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House of Representatives

The House met at 10 a.m.

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

Lord God, all the times and seasons are in Your hands because all is fixed by You in the laws of nature.

But through natural disasters, Lord, many people have recently suffered great losses due to hurricanes and earthquakes. Have mercy on them all. Even as we continue to pray and assist those already afflicted and in great need, we now are aware of another approaching storm named Wilma.

Lord, help all those who prepare for the worst. In their fear and anxiety keep them safe, law abiding, and compassionately concerned for others.

Lord, steer this storm away from our shores, and let Your powerful Word calm the sea and bring to Your people a sigh of relief.

This we hope and pray by calling upon Your Holy Name. Amen.

THE JOURNAL

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

Mr. GENE GREEN of Texas 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 with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3204. An act to amend title XXVII of the Public Health Service Act to extent Federal funding for the establishment and operation of State high risk health insurance pools.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

S. 1894. An act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

The message also announced that pursuant to Public Law 109–59, section 1909(b)(2)(A)(vi), the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the National Surface Transportation Policy and Revenue Study Commission:

Francis McArdle of New York.
Tom R. Skancke of Nevada.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to 10 one-minutes on each side.

REDUCING COSTS IN MEDICARE AND MEDICAID SPENDING

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

Mr. MURPHY. Mr. Speaker, 80 percent of the Nation's total medical care costs, including Medicaid expenditures, are spent in the treatment of chronic conditions such as diabetes, arthritis, and cardiovascular disease. Chronic disease often involves multiple diagnoses, hospitalizations, tests, and treatments. All of this is expensive and complex, and as health care costs soar we can save lives and money using better patient management.

Under patient care management plans, patients are monitored by nurses to coordinate their complex care, monitor prescription use, watch out for problems, and empower patients to get involved in their own care. Money spent up front dramatically lowers health care costs and, most importantly, improves patient outcome.

A patient management program at the Washington Hospital in southwestern Pennsylvania taught patients to self-manage their disease through diet, lifestyle changes, medication monitoring, and depression screening. The result has been a remarkable 50 percent decrease in hospital readmission rates.

I urge my colleagues to learn more about reducing costs in Federal Medicare and Medicaid spending through better patient care management programs by visiting my Web site at murphy.house.gov.

CONGRATULATING NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise this morning to congratulate the Houston Astros, the major league baseball team which last night defeated the St. Louis Cardinals to earn the right to go to the 2005 World Series. This is the first World Series for the City of Houston and the first World Series for the State of Texas. The Astros and the Texas Rangers were founded in 1962 and 1961 respectively.

Also, first congratulating the team for its hard work and dedication, I want to express thanks to our owner

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Drayton McLane, who has been a tremendous asset to the City of Houston. It was an honor to work closely with him on the Harris County Sports Authority to build what is now Minute Maid Park to replace the historic Houston Astrodome.

I want to salute Tal Smith, who is a great part of the Astros' organization since the beginning when they were the Colt 45's. As the President of Baseball Operations, he has been an integral part of the entire organization.

The Houston Astros do not have one of the highest payrolls in baseball, so the fact that they are now in the World Championship is a tribute to our general manager Tim Purpura and also our manager Phil ''Scrap Iron'' Garner, who actually played for the Astros years ago. It is good to have him back home.

Many of the 2005 National League Champion Houston Astros are products of our minor league farm system, not high-priced free agents, including the winner of last night's game, Roy Oswalt. The Astros were the best team in baseball for the month of July and never looked back. Now they are the best team in the National League and look forward to taking on the White Sox in the 2005 World Series, Mr. Speaker.

In addition we have a lot of homegrown talent. Craig Biggio, Jeff Bagwell, Roger Clemens and Andy Pettitte, again, are some of our great players along with the whole team. Again, congratulations, and I yield back my time Mr. Speaker.

ANNOUNCING PREMIER OF ''HUMAN TRAFFICKING'' ON LIFETIME TV NETWORK

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

Mr. SMITH of New Jersey. ''Do you think it is possible when you have lost your humanity to ever find it again?''

So asks Helena, a fictitious but all too real human trafficking victim from Prague after describing how she was raped and abused to ICE law enforcement agent Kate Morozov, played brilliantly by Academy Award-winning actress Mira Sorvino in Lifetime TV Network's mini series Human Trafficking, to be aired next week.

My wife Marie and I have watched the entire trafficking movie last night, and we were moved to tears by this extraordinarily accurate portrayal of sex slavery from the eyes of victims, and the dedicated law enforcement agents trying to effectuate their rescue.

My wife and I and my staff have been fighting sex trafficking, Mr. Speaker, since the late 1990s, when there was utter disbelief about whether or not it even existed. Sadly, it does. I would note parenthetically that I am the prime sponsor of the Trafficking Victims Protection Act of 2000, a comprehensive landmark law that provides for prevention, protection or victims, and prosecution and incarceration of the traffickers. I also sponsored the TPVA Reauthorization Act of 2003 as well as pending Legislation—H.R. 972.

The movie tells the individual stories of exploited young women and girls from the Czech Republic, Ukraine, Philippines, Romania, Russia, and a 12-year-old girl, an American girl, Annie Gray, who was abducted by traffickers in Manila. ICE agent in charge Donald Sutherland joins Sorvino in bringing down a powerful but clever sex trafficking boss and others who use force, fraud, coercion, and even murder to enslave women.

It is time, Mr. Speaker, that the ignorance, the indifference and complicity in human trafficking came to an end. Every year 800,000 people are trafficked around the world. Millions more are trafficked intra-country. And up to 18,000 are trafficked into the U.S. each year. Watch this powerful movie next week, Lifetime TV, 9 p.m., Monday and Tuesday.

CONGRATULATING NATIONAL LEAGUE CHAMPION HOUSTON ASTROS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are days that we can come to this floor and obviously raise issues of great concern to America and Americans. But I would like to think that we can also come to this floor and celebrate a joyous family of great ball players in a city that has longed for a winner in American baseball history. And, yes, founded in 1962, the Houston Astros have won the place to play in the World Series. And so I say: Go Astros. And I say thank you to a great city of fans, Houston, Texas, to the Drayton McLane family. Mr. and Mrs. McLane and their children have been a wonderful addition to Houston. They love their team, they love their city. To their staff, to the pitching staff like Clemens and Pettite and Oswalt. To Bagwell and Biggio. And, of course, to all the old players, or they will not want to be called old but to Enos Cabell and many others.

We know that we have got a tough road ahead to go to the World Series, but who can beat a team who was down on Monday night and came back and won 5–1. All we can say is it is about family values. And when I say family values, it is about a family of players who are committed and dedicated to their tasks and who never gave up. Houstonians did not give up, Mr. Speaker, and so I am here this morning to say: Go Astros. Go Astros.

HONORING THE LIFE OF MS. BETTY LYNN REAGAN

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the life of a dedicated educator, Ms. Betty Lynn Reagan, who passed away earlier this month. For 47 years, Ms. Reagan taught school in Rogers, Arkansas. As a former member of the Rogers School Board and the father of three daughters who attended public schools there, I can personally attest to the impact Ms. Reagan had on the lives of her students. She was greatly respected in the classroom, in the education community and the community at large.

Throughout her career, Ms. Reagan received a number of awards and commendations, including induction into the Education Hall of Fame in 1995. However, the most notable came in 1989, when the community renamed a school for her and her sister Mary Sue, also a long time teacