has been named a College Board School.

In addition to academic excellence, the school fosters a spirit of involvement that encourages participation in extra-curricular activities. St. Francis boasts champion athletic teams as well as a wide array of clubs in addition to a fine music department. Religious instruction is required all four years and students can regularly be found volunteering their time and talents in service to our community.

Though the majority of students are Catholic, St. Francis' student body is comprised of students from all Christian faiths, Muslim and Jewish, Hindu, and all socio-economic backgrounds. This is a feature which makes the school uniquely different from others, and truly one of the school's strengths.

St. Francis de Sales, the gentleman saint, taught his flock "The person who possesses Christian meekness, is affectionate and tender toward everyone; he is disposed to forgive and excuse the frailties of others; the goodness of his heart appears in a sweet affability that influences his words and actions, and presents every object to his view in the most charitable and pleasing light; he never admits in his discourse any harsh expression, much less any term that is haughty or rude. An amiable serenity is always painted on his countenance. . . ."

The school which bears his name in Ohio's Ninth District and which we today celebrate strives to imbue this same teaching in its students. It is echoed in the motto of the school: Suaviter et Fortiter, mildly and firmly.

Today we recognize over a half century of the spiritual, intellectual, and social guidance of thousands of young men, known in our community as the Knights of St. Francis de Sales. Godspeed, Knights! Onward to another 50 years of excellence.

HONORING THE ASSISTANCE LEAGUE OF BOISE

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to recognize the Assistance League of Boise and commend them on all of their efforts to help local children. The League has established a program called Operation School Bell. This program distributes new clothing, a new coat, and an age appropriate hygiene kit to children who would not have these essential items otherwise.

We will never be able to measure what this program achieves. If Operation School Bell did not exist, these children would not have new clothes to wear to school. The enhanced self-esteem each child receives can't be measured, but is noticed by all who participate.

When a child feels good about how they look and fit in, they perform better at school, are happier people, and are less likely to get into trouble. This impact on our society is tremendous.

I want to thank and congratulate all who participate in the League to make this possible. You truly touch lives and it does not go unnoticed.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. NEY. Mr. Speaker, on September 8, 2005, I was unable to be present for rollcall vote No. 464, on the motion to suspend the rules and agree to H. Res. 427. Had I been present, I would have voted "yes" on rollcall vote No. 464.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. GALLEGLY. Mr. Speaker, on Tuesday, September 13, 2005, I was unable to vote on the motion to suspend the rules and agree to S. Con. Res. 26, Honoring and memorializing the passengers and crew of United Airlines Flight 93 (rollcall 465); on the motion to suspend the rules and pass H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act (rollcall 466); and on the motion to suspend the rules and pass S. 276, the Wind Cave National Boundary Revision Act (rollcall 467). Had I been present, I would have voted "yea" on all three measures.

RECOGNIZING ROBERT JAEB

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the passing of Mr. Robert A. Jaeb of Temple Terrace, Florida.

Born in Saskatchewan, Canada, Mr. Jaeb moved to Florida in 1936. Following his marriage to the former Lorena Morrill in 1941, Robert and his wife started a small grocery store. While Robert served in the Army in the Pacific Theater during World War II, Lorena ran their store. Her efforts, and their efforts together following Robert's return from the War, enabled them to grow their store into the Shop'N Go convenience store chain, a large and successful enterprise throughout Florida and Georgia.

Following the sale of the Shop'N Go chain in 1985, Mr. and Mrs. Jaeb were very involved in local civic and philanthropic affairs, including an extremely generous donation to the Tampa Bay Performing Arts Center. The family was also very involved in the charitable efforts of organizations like the United Way, the Florida Sheriff's Association Youth Ranches, All Children's Hospital in St. Petersburg and the University Community Hospital in Tampa.

While Robert and his wife Lorena found material success in life, it was their desire to give back to those less fortunate that endeared them to their community and to their peers. Robert's faith guided him to make donations for the construction of churches throughout the world. When asked about the reasons for his philanthropic efforts, Robert stated, "You know, I often wondered why God allowed me to make so much money, and I know it's because I was supposed to give most of it away."

Mr. Speaker, I know that his wife Lorena, his family, friends and loved ones miss his presence but are heartened to know that Robert has passed on to a better place.

CHRISTOPHER R. GETZ

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. KILPATRICK of Michigan. Mr. Speaker, I am proud to recognize and congratulate Mr. Christopher R. Getz from Grosse Pointe, Michigan for his selection in the top 5 rounds of the 2005 Major League Baseball Draft.

Being drafted by a Major League Baseball club is a rare accomplishment that only 1,500 high school and college ball players across the country ever achieve, but to be selected in the first five rounds is truly a triumph. Only 1 of 150 is drafted. I am proud to have such a distinguished athlete from a city in my district.

Christopher attended Grosse Pointe South High School, excelling in baseball and setting records for batting average, doubles, stolen bases, saves and more. In 2001, Christopher led his team to a state championship against Grand Ledge.

He attended Wake Forest and was ranked one of the best second baseman in America by Baseball America in his freshman year.

Christopher later attended the University of Michigan where he continued to shine. Some of his numerous accolades include NCAA Division 1 District V player of the year, All-Big Ten second baseman for two consecutive years, and selection to the all-tournament team at the big ten championship. Christopher finished his college career with an astounding .355 batting average.

With his numerous awards and impressive statistics it is no surprise Christopher was selected in the first five rounds of the Major League Baseball draft to the Chicago White Sox. I am proud to recognize Christopher as an impressive ballplayer and constituent, and I wish him the best of luck in the Major Leagues.

TRIBUTE TO HARVEY HADDIX

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. OXLEY. Mr. Speaker, there have been many memorable pitching performances in the history of major league baseball. But no pitcher was ever better for as long a time in a single game than Harvey Haddix the night he pitched 12 perfect innings. His legacy will be celebrated in his native Champaign County on September 18 with the dedication of an Ohio Historical Marker in Westville, where he played his first organized ball. Harvey Haddix was a consummate baseball professional. He was a three-time All-Star and Gold Glove winner who played for five teams in a career that lasted from 1952–1965. He was later a successful pitching coach. Harvey will forever be known in baseball lore for the game he pitched for the Pittsburgh Pirates against the Milwaukee Braves on May 26, 1959. Batter by batter, he shut down a powerful Braves team that boasted hitters like Hank Aaron, Eddie Mathews, and Joe Adcock. 27 batters came up, 27 made out—a virtuoso accomplishment that would have set off a great celebration in any other game. But the Pirates couldn't score either, so Harvey was forced to extend his masterpiece into the tenth, eleventh, and twelfth innings. It finally came to an end in the thirteenth inning when the Braves scored a single run to win the game, 1–0. The story in the sports pages the next day was that a pitcher had "lost" a perfect game. But the real story of Harvey Haddix's amazing game has to do with the lesson that he taught all of us about the joy of competition. When you give your personal best, long past the point when it may seem you've given all you can, you'll always be respected as a winner. Indeed, just one season later, this "hard luck" pitcher won two games, including Game 7, in the 1960 World Series as his Pirates improbably defeated the favored New York Yankees. That was probably just baseball's way of evening things out. Harvey Haddix was born in Medway and resided in Springfield at the time of his death in 1994. As a fellow Ohioan and

manager of the Republican Congressional Baseball team, I am especially proud of the honor that Harvey Haddix brought to baseball and our part of the state. The dedication of a historical marker on what would have been his 80th birthday is a fitting tribute to a ballplayer whose name will always be part of the storied history of our national pastime.

A TRIBUTE TO FRANKIE MUSE FREEMAN A CIVIL RIGHTS ATTORNEY AND COMMISSIONER FOR AMERICA'S PRESIDENTS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Frankie Muse Freeman, a lawyer from Missouri who has fought a long and historic battle in defense of civil and human rights for all Americans. Her dedication and service to our nation as a civil rights attorney and Commissioner of Civil Rights for a long line of American Presidents, aptly earns her a place in the Missouri Walk of Fame and the privilege of being honored today before Congress.

Dr. Freeman has been engaged in the practice of law since June 1949. In addition to being an outstanding attorney, she has held four presidential appointments. President Lyndon B. Johnson nominated her as the first woman to serve as a Commissioner of the U.S. Commission on Civil Rights. Presidents Nixon, Ford and Carter subsequently reappointed her. She served as a Commissioner for 16 years, and later as Inspector General for the Community Services Administration during the Carter Administration. President Carter, in thanking her for her service to the Civil Rights Commission, stated that "You have insisted that this nation must follow policies and reflect an unequivocal commitment to the goal of equal opportunity for all, in all walks of life. . . You are one of our Nation's truly great leaders in the field of civil rights."

Committed to justice, Dr. Freeman joined 15 Federal officials in forming a bipartisan Citizens Commission on Civil Rights to monitor the Federal Government's enforcement of laws barring discrimination. She has extensive experience in the areas of housing, civil and probate law, and in civil rights. She has represented individuals, major corporations, not-for-profit organizations, and state and municipal agencies. A landmark in her career occurred in 1954 when she argued and won the case challenging racial segregation in public housing in St. Louis.

She strives to empower others to always be prepared and be active participants in today's society. Leading by example, Dr. Freeman has devoted many hours to the Howard University Board of Trustees, National Council on Aging, National Council of Negro Women, Girl Scouts of the United States of America, Board of Directors of the Urban League of Metropolitan St. Louis, Board of the United Way of Greater Saint Louis, Board of the Greater St. Louis Chapter of the United Nations Association and the Trustee Board of Washington Tabernacle Baptist Church. She is also a past president of Delta Sigma Theta Sorority, Inc.

Mr. Speaker, Dr. Freeman is among my heroes and I am proud to salute her for her many lasting contributions to both our local St. Louis community and to our nation. Her outstanding leadership and sincere commitment to justice makes her more than worthy of receiving our recognition and I urge my colleagues to join me in commending Dr. Frankie Freeman.

ON HURRICANE KATRINA AND THE FEDERAL GOVERNMENT RESPONSE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. STARK. Mr. Speaker, I rise today to note that failure of leadership and gross incompetence of key officials has led to thousands of unnecessary deaths. To then take this tragedy and attempt to blame the victims, or suggest that they're taking advantage of the situation, is beneath contempt.

The catastrophe on the Gulf Coast shows how vulnerable this country is because of unaccountable, ineffective leadership; a weakened, over-stretched government; and rising poverty and economic dislocation.

The only way to make good of the horrors of this hurricane and the bungled response is to heed the lessons offered:

Some jobs require more than good intentions and the President's trust. It is inexcusable that people with no emergency management experience fill top positions at the Federal Emergency Management Agency.

Four years after 9/11, we are no better equipped to save lives in an emergency. Our domestic infrastructure and readiness have paid a severe price in favor of fighting two wars while cutting taxes.

We cannot rely solely on local governments and charities. A strong, well-funded federal government is critical.

If government fails, millions of impoverished Americans are as vulnerable to natural disasters as people in the poorest countries of the world. The horrific photographs of the aftermath of the hurricane make that point all too clear. Meeting all Americans' health care, education, job training, and housing needs should be at the top of our agenda every day, not just in response to a disaster.

I hope that the crisis of conscience brought by coverage of this hurricane will convince everyone in Congress and around the country to do their part to change the reckless policies that have exacerbated this disaster.

HONORING THE 100TH ANNIVERSARY OF THE SAYVILLE FIRE DEPARTMENT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. ISRAEL. Mr. Speaker, I rise to offer my sincere congratulations to the Sayville Fire Department in celebration of their 100th Anniversary.

The Sayville Fire Department was formed in 1905 with the merger of three independent fire companies. Two of those original companies, the Sayville Hook & Ladder Company No 1, formed in 1878 and the Resolute Hose Company No 1, formed in 1891 are still active today.

The first firehouse, built in 1878, still stands and is used today as a private home. The present Fire Headquarters for the Department was built in 1938 and enlarged in 1994. If you were to visit the Sayville Fire Headquarters, you'd find original hook & ladder trucks and hose reels from the 1800s on display.

Today, the Sayville Fire Department proudly protects 16,000 people living in an area of 4.5 square miles. It operates out of two stations and protects a primarily residential area. Approximately 120 firefighters volunteer their time for the department.

While there have been many developments since 1905, the mission still remains the same. The brave men and women of the Sayville Fire Department are proudly serving their community by saving lives and protecting property.

IN HONOR OF ELIZABETH TERWILLIGER'S 96TH BIRTHDAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Elizabeth Terwilliger on the occasion of her 96th birthday. Known as Mrs. T, her philosophy is to teach children to love nature because people take care of what they love.

Fifty years ago, Mrs. T settled in Marin County, California and sought to teach her own children to love nature. Her inquisitive and thoughtful approach to teaching with a new understanding of seeing nature soon led to more children joining their excursions.

Anyone who has been on one of her excursions will remember her contagious joy and enthusiasm for all the plants and animals of Marin.

The Elizabeth Terwilliger Nature Foundation was founded in 1975, and is now part of the nonprofit environmental education organization WildCare. WildCare and Terwilliger Nature Guides continue Mrs. T's work and reach over 40,000 children and adults annually.

Mrs. T did not stop at teaching others to love nature, she actively engaged in protecting it as well. She helped to save the Richardson Bay Preserve, develop bicycle paths, and build a footbridge at Muir Beach. Inducted into the Marin Women's Hall of Fame, designated a "Rara Avis" by the San Francisco Enquirer and Chronicle, starring in several films and her own newspaper column is just a sampling of her numerous achievements.

Mr. Speaker, it is my pleasure to honor Elizabeth Terwilliger, whose love of nature and desire to teach others to share that love leaves a legacy that is part of the fabric of our community. Mrs. T's commitment has touched so many lives in her 96 years, and those lives will continue to educate future generations about nature and protection of the environment.

ON INTRODUCING THE FAIR WAGES FOR HURRICANE VICTIMS ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, today I am introducing the Fair Wages for Hurricane Victims Act. This legislation reverses the unconscionable proclamation by the President last week to suspend Davis-Bacon prevailing wage protections for workers in certain areas affected by Hurricane Katrina.

The Davis-Bacon Act requires that Federal contractors pay their workers at least the prevailing wage—simply the wage that is typical for their kind of job in their community. The prevailing wage requirement ensures that the Federal Government does not drive down workers' wages when it spends taxpayer dollars. The President's suspension of the Act is the wrong policy in the wrong place at the wrong time. Many of the workers subjected to these wage cuts have lost everything—their homes, their property, their jobs, and even family members. The best way to help them rebuild—not just the Gulf Coast but their lives—is to provide them with a decent job at a fair wage. America owes it to the victims of Hurricane Katrina that they can play a role in cleaning up and rebuilding their devastated communities at a wage that will allow them and their families to get back on their feet.

Suspending the Davis-Bacon Act, however, means that Federal contractors receiving tens of billions of taxpayer dollars can pay their workers whatever wage they can get away with. Lower pay not only means unnecessary further hardship for working families, it means less quality work for taxpayer dollars. It means bigger profits for big contractors at the expense of working families. It means less money being pumped into the local economy, as local workers have less money to spend. As a New York Times editorial, which I attach to this statement for the record, succinctly put it, the President's suspension of the Davis-Bacon Act is "a shameful proclamation."

The Fair Wages for Hurricane Victims Act will restore Davis-Bacon prevailing wage protections to the workers who have lost so much. The victims of Katrina are not a source of cheap labor for big contractors looking for big profits. They are American workers whose hard work and commitment to rebuilding must not be undervalued.

I urge the President to rescind his executive order on Davis-Bacon, and in lieu of his taking such action I strongly urge my colleagues to support my bill and I urge its speedy passage.

[From the New York Times, Sept. 10, 2005]

A SHAMEFUL PROCLAMATION

On Thursday, President Bush issued a proclamation suspending the law that requires employers to pay the locally prevailing wage to construction workers on federally financed projects. The suspension applies to parts of Louisiana, Mississippi, Alabama and Florida.

By any standard of human decency, condemning many already poor and now bereft people to subpar wages—thus perpetuating their poverty—is unacceptable. It is also bad for the economy. Without the law, called the Davis-Bacon Act, contractors will be able to pay less, but they'll also get less, as lower wages invariably mean lower productivity.

The ostensible rationale for suspending the law is to reduce taxpayers' costs. Does Mr. Bush really believe it is the will of the American people to deny the prevailing wage to construction workers in New Orleans, Biloxi and other hard-hit areas? Besides, the proclamation doesn't require contractors to pass on the savings they will get by cutting wages from current low levels. Around New Orleans, the prevailing hourly wage for a truck driver working on a levee is $9.04; for an electrician, it's $14.30.

Republicans have long been trying to repeal the prevailing wage law on the grounds that the regulations are expensive and bureaucratic; weakening it was even part of the Republican Party platform in 1996 and 2000. Now, in a time of searing need, the party wants to achieve by fiat what it couldn't achieve through the normal democratic process.

In a letter this week to Mr. Bush urging him to suspend the law, 35 Republican representatives noted approvingly that Presidents Franklin Roosevelt, Richard Nixon and the elder George Bush had all suspended the law during "emergencies." For the record, Mr. Roosevelt suspended it for two weeks in 1934, to make time to clear up contradictions between it and another law. Mr. Nixon suspended it for six weeks in 1971 as part of his misbegotten attempt to control spiraling inflation. And Mr. Bush did so after Hurricane Andrew in 1992, two weeks before he was defeated by Bill Clinton, who quickly reinstated it after assuming the presidency.

If Mr. Bush does not rescind his proclamation voluntarily, Congress should pass a law forcing him to do so.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. OWENS. Mr. Speaker, I was absent on Tuesday September 13, 2005 due to a unavoidable circumstances in my Congressional District. Had I been present, I would have voted: "Yea" to S. Con Res. 26—Honoring and memorializing the passengers and crew of United Airlines Flight 93; "Yea" to H.R. 3649—the Sportfishing and Recreational Boating Safety Amendments Act and "Yea" to S. 276—the Wind Cave National Park Boundary Revision Act.

MARSHALL UNIVERSITY'S FUNDRAISING EFFORTS FOR HURRICANE KATRINA RELIEF

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RAHALL. Mr. Speaker, this past weekend, the overwhelming generosity of West Virginians, in the wake of the devastation caused by Hurricane Katrina continued on the campus of Marshall University in Huntington, West Virginia. As part of a fundraising effort spearheaded by various campus organizations and coordinated with the American Red Cross, fans attending the Marshall-Kansas State football game were asked to "Bring a Buck", just one dollar, to aid the victims of Hurricane Katrina.

From the crowd of nearly 37,000 fans, a volunteer army of students, faculty and staff were able to raise more then $520,000 in just a matter of hours. This volunteer force of over 150 individuals, including Marshall President Stephen J. Kopp, spread out around the stadium with members of the local Red Cross chapter to accept donations as fans arrived at the game.

Thanks must be given to the many student organizations who volunteered their time and efforts to make this happen. Groups participating in the "Bring a Buck" event were: Student Government Association; Biology Club, Delta Sigma Theta, Student Ambassadors; Pre-AMSA (American Medical Student Association); Honors 101; Circle K; Campus Crusade for Christ; Phi Mu; Gamma Beta Phi; Alpha Tau Omega; Athletics, Staff and Recreational Sports.

The hard work and determination of these students to help out their neighbors in the Gulf region inspired Marshall Alumni, members of the Marshall University Foundation, Inc., the Board of Directors and others to rise to the challenge of "Bringing a Buck" and more. In one case, an anonymous donation of $250,000 was made, inspiring other donors to give as much as $25,000 each.

I applaud Student Body President Michael Misiti's challenge to other higher education institutions in the country to match Marshall's fundraising total. This sentiment was echoed by Governor Joe Manchin, who was at the game and issued his own challenge to the other 49 governors to work with their universities and colleges to sponsor a "Bring a Buck" event during upcoming football games.

This generous outpouring of support for the victims of Hurricane Katrina from West Virginians is not surprising. In fact, this is just the latest response by Marshall University as part of Thunder Relief 2005, a joint effort by students, faculty and staff in response to the devastation from the disaster in Louisiana, Alabama, Mississippi, and Florida.

From waiving all application and late fees for displaced students, to offering free online courses, to coordinating through the Marshall medical school with medical personnel in hurricane-stricken areas who need assistance, Marshall University has not hesitated in doing their part to help out their fellow Americans.

We in the Mountain State have had our share of devastating floods and are familiar with the needs of those most affected by this tragic disaster. I am proud of the generous spirit of humanity being shown by my fellow West Virginians and I am proud to call the Mountain State my home.

HONORING JAMES AND VIRGINIA LAWRENCE, 2005 ANGELS IN ADOPTION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. COOPER. Mr. Speaker, it gives me great pleasure today to recognize and pay tribute to this year's Angels in Adoption awardees from the Fifth District of Tennessee—James and Virginia Lawrence. This honor is given by the Congressional Coalition in Adoption to extraordinary individuals, like the Lawrences, who have made a tremendous difference in the lives of foster children.

In 1992, after raising four biological children, James and Virginia Lawrence welcomed into their home their first foster child. Little did they know that this decision would be the first step in what would become a life-long commitment to helping needy children. Over the last twelve years, the Lawrences have tirelessly devoted their lives to caring for, loving, and supporting more than 200 children who have come into their home through Tennessee's foster care system.

The Lawrences stand out as foster parents for two reasons: their absolute devotion to the children who come into their home, and their tireless work to reunite children with their birth parents. According to Mrs. Lawrence, many of the birth parents ''needed parenting themselves. We taught many of them how to be parents, by providing counsel, offering advice and by our example.'' Whenever it became clear that returning to a birth parent was not a good option for one of their foster children, the Lawrences knew what to do—they simply adopted the child. Mr. and Mrs. Lawrence have extended their loving family by adopting Alisa, now 24, Peggy, 21 and Shelby, 18.

Mr. Lawrence said that, before retiring from the city's police force, he was greatly affected by the many children taken from their families. That experience moved him and his wife to open their home to children in need of a healthy, secure home environment. He added that, ''helping children has been a blessing for him and his wife as well.'' Virginia Lawrence said that, ''having the kids around keeps your heart beating another day.'' She continues to teach the four foster children currently in their home the independent living skills they'll need to build a promising and rewarding life.

The Lawrence's big hearts, patience and devotion is evidenced by the countless number of children they have reached out to over the years; and in their willingness to continue opening their doors to young people in need of a warm, secure and loving home.

On behalf of the Fifth District of Tennessee, I congratulate and thank the Lawrences for setting a wonderful example of what it means to make a difference in the community and in the lives of our most vulnerable children. I hope we'll all reflect on the Lawrence's model ''of ordinary people, doing extraordinary things'' as we reach out to help those affected by the devastation of Hurricane Katrina.

CELEBRATING THE BIRTH OF OSIRIS CHRISTOPHER EARL NURSE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today, I am happy to congratulate Shannon and Courtney Nurse on the birth of their new baby boy. Osiris Christopher Earl Nurse was born on September 13, 2005, at 10:24 p.m., weighing 6 pounds, 2.4 ounces, and measuring 19.5 inches long. Osiris has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His father Courtney is a tremendous help to my staff and countless other people throughout Capitol Hill. Today, we are pleased to celebrate Osiris' healthy birth and welcome him to Washington.

INTRODUCING A BILL ESTABLISHING THE KATRINA COMMISSION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with my colleague from New Jersey, Representative MENENDEZ, to introduce legislation establishing the Katrina Commission to examine and evaluate the Federal Government's response to Hurricane Katrina and assess our ability to respond to future large-scale disasters. We are proud that our legislation is the companion bill to S. 1622 which was introduced last week in the Senate by our colleagues Senators CLINTON and MIKULSKI.

While the long-term impact of Hurricane Katrina will be felt for years, our evaluation of the Federal Government's response to, and preparation for, this and other major disasters—natural and man-made—must begin immediately.

Mirrored after the 9–11 Commission, the Katrina Commission will consist of 10 members with no more than 5 being from either the Republican or Democratic parties, thus ensuring an independent and diverse make-up of commission members. The Katrina Commission will be afforded the same powers which the 9–11 Commission enjoyed and will be tasked at finding the answers to the critical questions that we all have. These include but are not limited to:

Were we adequately prepared to respond to a disaster of this magnitude? Are we any more prepared today than we were before Katrina?

What plans were in place before Katrina made landfall to meet power, utility, and telecommunications needs following the storm? What plans are in place for future disasters?

What was the availability of adequate resources to meet the needs of displaced individuals and families, including temporary housing, medical services and facilities, transportation, and food and water supplies?

Did our Federal disaster response plans consider the needs of all communities? What plans existed to ensure that underserved communities reached safety before and after Katrina?

How effective was the Federal Government in its rescue and other life-saving techniques?

Was the Federal response to Hurricane Katrina efficiently coordinated with State and local governments? Was it adequate and appropriate in size and scope?

What improvements do the Executive and Legislative Branches need to make to increase the efficiency and effectiveness of our disaster response programs?

Mr. Speaker, my Congressional District received the brunt of three major hurricanes last year. As I said earlier today, certainly our first priority has to be to rescue those who are still alive and provide them with housing, medical attention, food, and water. However, as the Gulf Coast turns to the recovery and rebuilding processes, the billions that Congress will spend will not be enough to fix the problems that exist within FEMA.

Based on my own personal experience dealing with FEMA and its director over the last year, I warn the Members of this body that the problems you see today are just the tip of the iceberg—and it has nothing to do with the magnitude of the disaster.

Inconsistency in FEMA regulations, constant reinterpretations of the Stafford Act, Federal officials treating local emergency operations centers like revolving doors, lack of coordination, and FEMA's fluid and unclear chain of command are just a few of the many significant and real problems that Floridians dealt with last year and are still dealing with today.

I have literally begged the committees of jurisdiction in this body to hold hearings on these shortcomings. I even introduced bipartisan legislation in March with our colleague, CLAY SHAW, to address a slew of institutional problems within FEMA that we experienced first-hand last year.

Yet every time we take our concerns to the committees, we're told, ''It's not a big enough problem to consider on its own.'' Well, Mr. Speaker, is the problem big enough now? How many people must die in a disaster before something becomes a ''big enough problem'' in this Congress?

Accountability is the only way to restore integrity in a broken system. An independent commission is the first step in repairing our disaster response system, which we all now know is woefully inadequate.

I ask for my colleague support for this legislation, and I urge the House Leadership to bring it swiftly before the House for its consideration.

TRIBUTE TO LEWIS PLATT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of Lewis Platt, the leading Director of the Board of the Boeing Company and the former Chairman, CEO, and President of Hewlett Packard, who died unexpectedly on Thursday, September 8, 2005.

With Lew's death, our nation has lost one of the leading lights of the business world, a prominent member of the Silicon Valley community, and a wonderful human being.

Lew's death at the age of 64 is a shock to those of us who were privileged to work with him and know him well. He was a person whose example and guidance will be greatly missed. His decency, his integrity, and his common touch made him stand out in a business world known for the archetypal hard-charging executive.

Lew's legacy will be most closely linked with Hewlett Packard, where he worked for more than 30 years. He began his career there as an engineer and rose through the ranks to lead the company from 1992 to 1999 as its CEO.

Lew was a product of the ''HP Way,'' the ''walking-around'' style of management pioneered by Bill Hewlett and David Packard that encouraged employees to bring their ideas to top management. He embraced the HP Way and was known to eat lunch regularly with employees in the company's cafeteria. He eschewed the privileges enjoyed by most executives of major corporations and unlike most, he always flew coach.

He knew the dividends that the HP Way could bring, and he was able to guide the

company to tremendous growth during his tenure. Business Week named him Top Manager in 1995. Lew was also a pioneer in working to elevate women to top executive posts and was recognized with the Catalyst Award in 1991 for his efforts.

In writing about Lew this Monday, Business Week praised him again: "Platt was respected, admired, and just plain liked by HP employees, customers, and even rivals. Platt was genuine, self-effacing, and honest. He was quick to give personal accolades to others, and to accept criticisms . . . with grace."

It was his integrity, I think, that brought Boeing to seek his leadership at a time when it was beset with controversy at its highest levels. Leading the company's Board, he was able to provide critical stability when it was needed most.

Mr. Speaker, I had the pleasure to know Lew Platt and to work with him. He was a gentle man with a superb intellect. He was taken from us too soon and had so much more to give, but he leaves a rich legacy of family, of leadership and of extraordinary contributions to our community and our country. I ask my colleagues to join me in honoring the life and work of this good man and extending to his wife and entire family our deepest and sincere sympathy.

EXPRESSING THE CONDOLENCES OF THE NATION TO THE VICTIMS OF HURRICANE KATRINA

SPEECH OF

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 7, 2005

Mr. TURNER. Mr. Speaker, I am a co-sponsor of this resolution which expresses the Nation's condolences to the victims of Hurricane Katrina and commends the resiliency of the citizens of the States impacted by Hurricane Katrina.

Our hopes and prayers go out the men, women, and children whose lives have been forever changed by this tragic natural disaster. We have all been moved by the images of destruction in Louisiana, Mississippi and Alabama, and the lives taken by Hurricane Katrina.

We have also been moved by the flood of compassion that is replacing the flood waters of Katrina. As we mourn the dead and express our sympathy to those who have lost loved ones, we can take heart in the efforts of those who are aiding the recovery effort.

We have been inspired by the efforts of private citizens and organizations to help those in need. From doctors to nurses to police officers and many others, Americans are pulling together to help their fellow citizens in the Gulf Coast States.

I am proud of the work of the service men and women from Wright Patterson Air Force Base in my district in Dayton, Ohio in aiding the relief effort. Additionally, I have been overwhelmed by the number of phone calls to my offices from Ohioans who are anxious to help in whatever way possible the people affected by Hurricane Katrina.

Mr. Speaker, we will always remember the victims of Hurricane Katrina and we will continue to help the people of the gulf coast as they rebuild their homes and their lives, and thank those working to assist those who have endured what most of us cannot imagine.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. HINOJOSA. Mr. Speaker, I was unavoidably delayed in meetings with my constituents. Had I been present, I would have voted "yes" on Roll Call 465, 466, and 467.

INVESTIGATING THE KATRINA CATASTROPHE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RANGEL. Mr. Speaker, I rise today in support for the implementation of an independent and bipartisan commission that will lead a thorough investigation that will pinpoint what went wrong before, during and in the wake of Hurricane Katrina.

Long before Hurricane Katrina hit land as a category five hurricane, engineers, environmentalists and military personnel have known for years that a strong hurricane, like Katrina could devastate bowl-shaped New Orleans, prompting questions about why more was not done in advance to mitigate the damage or respond more effectively in the storm's wake. For years, scientists have warned local, state and federal officials that the strength of a storm like Katrina would threaten the integrity of the 287 year old levee system and could cause massive flooding of the New Orleans area, if the system was not properly improved and maintained.

Now, as survivors are slowly evacuated and are receiving the help they so direly need, the world is beginning to ask some pertinent questions. They are legitimately questioning the efficacy of the responses from each level of government, especially the slow and inadequate response of FEMA and the Federal government whose policies and government cutbacks might be responsible for the loss of thousands of lives. How does an event such as the Katrina Catastrophe occur when there was previous knowledge that the levees were in disrepair?

The U.S. Army Corps of Engineers had been working with local officials to strengthen the city's defenses in case of a massive storm, but federal funding for improving the levee system and implementing other projects to keep water from overtaking New Orleans decreased under the Bush administration. The Corps of Engineers responsible for maintenance had approximately $114 million worth of hurricane protection projects, however with federal funding down 44 percent; no new contracts for construction had been awarded since early in fiscal year 2004.

Why? The Iraq war took priority over domestic disaster prevention. As a result, the money needed to strengthen national infrastructures against natural disasters was transferred into the President's budget to fund homeland security and the war on Iraq. Also, our National Guard who is responsible for protecting our homeland from the threat of disaster was greatly affected by this administration's policies. As people begged through news cameras for food, water and shelter, our National Guardsmen were far and few in between. Most of them were fighting and continue to fight in Iraq. Most importantly, much of the equipment and materials needed, like the Guard's high water vehicles, re-fuelers and generators required to execute rescue missions, provide food, water and medicine to those trapped on their roofs or in attics were transported to Iraq.

In addition, the Bush administration made significant structural changes to the Federal Emergency Management Agency (FEMA), shifting funds away from pre-disaster preparation and implementing policies promoting outsourcing of relief efforts to private companies. With regards to Louisiana, FEMA denied Louisiana funding for pre-disaster preparation, which would provide the means for items that would better equip the local government for a storm such as Katrina. Meanwhile, top officials of FEMA were forewarned that cutting cost would result in a slow response times in cases of emergencies, which took place in the wake of the hurricane.

Although the federal government's response and policies aided in this resulting tragedy, the local and state governments should not be left without responsibility. Although the Mayor had issued a mandatory evacuation of the city, given the economic background of much of New Orleans' citizens many of them did not have the means to evacuate. Why wasn't there transportation provided? Moreover, there didn't seem to be a well formulated "worst-case scenario" evacuation and rescue plan beyond the Superdome and the Convention Center, which would facilitate a more mellifluous process of communication between the state and local officials, and the citizens of New Orleans.

The brave citizens of New Orleans and the people of this nation want answers. We need to find out what went wrong on every level, so that we will be well equipped to efficiently handle another event like Hurricane Katrina and prevent something like this from happening in the future. I am in full support of an independent, bipartisan commission, similar to the 9/11 commission that would investigate and assess the efficacy of responses by each level of government. This commission would establish why leaders ignored urgent warnings that New Orleans would be destroyed if it sustained a direct hurricane hit. This body would assess why the notion that if a mass evacuation occurred, thousand of poor people would be left behind without any means of escape was ignored; and why the protective levees were not strengthened despite expert predictions that they would not withstand a major hurricane. In addition, the breakdown in communication and coordination between local, state and federal agencies urgently needs to be investigated, especially now that we are under constant threat of terrorist attacks.

Lastly, the actions of FEMA and its director Michael Brown who revealed his ineptitude when he appeared not to know that thousands of victims were stranded inside the New Orleans Convention Center, under deplorable conditions, despite reports about it on news broadcastings, must be thoroughly examined.

Most importantly I want to stress that this commission must be independent and bipartisan, no administration could credibly investigate such an immense failure on its own watch. We owe it to the flood victims of New Orleans to give them truthful answers as to why this event took place and to assure our citizens that tragedies like this will never happen again.

TRIBUTE TO MS. AUDREY BERRY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Ms. Audrey Berry. This week, Ms. Berry will be retiring from the U.S. Department of Energy (DOE) where she served for over 12 years at DOE's Grand Junction Office on Colorado's Western Slope.

Her work at DOE, as well as her long career in public service, demonstrates her dedication and commitment to community concerns and enhancing the quality of life for those in Colorado, the Rocky Mountain region and across the country.

Serving as a Public Affairs Specialist at DOE's Grand Junction Office since January 25, 1993, Ms. Berry consistently has demonstrated a high level of performance. At this position she successfully engaged the communities surrounding DOE's Fernald and Mound Sites in Ohio and the Rocky Flats Site near Denver, Colorado in the establishment of Local Stakeholder Organizations, which provide opportunities for the public to comment on and be involved with the ongoing monitoring of the cleanup at these former nuclear weapons production facilities. She also helped develop a successful transition strategy for public participation at DOE sites that are slated for closure.

Ms. Berry also was instrumental in establishing one of the first DOE Site Specific Advisory Boards (SSAB) in November 1993 for the Monticello uranium mill tailings remediation site in Monticello, Utah. She developed the application for perspective members and interviewed applicants; managed the budget for the duration of the SSAB; provided DOE-Headquarters with required reports and action; organized meetings, was the liaison between the members, DOE, the U.S. Environmental Protection Agency, and the State of Utah; followed up on action items; was responsible in attempting to meet diversity requirements, and resolved issues of concern. Ms. Berry also was instrumental in disbanding the SSAB when the mission was completed. Her involvement with the community of Monticello continued for six years.

Also at the Monticello site, Ms. Berry organized, developed and implemented the plan to transfer DOE property located at the Monticello site to the City of Monticello for recreational use. Utilizing the General Services Administration and National Park Service's ''Lands to Park'' Program, the property was successfully transferred in June 2000.

Ms. Berry also supported numerous projects assigned to DOE's Grand Junction Office. During her tenure, she developed public participation plans and established outstanding relationships with numerous stakeholder groups, including congressional, state and local officials, tribal members, special interest groups, citizen's advisory boards, the media, and individual citizens. In order to successfully interface with the multiple contacts she enjoyed, Ms. Berry possessed a broad technical knowledge of all of the assigned projects.

Ms. Berry also organized and conducted numerous workshops and conferences for DOE's Grand Junction Office. Most notably, four Long Term Stewardship Workshops were held, each with 225 to 300 attendees. And, she organized a Stakeholders Conference on Worker Transition and Legacy Benefits for DOE's Office of Legacy Management. This effort was especially important and noteworthy. She recognized, as do many at DOE, that providing health care and benefits for people who worked at DOE sites—sites that involved the handling of hazardous materials—is an important obligation that we as a nation owe to these workers. Her attention to detailed plans has assured successful and well-attended events and helped promote policies to address worker transition issues and public involvement regarding the long-term integrity of cleanup and closure of DOE sites.

Ms. Berry has been the recipient of at least 16 various awards, namely Special Act Awards, Individual Incentive Awards, and Group Awards during her tenure with DOE's Grand Junction Office.

Before joining DOE in 1993, she served as the Western Slope Office Director for Colorado Senator Tim Wirth. At this position, she helped constituents address issues and concerns with federal programs and policies. Prior to working for Senator Wirth, she performed the same service to citizens of Colorado's Western Slope in Representative Ray Kogovsek's office when he represented the 3rd Congressional District in Colorado.

Ms. Berry's work at all of these offices underscores her deep commitment to service for the communities she has served. What's especially impressive has been her personal touch—the way that she interacts with people so that they are included in policy decisions and treated with seriousness and respect. In so doing, she has been effective in getting the job done and involving the public and various stakeholders. Her accomplishments and style are models for the type of quality in public service that we all can seek to emulate.

I am sure that Ms. Berry will remain active in issues of importance to communities along Colorado's Western Slope or wherever life takes her. I wish her much future success.

PENN STATE FAYETTE CELEBRATES ITS 40TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. MURTHA. Mr. Speaker, I am pleased to recognize Penn State Fayette, The Eberly Campus as it celebrates its 40th anniversary in 2005–2006. From its humble beginnings to its present status, Penn State Fayette had played a key role in the social, cultural, and economic development of Fayette County.

Penn State first came to scenic Southwestern Pennsylvania following the establishment of the Pennsylvania Cooperative Extension Service and its county agricultural agents in 1907. In 1934, Penn State established an Undergraduate Center in Uniontown that provided the first two years of a college education to area residents ''location bound'' and/or unable to afford studies at the University Park campus. This Center closed in 1940 as the nation turned its attention to the approaching war. However, Penn State returned to Southwestern Pennsylvania with undergraduate educational programming on June 1, 1965, when it opened the Fayette campus to serve the residents of Fayette, Greene, Somerset, Washington, and Westmoreland Counties. Penn State Fayette began by first offering classes in several buildings in downtown Uniontown. Then, in 1968 the Fayette Campus Advisory Board acquired 27 acres of the Garner Farm, located between Uniontown and Connellsville.

Since that time, the campus has grown to about 100 acres and 10 buildings: the renovated Eberly Building (named for Orville S. Eberly), the University House (once the Garner home), the Williams Building (the redesigned student center named for J. Lewis Williams), a state-of-the-art library, a gymnasium, an engineering building, the Biomedical Technology Building, and several other farm and maintenance buildings.

Penn State Fayette now has five baccalaureate degrees in Administration of Justice; Nursing; Human Development and Family Studies; Letters, Arts, and Sciences; and Business Administration. Penn State Fayette also offers nine associate degrees: Architectural Engineering Technology; Electrical Engineering Technology; Business Administration; Human Development and Family Studies; Letters, Arts, and Sciences; Information, Sciences, and Technology; Nanofabrication Manufacturing Technology, Science, and Nursing.

Responding to urgent statewide needs in 1987, Penn State Fayette established a training and certification program for emergency medical technicians. Today the Continuing Education Department offers credit, non-credit, and management development courses both on campus and off campus at the Uniontown Mall, United Parcel Services in New Stanton, and Somerset Hospital, Uniontown Hospital and Frick Hospital.

The faculty at Penn State Fayette fulfill two roles for the student body with their commitment not only to teaching but also to advising. The faculty have received national and University awards for teaching, research, community outreach, and performance in English, art, philosophy, history, physics, chemistry, administration of justice, and engineering technology. The size of the student population allows for personal interaction between instructors and students, and the dedication of the faculty makes this interaction a tremendous aid to learning.

The many campus activities and events contribute to an atmosphere of unity. Over twenty-five clubs and organizations match the interests of almost every student. The intramural organizations include eight different sports occurring year round. Students have access to a large, well-equipped library, a

state-of-the-art engineering building with a CAD lab, new computer labs, a student activity and cafeteria facility, multimedia rooms, and a fully equipped gymnasium. For various activities and events, the campus possesses video-conferencing capabilities, Internet connectivity, and satellite communications. In addition, the campus' Coal and Coke Heritage Center preserves coal-mining related artifacts, interviews and other memorabilia from the area.

Many campus enhancements have marked the last few years at Fayette. Fayette opened the BioMedical Technology Building, housing the science and nursing programs, in July of 1999. During the fall of 2001, the University reopened Eberly Building, which had been shut down for one year to transform it into one of the most technological state-of-the-art learning environments in the world. The renovations have proven to be a great success and feature many new technologically advanced facilities, including a Corporate Training Center, a new Information, Sciences and Technology (IST) lab, a technology center, a new Administration of Justice (ADMJ) crime lab, art facilities and a child-care center, the Cub's Den. In the fall of 2002, the theater in the Williams Building was remodeled and renamed Swimmer Hall.

In August 2005, a new community center was opened. This 52,000 sq. ft. addition to the campus includes a 1,500-seat NCAA gymnasium, racquetball courts in the center and an auxiliary gym. In addition, a 450-seat auditorium and the new cafeteria are housed in the community center. This center promises to provide top facilities for athletic, cultural and civic events. The 2004–2005 school year saw the dedication of our new Cultural Center as well as the new Student Center.

Again I offer my congratulations to Penn State Fayette for reaching the milestone of its 40th anniversary and I am confident that with such excellent programs the campus will continue to be a vital asset to the region for another 40 years and beyond.

HONORING MINNESOTA BOY SCOUTS AND LEADERS ON THEIR RECEIPT OF THE MEDAL OF MERIT AND THE NATIONAL CERTIFICATE OF MERIT

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor five Minnesota Boy Scouts and their two adult leaders as they receive the Medal of Merit and the National Certificate of Merit from the Boy Scouts of America. On September 18, 2005, Michael Daw, Eric Erfanian, David Fink, Derek Rossberg, Jim Spohn, John Spohn, and Tim Spohn will receive these awards for their heroic efforts to help save the life of another adult leader, Laurie Jedamus. An additional adult leader, Emilie Entrikin, will receive the National Certificate of Merit.

On August 18, 2004, the five Boy Scouts and four adult leaders began a week-long trek into the Boundary Waters Canoe Area (BWCA) in northern Minnesota. On the third night of the trip, Laurie Jedamus developed epiglottitis, a very dangerous throat infection that progressed to the point that, by the next morning, Jedamus had difficulty breathing. The Scouts and their leaders decided that medical attention was necessary and began the difficult expedition back out of the BWCA. The weather started to deteriorate, with 40 mph winds, two-foot waves and trees blowing down, but the Scouts and their leaders made the 11-mile trip, crossing 14 lakes and 13 long, steep portages (where they had to carry their 50 pound bags and 70 pound canoes) in six hours; usually a two-day trip. Jedamus stayed in the hospital for two days and made a complete recovery.

Mr. Speaker, these Scouts and their leaders exemplify the outstanding act of service and exceptional character that embody the Medal of Merit. Their courage and perseverance under trying conditions helped save the life of one of their leaders. On behalf of the Sixth District of Minnesota, I would like to extend my congratulations on receiving this most deserving award. It is community members like these Scouts and their leaders who help make Minnesota great.

TRIBUTE TO ELEANOR FARRAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the life and legacy of Eleanor Farrar who passed away at the age of 79, on August 25, 2005 from breast cancer. She was a founder and former Vice President of the Joint Center for Political Studies.

Born Eleanor Schneider in Vienna, Austria, Dr. Farrar immigrated to New York with her family in 1939, when she was 14. She received an undergraduate degree in political science from Mount Holyoke College in 1946, a master's degree in political science from the Johns Hopkins University School of Advanced International Studies in 1947 and a PhD in international relations from the London School of Economics in 1952.

From 1954 to 1963, Ms. Farrar lived in Pakistan and Cambodia, working as a lecturer in political science and international relations at the University of the Panjab, Forman Christian College, both in Pakistan and the University of Karachi.

When she returned to the United States, she taught political science at Howard University, where she met Eddie N. Williams, who had served as a reserve officer in the Foreign Service, and Kenneth B. Clark, the psychologist whose work on the self-esteem of black students in segregated public schools became essential to the U.S. Supreme Court's decision in the monumental case Brown vs. Board of Education. She worked with the two men in attempts to increase the participation of blacks in the Foreign Service.

Subsequently, in the 1960's and 1970's, Eleanor Farrar worked as the director of Clark's think tank, the Metropolitan Applied Research Center. In 1970, however, that think tank entered into a partnership with Howard University to establish the Joint Center for Political Studies, established to provide training and technical assistance to black elected officials.

Ms. Farrar served as the organization's Vice President for twenty two years. The Joint Center for Political Studies has become nationally known for its research on minority economic and social issues and black political participation.

She leaves behind four children, Jon, Cynthia, Andrew, and Erin; two siblings; and seven grandchildren.

Eleanor Farrar will always be remembered as "a woman of profound strength of character, who expressed her commitment to the study of race relations and development of sound policies with every endeavor she undertook." She will be truly missed.

CAMBRIA CITY MISSION CELEBRATES 75TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. MURTHA. Mr. Speaker, I congratulate the Cambria City Mission as it celebrates its 75th year of serving the Johnstown community physically, mentally, materially, and spiritually. The non-denominational mission is entirely financed by contributions from local churches, community service groups and generous individuals; operating without government assistance and following its Mission purpose for the last 75 years:

"To promote the Christian way of life and build character by teaching the gospel of Jesus Christ. To provide spiritual inspiration through worship services and educational activities. To improve the home life of the community through boys' and girls' clubs and camps. To mold a greater love for country through an understanding of its opportunities and challenges."

Through the years, the Mission has experienced many growing pains and undergone many changes, but the commitment to its purpose stands firm.

The Mission was founded in 1930 by the First Presbyterian Church of Johnstown as a Home Mission project. Bertha Bell, a member of the church, was asked to be the first executive director. She rented a storeroom at 602 Board Street, and began her work in December of 1930. When the Great Depression affected all communities, including Johnstown, the Mission ministered to all who came for help. Food was prepared and served daily for hungry children who came after school, and clothing was distributed to families who were in need.

Today, in addition to Sunday school classes for children and adults, the mission also provides Sunday worship Bible study, craft, sewing and knitting classes and meeting facilities. Mother-daughter and father-son banquets are held annually, as well as vacation Bible school. Camp Harmony and Camp Allegheny remain the high points for the children of the Mission.

As the programs and attendance at the Mission expanded, the need for larger facilities fulfilled with the 1958 purchase of a double house at 906–908 Broad Street. However, the building burned in 1970. A new building was completed in 1972, and although it was severely damaged by the Johnstown flood of 1977, the building was restored and reopened in 1984.

Again I offer my congratulations to the Cambria City Mission and its interdenominational board of directors representing many churches in the Johnstown area.

CLEVELAND GREAT BOOKS BEGINS 60TH CONSECUTIVE YEAR

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today to inform you that the Cleveland Great Books group will begin its 60th consecutive year this fall of 2005 in gathering to discuss the classics in literature.

People have been reading great books for many centuries. The technique of asking questions and probing for an understanding of the problems they deal with was used by Socrates in ancient Athens, Greece.

In modern times, it is thought that the formation of discussion groups for the purpose of discussing the Great Books was started after the First World War by John Erksine. In 1927, Mortimer Adler helped launch 15 adult education courses in New York City to discuss the Great Books. In 1930, Robert Hutchins and Mr. Adler introduced Great Books seminars into the undergraduate curriculum at the University of Chicago. Soon, across the United States ordinary laymen with a love for literature began to form and lead Great Books seminars in their local communities. Such a group formed here in Greater Cleveland.

This group first met on October 8, 1946 at the East Cleveland Public Library. That first opening session involved a discussion of the Declaration of Independence. It was chosen by the original leader Frank P. Whitney. Today, Betty Gaetjens is the sole remaining member from that first night.

In 1972, the group moved their discussions to the present-day location of the Cleveland Heights Noble Road Library. However, the practice of meeting twice monthly for nine months would remain the same; during the same summer recess, members would read a book to be discussed at the first meeting in the fall.

When the members gather on September 20, 2005 to discuss Homer's ''The Odyssey,'' it will mark the beginning of the 60th continuous year of this Great Books discussion group. The current members of this group are: Pam Bryson, Kathleen Colacarro, Fred Damankos, David Fogarty, Betty Gaetjens, Ray Habian, Sally Hanley, Maureen Hollander, Linda Jones, Charles Lally, Ed Lampman, Frank Lavallo, William Malloy, Anne Meissner, Jane Melbourne, Howard Montgomery, Renee Paolino, Matthew Paolo, Jackie Perkovic, Lois Rowland, Milena Salehar, Nick Smith, Lisa Sturgis and Harvey Weiss.

As they begin their 60th year, members look forward to exchanging ideas with all the enthusiasm of that first night in October of 1946. They will converse freely, think with greater clarity and perception, and come away with a more profound insight which they did not have before.

CONYERS AMENDMENT TO H.R. 3132 IS BAD PUBLIC POLICY

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. CONAWAY. Mr. Speaker, today, I voted against the H.R. 3132, The Children's Safety Act of 2005. As a cosponsor and ardent supporter of most of the important provisions in this bill, I reluctantly voted against it. Most legislation of any substance contains both good and bad provisions. As a member of the U.S. House of Representatives, I continually use my best judgment to determine whether the good provisions outweigh the bad provisions of a bill. I could not, in good conscience, vote in favor of a bill in which the ''bad'' of creating hate crimes law, outweighed the ''good'' of strengthening protections for our children.

The Conyers Amendment added so-called ''hate crimes legislation'' which is bad public policy. This provision has no place in a bill that was designed to address violence, sexual abuse and other exploitation of children. I believe that every crime is a hate crime, and therefore, no individual or group of individuals deserves special treatment under the law. I am also concerned that ''hate crimes'' legislation such as the Conyers Amendment, may lead to the creation of ''thought crimes'' in the not too distant future.

My plea to the members of the Other Body is for them to not include the Conyers Amendment in their version of the Child Protection Act. I also urge for the House Conferees to strip the Conyers Amendment from the final bill.

IN OPPOSITION TO THE CONYERS AMENDMENT TO H.R. 3132

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. MILLER of Florida. Mr. Speaker, this afternoon, the House passed an amended version of H.R. 3132, The Children's Safety Act of 2005. The bill as sent to the floor by the Judiciary Committee represented a tough crackdown on pedophilia and other sex offenses. The bill modifies the national sex offender registration program, expands the use of DNA to identify and prosecute sex offenders, increases penalties for sexual offenses against America's children, and makes other much-needed modifications and expansions of federal law relating to child safety.

Before the bill passed, however, an amendment by Rep. JOHN CONYERS (D-MI) was added, drastically altering this bill. I voted against the Conyers amendment, and its passage forced me to vote against final passage of the bill.

The Conyers amendment creates a Federal offense for hate crimes. I believe that the proponents of hate crimes legislation have good and honorable intentions. They would like to see less bigotry and more good will in American society. While I share that goal, I believe Congress should decline the invitation to enact hate crimes legislation for both constitutional and practical reasons.

The U.S. Constitution created a federal government of limited powers. Most of the federal government's ''delegated powers'' are set forth in Article I, Section 8. The Tenth Amendment was added to make it clear that the powers not delegated to the federal government ''are reserved to the States respectively, or to the people.''

Crime is serious problem, but under the U.S. Constitution it is a matter to be handled by state and local government. In recent years, Congress has federalized the crimes of gun possession within a school zone, carjacking, and wife beating. All of that and more has been rationalized under the Commerce Clause. The Commerce Clause is not a blank check for Congress to enact whatever legislation it deems to be ''good and proper for America.'' The Conyers Amendment is simply beyond the powers that are delegated to Congress. Today, the House exacerbated the errors of past Congresses by federalizing more criminal offenses

Not to mention the fact that the Conyers language isn't going to prevent anything. Any thug that is already inclined to hurt another human being is not going to lay down the gun or knife because of some new law passed by Congress; they've already made a conscious decision to disregard basic homicide statutes. The notion that any federal hate crime law will prevent brutal killings is preposterous.

For the proponents of hate crime laws, the dilemma is this: if some groups (women, gays, vegans, runners, whatever) are left out of the ''hate crime'' definition, they will resent the selective depreciation of their victimization. On the other hand, if all victim groups are included, the hate crime category will be no different than ''ordinary'' criminal law.

Federalizing hate crime law will not increase tolerance in our society or reduce intergroup conflict. I believe hate crime laws may well have the opposite effect. The men and women who will be administering the hate crime laws (e.g. police, prosecutors) will likely encounter a never-ending series of complaints with respect to their official decisions. When a U.S. Attorney declines to prosecute a certain offense as a hate crime, some will complain that he is favoring the groups to which the accused belongs (e.g. Hispanic males). And when a U.S. Attorney does prosecute an offense as a hate crime, some will complain that the decision was based upon politics and that the government is favoring the groups to which the victim belongs (e.g. Asian Americans).

Perhaps the most dangerous element of federalized hate crime law is its approach to the notion of thought crimes. But once hate crime laws are on the books, the law enforcement apparatus will be delving into the accused's life and thoughts in order to show that he or she was motivated by bigotry. What kind of books and magazines were found in the home? What internet sites were bookmarked in the computer? Friends and coworkers will be interviewed to discern the accused's politics and worldview. The point here is that such chilling examples of state intrusion are avoidable because, as noted above, hate crime laws are unnecessary in the first place.

But above all else, I cannot comprehend why anyone would believe that the Conyers hate crimes language makes our children any safer from sexual predators. Would it have prevented John Couey from assaulting and

heinously murdering Jessica Lunsford? I don't believe it would have.

Our children deserve strong anti-pedophilia laws that meet basic constitutional thresholds and it's our responsibility to deliver that to them. Therefore I implore my Senate colleagues to step up and give the presence of the Conyers language in H.R. 3132 the scrutiny that it warrants. Should they pass a clean Children's Safety Act, I look forward to removing the Conyers language in conference and supporting the clean Conference Report.

TRIBUTE TO ALAN A. REICH—FOUNDER AND PRESIDENT EMERITUS OF THE NATIONAL ORGANIZATION ON DISABILITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to my dear friend Alan A. Reich, who retired recently as President of the National Organization on Disability (N.O.D.), which he founded. For the past 23 years, Alan provided extraordinary leadership as the leader of NOD, which is one of the leading non-governmental organizations promoting disability rights in the United States and, through its World Committee on Disability, around the world as well. Alan retired earlier this year after nearly a quarter century of extraordinary leadership, and he has been named President Emeritus of the organization.

Mr. Speaker, Alan Reich has been an outstanding human rights and disability rights leader, whose courageous work has had an impact on people with disabilities around the world. In recognition of his leadership, President George H.W. Bush awarded Alan the George Bush Medal in a ceremony at the Kennedy Center here in Washington on July 25 of this year. The George Bush Medal recognizes leaders who seek to fulfill the promise of the Americans with Disabilities Act (ADA) to all Americans and who encourage the spirit of the ADA throughout the world. The award ceremony in July was held in connection with the 15th anniversary of the signing of the ADA by President George H.W. Bush in 1990.

Alan certainly epitomizes the high goals of the ADA, and I cannot imagine a more fitting recipient of this award. In commenting on Alan's extraordinary leadership, former President Bush said: ''As the Honorary Chairman of N.O.D. and its World Committee, I've observed first-hand Alan's tenacious commitment to providing hope and opportunity for millions of people with disabilities, not only in this country but also worldwide.''

Mr. Speaker, Alan Reich joined the disability community over 40 years ago as a result of a swimming accident, and he has used a wheelchair since that time, but he refused to permit his disability to constrain his boundless energy and commitment to worthy causes. Alan has been at the center of progress on disability issues—including public awareness, disability programs and promoting important legislation—and has made groundbreaking contributions toward uniting and engaging the community of people with disabilities. His outstanding abilities to move disability rights issues forward first became apparent as the founder of the U.S. Council for the International Year of Disabled Persons in 1981. He became the first wheelchair user to address the United Nations General Assembly when he called on the international organization to declare 1981 the U.N. International Year of Disabled Persons.

While President of N.O.D., Alan built the coalition of disability groups that successfully fought for the inclusion of a statue of former President Franklin Delano Roosevelt in his wheelchair at the FDR Memorial in Washington, DC. He also spearheaded the critical survey research with Harris Poll Surveys that tracks the progress of Americans with disabilities in key areas of life. In addition, Alan is the founder and Chairman of the World Committee on Disability—the international arm of N.O.D., which further underscores the worldwide reach of his contributions. He is a founder of the World Committee's Franklin D. Roosevelt International Disability Award, which recognizes nations for progress toward the United Nations' goals for disabled persons. I should add, Mr. Speaker, that my wife Annette and I are honored to be members of the World Committee on Disability.

A graduate of Dartmouth College, Oxford University and Harvard University, and former all-American track star and varsity football player, Alan has had a distinguished career in the business, government, and nonprofit sectors. Alan served as U.S. Deputy Assistant Secretary of State for Educational and Cultural Affairs. In this position, he developed international exchange programs to further mutual understanding. He also held the position of Deputy Assistant Secretary of Commerce for East-West Trade and Director of the Bureau of East-West Trade, where he was credited with the expansion of U.S. commercial relations with the People's Republic of China, the Soviet Union and the countries of Eastern Europe. Prior to his outstanding career as a public servant, Alan was an executive in manufacturing management and corporate long-range planning with the Polaroid Corporation.

Mr. Speaker, I would like to express my appreciation and the appreciation of this house to Alan Reich for his dedication and commitment to securing the equal participation and full inclusion of people with disabilities in all aspects of life. In many capacities, Alan has changed the world's approach to disability and made groundbreaking contributions to uniting the disability movement. For that, our entire nation is deeply grateful to him and extends every good wish to him and his family.

CELEBRATING THE BIRTH OF ELIZABETH ROSE LAPIERRE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Amy Rose and Steve LaPierre of Fairfax, Virginia, on the birth of their beautiful baby girl. Elizabeth Rose LaPierre was born on September 14, 2005, at 1:50 p.m., weighing 7 pounds and 12 ounces. She has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2005

Mr. FORTENBERRY. Mr. Speaker, on Tuesday, September 13, 2005, I was unavoidably detained and thus missed rollcall votes Nos. 465, 466, and 467. Had I been present, I would have voted ''aye'' on all three votes.

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, September 15, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 19

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, and Francis Rooney, of Florida, to be Ambassador to the Holy See.

SD–419

SEPTEMBER 20

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Emil W. Henry, Jr., of New York, to be Assistant Secretary for Financial Institutions, Terry Neese, of Oklahoma, to be Director of the Mint, and Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, all of Department of the Treasury.

SD–538

Energy and Natural Resources

To hold hearings to examine climate change science and economics, focusing on the current state of climate change scientific research and the economics of strategies to manage climate change, including the relationship between energy consumption and climate change, and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

SD–366

Judiciary

To hold hearings to examine the taking of homes and other private property relating to the Kelo Decision.

SD–226

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

2:30 p.m.

Commerce, Science, and Transportation

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine the prediction of Hurricane Katrina and the work of the National Hurricane Center.

SD–562

SEPTEMBER 21

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the status of the World Trade Organization negotiations on agriculture.

SR–328A

9:30 a.m.

Environment and Public Works

Fisheries, Wildlife, and Water Subcommittee

To hold hearings to examine the Endangered Species Act and the role of States, Tribes and local governments.

SD–406

Indian Affairs

To hold an oversight hearing to examine Indian gaming.

SR–385

Judiciary

To hold hearings to examine able danger and intelligence information sharing.

SD–226

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine what lessons have been learned to secure U.S. transit systems relating to the London terrorist attacks.

SD–342

SEPTEMBER 22

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the financial services industry's responsibilities and role in preventing identity theft and protecting sensitive financial information.

SD–538

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 435, to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, S. 1096, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, S. 1310, to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

SD–366

SEPTEMBER 28

2:30 p.m.

Indian Affairs

To hold an oversight hearing to examine Indian housing.

SR–485

SEPTEMBER 29

10 a.m.

Indian Affairs

To hold hearings to examine proposed Duck Valley Reservation, Shoshone Paiute Tribes, Water Rights Settlement.

SR–485

POSTPONEMENTS

SEPTEMBER 21

2 p.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold an oversight hearing to examine the Forest and Rangeland Research Program of the USDA Forest Service.

SR–328A

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9997–S10056

Measures Introduced: Nine bills and three resolutions were introduced, as follows: S. 1697–1705, S.J. Res. 24, and S. Res. 237–238. **Page S10037**

Measures Passed:

Honoring Army Black Corps of Engineers: Committee on Armed Services was discharged from further consideration of H. Con. Res. 67, honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military, and the resolution was then agreed to. **Page S10055**

National Campus Safety Awareness Month: Committee on the Judiciary was discharged from further consideration of S. Res. 221, supporting the goals and ideals of "National Campus Safety Awareness Month", and the resolution was then agreed to. **Page S10055**

Recognizing Hispanic Heritage Month: Senate agreed to S. Res. 238, recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the strength and culture of our Nation. **Page S10055**

Commerce/Justice/Science Appropriations: Senate continued consideration of H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto: **Pages S10002–32**

Adopted:

McCain Amendment No. 1707, to express the sense of the Senate regarding funding directives contained in H.R. 2862 or its accompanying report. **Pages S10006–08**

Shelby (for Leahy) Modified Amendment No. 1694, to waive the match requirement under the Bulletproof Vest Partnership grant program for purposes of replacing defective vests. **Pages S10019–21**

Shelby (for Martinez) Amendment No. 1708, to provide the sense of Congress on the 11th International Coral Reef Symposium. **Page S10020**

Shelby (for Talent/Dodd) Amendment No. 1709, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice. **Pages S10020, S10026–31**

Shelby (for Cantwell/Allen) Amendment No. 1710, to provide additional funding for the Methamphetamine Hot Spots program. **Pages S10020, S10025–26**

Shelby (for Dayton) Amendment No. 1654, to increase funding for Justice Assistance Grants. **Page S10019**

Shelby (for Reid) Amendment No. 1711, to provide additional funding for Violence Against Women Act programs to assist victims of sexual abuse and domestic violence. **Page S10020**

Shelby Amendment No. 1712, to provide additional funds to the National Hurricane Center. **Page S10020**

Shelby (for Clinton) Amendment No. 1701, to increase funding for the Technology Opportunity Program. **Page S10019**

Pryor/Mikulski Modified Amendment No. 1703, to require the FTC to conduct an immediate investigation into gasoline price-gouging. **Pages S10024–25**

Mikulski (for Stabenow) Modified Amendment No. 1688, to prevent the United States Trade Representative from negotiating future trade agreements that prevent the United States from changing United States patent law to allow the importation of pharmaceutical products. **Pages S10031–32**

Shelby (for DeWine) Amendment No. 1715 (to Amendment No. 1671), to make funds available for aeronautics research and development programs of the National Aeronautics and Space Administration. **Page S10032**

DeWine Amendment No. 1671, to make available, from amounts otherwise available for the National Aeronautics and Space Administration, $906,200,000 for aeronautics research and development programs of the National Aeronautics and Space Administration. **Page S10032**

Sarbanes Amendment No. 1662, to assist the victims of Hurricane Katrina with finding new housing. **Page S10032**

Rejected:

Coburn Amendment No. 1648, to eliminate the funding for the Advanced Technology Program and increase the funding available for the National Oceanic and Atmospheric Administration, community oriented policing services, and State and local law enforcement assistance. (By 68 yeas to 29 nays (Vote No. 230), Senate tabled the amendment.) **Pages S10021–24**

Withdrawn:

Lincoln Amendment No. 1652, to provide for temporary medicaid disaster relief for survivors of Hurricane Katrina. **Page S10026**

Sununu Amendment No. 1669, to increase funding for the State Criminal Alien Assistance Program, the Southwest Border Prosecutors Initiative, and transitional housing for women subjected to domestic violence. **Page S10026**

Pending:

Dorgan Amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices. **Pages S10003, S10012–14**

Lieberman Amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina. **Page S10003**

Kerry/Landrieu Amendment No. 1695, to strengthen the loan, procurement assistance, and management education programs of the Small Business Administration in order to help small businesses and home owners hurt by Hurricane Katrina meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy. **Pages S10010–12, S10018–19**

During consideration of this measure today, Senate also took the following action:

By 40 yeas to 58 nays (Vote No. 227), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Stabenow Modified Amendment No. 1687, to provide funding for interoperable communications equipment grants. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell. **Pages S10003–04**

By 44 yeas to 53 nays (Vote No. 228), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to suspend Rule XVI, pursuant to notice previously given in writing, relative to Dorgan Amendment No. 1670, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism. Subsequently, the Chair sustained the point of order that the amendment was in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on appropriations matters, and the amendment thus fell. **Pages S10004–06, S10009, S10031–32**

By 44 yeas to 54 nays (Vote No. 229), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to suspend Rule XVI, pursuant to notice previously given in writing, relative to Clinton Amendment No. 1660, to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future. Subsequently, the Chair sustained the point of order that the amendment was in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on appropriations matters, and the amendment thus fell. **Pages S10006, S10008–10, S10031**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, September 15, 2005. **Page S10055**

Messages From the House: **Pages S10035–36**

Measures Referred: **Page S10036**

Executive Communications: **Pages S10036–37**

Additional Cosponsors: **Pages S10037–39**

Statements on Introduced Bills/Resolutions: **Pages S10039–48**

Additional Statements: **Pages S10034–35**

Amendments Submitted: **Pages S10048–54**

Authority for Committees to Meet: **Pages S10054–55**

Record Votes: Four record votes were taken today. (Total—230) **Pages S10004, S10009, S10010, S10023–24**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:26 p.m., until 9:30 a.m., on Thursday, September 15, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S10055–56.)

Committee Meetings

(Committees not listed did not meet)

AVIATION EFFECTS OF HURRICANE KATRINA

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a hearing to examine the impact of Hurricane Katrina on the aviation industry, focusing on jet fuel markets, airport infrastructure, and the National Airspace System, after receiving testimony from Howard K. Gruenspecht, Deputy Administrator, U.S. Energy Information Administration, Department of Energy; James C. May, Air Transport Association, Inc., and Deborah McElroy, Regional Airline Association, both of Washington, D.C.; and Frank Miller, Pensacola Regional Airport, Pensacola, Florida.

HURRICANE KATRINA RECOVERY

Committee on Homeland Security and Governmental Affairs: Committee held a hearing to examine issues relating to recovering from Hurricane Katrina, focusing on lessons learned from previous disasters in various locations across the United States, and the urgent and long-term needs of disaster survivors, receiving testimony from former Senator Pete Wilson; former Mayor Patricia A. Owens, Grand Forks, North Dakota; and former Mayor Marc H. Morial, New Orleans, Louisiana, on behalf of the National Urban League; and Iain B. Logan, International Federation of Red Cross and Red Crescent Societies, New York, New York.

Hearing recessed subject to the call.

NOMINATION

Committee on the Judiciary: Committee continued hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, where the nominee, further testified and answered questions in his own behalf.

Hearings continue tomorrow.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 3760–3782; 1 private bill, H.R. 3783; and 7 resolutions, H. Con. Res. 242–243; and H. Res. 437–438, 441–443 were introduced.

Pages H7947–49

Additional Cosponsors: **Pages H7949–50**

Reports Filed: Reports were filed today as follows:

H. Res. 437, a resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (H. Rept. 109–220, Pt. 1);

H. Res. 439, providing for the consideration of the resolution H. Res. 437, to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (H. Rept. 109–221); and

H. Res. 440, providing for the consideration of the bill H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes and providing for consideration of motions to suspend the rules (H. Rept. 109–222). **Page H7947**

Speaker: Read a letter from the Speaker wherein he appointed Representative Foley to act as Speaker pro tempore for today. **Page H7871**

Chaplain: The prayer was offered today by Dr. Steve Houpe, Pastor, Harvest Church, Kansas City, Missouri. **Page H7871**

Suspensions: The House agreed to suspend the rules and pass the following measures:

To reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act: H.R. 3408, to reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act; **Pages H7875–77**

Supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina: H. Con. Res. 240, supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day; **Pages H7877–79**

Recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and

the subsequent desegregation of American society: H. Con. Res. 208, recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society; and **Pages H7881–83**

To protect volunteers assisting the victims of Hurricane Katrina: H.R. 3736, to protect volunteers assisting the victims of Hurricane Katrina. **Pages H7883–87**

Children's Safety Act of 2005: The House passed H.R. 3132, to make improvements to the national sex offender registration program, by a yea-and-nay vote of 371 yeas to 52 nays, Roll No. 470. **Pages H7879–81, H7887–H7924**

Pursuant to the rule the amendment in the nature of a substitute recommended by the Committee on Judiciary, now printed in the bill shall be considered as an original bill for the purpose of amendment. **Page H7924**

Agreed to:

Sensenbrenner amendment (No. 27 printed in the Congressional Record) that makes technical and conforming changes to the bill; **Pages H7897–98**

Sensenbrenner amendment (No. 28 printed in the Congressional Record) that inserts a new section providing for assistance in identification and location of sex offenders relocated as a result of Hurricane Katrina; **Page H7898**

Cuellar amendment (No. 18 printed in the Congressional Record) that provides for a minimum term of not less than 90 days when jurisdictions are imposing criminal penalties for failure to comply with the provisions of the bill; **Page H7898**

Gibbons amendment (No. 16 printed in the Congressional Record) that adds a new section providing for GAO studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders; **Pages H7898–99**

Conyers amendment (No. 22 printed in the Congressional Record) that provides for establishment of a Children's Safety Office under the general authority of the Attorney General; **Pages H7899–H7900**

Conyers amendment (No. 24 printed in the Congressional Record) that provides for grants to combat sexual abuse of children. Such grants shall be made by the Bureau of Justice Assistance; **Page H7900**

Poe amendment (No. 19 printed in the Congressional Record) that provides for expansion of training and technology efforts with Federal, State, and local law enforcement officers by the Attorney General in consultation with the Office of Juvenile Justice and Delinquency Prevention; **Pages H7900–01**

Conyers amendment (No. 23 printed in the Congressional Record) that adds a new section which provides for inclusion of gender statistics under the Hate Crime Statistics Act; **Pages H7903–05**

Baird amendment (No. 14 printed in the Congressional Record) that requires the Justice Department, in cooperation with the Health and Human Services Department, to conduct a study into the creation of a nationwide, interstate tracking system of individuals convicted of, or under investigation for child abuse. This report will analyze the costs and benefits of different mechanism for establishing the system and include the extent to which existing registries could be used. The report would be due to Congress within 90 days of enactment; **Page H7905**

Porter amendment (No. 3 printed in the Congressional Record) that allows school districts, through the state executive officer, to access finger-print based criminal history records for prospective employees who will come in close contacts with students; **Page H7905**

Flake amendment (No. 13 printed in the Congressional Record) that provides that fact-intensive and time-consuming "harmless-error sentencing claims" will be reviewed again in Federal court only if the State court erred in determining that the claim was subject to harmlessness review; **Pages H7906–08**

Ryun of Kansas amendment (No. 5 printed in the Congressional Record) that condemns the decision in United States v. Helder, Jr. and encourages the Department of Justice to appeal the decision so that it is overturned; **Pages H7908–10**

Sensenbrenner amendment (No. 29 printed in the Congressional Record) that inserts a new section on page 69, after line 17, which states that notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim; **Pages H7910–11**

Sensenbrenner amendment (No. 30 printed in the Congressional Record) that allows checks and access to federal crime information data-base by Child Welfare Agencies for certain purposes; **Pages H7910–11**

Jackson-Lee amendment (No. 31 printed in the Congressional Record) that expresses the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in the Children's Safety Act; **Pages H7911–12**

Weldon of Florida amendment (No. 20 printed in the Congressional Record) that withholds 10 percent of a State's Byrne Grant and Local Government Law Enforcement Grant funds if the State fails to enact a law requiring those who have been accused of sex

crimes to submit to an HIV test within 48 hours of such request; **Page H7912**

Wasserman-Schultz amendment (No. 8 printed in the Congressional Record) which states that civil confinement would encompass those who are deemed too dangerous to return to society without proper treatment and rehabilitation after psychological evaluation; **Page H7912**

Nadler amendment (No. 2 printed in the Congressional Record) that prohibits the transfer or possession of a firearm by any individual convicted of committing a sex offense against a minor; **Pages H7914–15**

Kelly amendment (No. 26 printed in the Congressional Record) that creates a national child abuse registry within the Department of Justice. The amendment also requires the Attorney General to work in consultation with the Secretary of HHS in creating the database; **Page H7915**

Pence amendment (No. 1 printed in the Congressional Record) that ensures that children are not exploited in the production and distribution of pornography. Additionally, the amendment provides increased protection to victims of child pornography and strengthens the hand of law enforcement in investigating and bringing charges in obscenity and child pornography cases; **Pages H7915–17**

Conyers amendment (No. 17 printed in the Congressional Record) that makes it a crime to knowingly misappropriate the personal identification information of a minor in interstate or foreign commerce; and **Pages H7917–18**

Conyers amendment (No. 25 printed in the Congressional Record) that adds a title and sections to the bill that may be cited as the ''Local Law Enforcement Hate Crimes Prevention Act of 2005'' (by a recorded vote of 223 ayes to 199 noes, Roll No. 469). **Pages H7918–22, H7923**

Rejected:

En bloc amendment consisting of the following amendments: Scott of Virginia amendment (No. 4) that sought to remove mandatory minimum sentences; and Scott of Virginia amendment (No. 7) that sought to eliminate provisions, which call for the death penalty if a death results in connection with a crime against a child; and **Pages H7905–06**

Inglis amendment (No. 9 printed in the Congressional Record) that sought to remove the mandatory minimum incarceration provisions for sex offenders who fail to register under the provisions of the bill (by a recorded vote of 106 ayes to 316 nayes, Roll No. 468). **Pages H7901–03, H7922–23**

Point of Order sustained against:

McDermott amendment (No. 10 printed in the Congressional Record) that sought to allow states that pay for child foster care for children who have been displaced because of Hurricane Katrina to receive Federal payments both for placement services and foster care for one year, starting this month. **Pages H7913–14**

Ageed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill to reflect the actions of the House. **Page H7924**

H. Res. 436, the rule providing for consideration of the bill was agreed to by voice vote after agreeing to order the previous question without objection. **Pages H7879–81**

Senate Message: Message received from the Senate today appears on page H7871.

Senate Referrals: S. 1613 was held at the desk. **Page H7871**

Recess: The House recessed at 6:50 p.m. and reconvened at 9:16 p.m. **Page H7944**

Quorum Calls—Votes: One yea-and-nay vote and 2 recorded votes developed during the proceedings of today and appear on pages H7922–23, H7923–24 and H7924. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:17 p.m.

Committee Meetings

FBI TRANSFORMATION EFFORTS

Committee on Appropriations: Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies held a hearing on FBI Transformation Efforts. Testimony was heard from the following officials of the Department of Justice: Glenn A. Fine, Inspector General; and Robert Mueller, Director, FBI; Randolph C. Hite, Director, Information Technology, GAO; the following officials of the CRS, Library of Congress: Alfred Cumming, Specialist in Intelligence and National Security Foreign Affairs, Defense and Trade Division; and Todd Masse, Specialist in Domestic Intelligence and Counterterrorism, Domestic Social Policy Division; and Dick L. Thornburgh, former U.S. Attorney General.

QUADRENNIAL DEFENSE REVIEW

Committee on Armed Services: Held a hearing on the Quadrennial Defense Review: Goals and Principles. Testimony was heard from Dov S. Zakheim, former Under Secretary (Comptroller), Department of Defense; and public witnesses.

HURRICANE KATRINA—FINANCIAL INSTITUTIONS' RESPONSE

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a

hearing entitled ''Hurricane Katrina: The Financial Institutions' Response.'' Testimony was heard from public witnesses.

NATURAL GAS CRISIS

Committee on Government Reform: Subcommittee on Energy and Resources held a hearing entitled ''Meeting America's Natural Gas Demand: Are We in a Crisis?'' Testimony was heard from Rebecca Watson, Assistant Secretary, Land and Minerals, Department of Labor; Guy Caruso, Administrator, Energy Information Administration, Department of Energy; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered adversely reported the following measures: H. Res. 375, Requesting the President and directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all information in the possession of the President and the Secretary of State relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq; H. Res. 408, Requesting the President and directing the Secretary of Defense to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all documents in the possession of the President and Secretary of Defense relating to communications with officials of the United Kingdom relating to the policy of the United States with respect to Iraq; and H. Res. 419, Directing the Secretary of State to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Secretary of State relating to the disclosure of the identity and employment of Ms. Valerie Plame.

U.S. FOREIGN AID PROGRAMS TO EUROPE

Committee on International Relations: Subcommittee on Europe and Emerging Threats held a hearing on U.S. Foreign Aid Programs to Europe. Testimony was heard from the following officials of the Department of State: Thomas C. Adams, Coordinator, U.S. Assistance to Europe and Eurasia, Bureau of European and Eurasian Affairs; and Drew W. Luten III, Senior Deputy Assistant Administrator, Bureau for Europe and Eurasia, U.S. Agency for International Development.

RESOLUTION—DIRECTING THE ATTORNEY GENERAL TO TRANSMIT TO THE HOUSE DOCUMENTS RELATING TO DISCLOSURE OF THE IDENTITY OF VALERIE PLAME

Committee on the Judiciary: Ordered adversely reported H. Res. 420, Directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the Attorney General relating to the disclosure of the identity and employment of Ms. Valerie Plame.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Committee on Rules: The Committee granted a modified open rule providing 1 hour of general debate on H.R. 889, Coast Guard and Maritime Transportation Act of 2005 equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. 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 Transportation and Infrastructure 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 provides that the bill shall be considered for amendment under the five-minute rule and that it shall be read by title. The rule makes in order only those amendments to the bill that are pre-printed in the Congressional Record or are pro forma amendments for the purpose of debate. The rule provides that each amendment printed in the Congressional Record may be offered only by the Member who caused it to be printed or a designee, and that each amendment shall be considered as read. The rule provides one motion to recommit with or without instructions. Finally, the rule allows the Speaker to entertain a motion to suspend the rules and pass the bill, H.R. 3768 on the legislative day of Thursday, September 15, 2005. Testimony was heard from Chairman Young.

SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Committee on Rules: The Committee granted a closed rule providing 1 hour of debate on H. Res. 437, To establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. The rule waives all points

of order against consideration of the resolution. Finally, the rule provides one motion to recommit which may not contain instructions.

SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Committee on Rules: Ordered reported H. Res. 437, To establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

OVERSIGHT VETERANS MATTERS

Committee on Veterans' Affairs: Held an oversight hearing regarding the Department of Veterans Affairs information technology infrastructure reorganization, and proposed legislation to enhance the role of the Chief Information Officer. Testimony was heard from Linda Koontz, Director, Information Management Issues, GAO; from the following officials of the Department of Veterans' Affairs: Gordon H. Mansfield, Deputy Secretary; Richard A. Wannemacher, Jr., Acting Under Secretary, Memorial Affairs, National Cemetery Administration; Robert N. McFarland, Assistant Secretary, Information Technology and Chief Information Officer; and Pedro Cadenas, Associate Deputy Secretary, Cyber and Information Security; Jeff Seifert, Analyst in Information, Science and Technology Policy, Resources, Science, and Industry Division, CRS. Library of Congress; and a public witness.

EFFECTS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on the Effects of Unauthorized Disclosures of Classified Information. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 15, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to resume hearings to examine the progress of Capitol Visitor Center construction, 10:30 a.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Keith E. Gottfried, of California, to be General Counsel, Kim Kendrick, of the District of Columbia, Keith A. Nelson, of Texas, and Darlene F. Williams, of Texas, each to be an Assistant Secretary, all of the Department of Housing and Urban Development, and Israel Hernandez, of Texas, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary, Franklin L. Lavin, of Ohio, to be Under Secretary for International Trade, and David H. McCormick, of Pennsylvania, to be Under Secretary for Export Administration, all of the Department of Commerce, 10 a.m., SD–538.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine U.S.-Indonesia relations, 2 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Stewart A. Baker, of Virginia, and Julie L. Myers, of Kansas, each to be an Assistant Secretary of Homeland Security, 10:30 a.m., SD–342.

Committee on the Judiciary: to continue hearings to examine the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, 9 a.m., SH–216.

Committee on Veterans' Affairs: business meeting to markup S. 1182, to amend title 38, United States Code, to improve health care for veterans, and S. 716, to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, 10 a.m., SR–418.

House

Committee on Agriculture, hearing to review Canada and Australia's experience with implementing national animal identification systems, 10 a.m., 1300 Longworth.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing entitled "Emergency Housing Needs in the Aftermath of Hurricane Katrina," 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Back to the Drawing Board: A First Look at Lessons Learned from Katrina;" followed by consideration of the following measures: H. Con. Res. 59, Recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation; H. Con. Res. 209, Supporting the goals and ideals of Domestic Violence Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic violence in the United States and its devastating effects on families; H.J. Res. 61, Supporting the goals and ideals of Gold Star Mothers Day; H.R. 2062, To designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building;" H.R. 2413, To designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building;" H.R. 3439, To designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office;" H.R. 3440, To designate the facility of the United States Postal Service located at 100 Avenida RL Rodreguez in Bayamon, Puerto Rico, as the "Dr. Jose Celso Barbosa Post Office Building;" H.R. 3667, To designate the facility of the United

States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station;'' H.R. 3703, To designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building;'' S. 1275, To designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the ''Alice R. Brusich Post Office Building;'' a Committee Report entitled ''A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records; H.R. 3699, To provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property; H.R. 3508, 2005 District of Columbia Omnibus Authorization Act; a measure to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building;'' H. Res. 429, Congratulating the West Oahu Little League Baseball team for winning the 2005 Little League Baseball World Series; and H.R. 3128, Clarification of Federal Employment Protections Act, 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark the following measures: H. Con. Res. 195, Commemorating the Armenian Genocide of 1915–1923, urging the Government of the Republic of Turkey to acknowledge the culpability of its predecessor state, the Ottoman Empire, for the Armenian Genocide and engage in rapprochement with the Republic of Armenia and the Armenian people, and supporting the accession of Turkey to the European Union if Turkey meets certain criteria; H. Res. 316, Affirmation of the United States Record on the Armenian Genocide Resolution; H.R. 1409, Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005; H.R. 1973, Water for the Poor Act of 2005; H.R. 3184, To ensure that countries that have signed a Small Quantities Protocol also sign, ratify, and implement the Additional Protocol and provide access by IAEA inspectors to their nuclear-related facilities and to direct the United States Permanent Representative to the IAEA to make every effort to rescind and eliminate the Small Quantities Protocol and ensure compliance by all Member States of the IAEA with IAEA obligations and the purposes and principles of the Charter of the United Nations; H.R. 3269, To amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements; H. Res. 38, Expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD); H. Res. 388, Expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government against members of Cuba's prodemocracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations; H. Res. 409, Condemning the Government of Zimbabwe's ''Operation Murambatsvina'' under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to ''restore order'' to the country; H. Con. Res. 237, Expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005; and H. Con. Res. 238, Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing entitled ''An Amendment in the Nature of a Substitute to H.R. 2795, 'The Patent Act of 2005' '' 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled ''Sources and Methods of Foreign Nationals Engaged in Economic and Military Espionage,'' following an executive session on this subject, 1 p.m., 2141 Rayburn.

Committee on Science, hearing on Cybersecurity: How Can the Government Help Address Vulnerabilities in Critical Industries? 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Rural Enterprise, Agriculture and Technology, hearing entitled ''The Need for Improvements and More Incentives in the Endangered Species Act,'' 9:30 a.m., 2261 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing on Inspector General's 9/11 Accountability Report, 9:30 a.m., and executive, to consider H. Res. 418, Requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President relating to the disclosure of the identity and employment of Ms. Valerie Plame, 1 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 15

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2862, Commerce/Justice/Science Appropriations, and expects to vote on, or in relation to, certain amendments, including final passage of the bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 15

House Chamber

Program for Thursday: Consideration of H.R. 3768, Katrina Emergency Tax Relief Act of 2005; and H.R. 889, Coast Guard and Maritime Transportation Act of 2005 (subject to a rule).

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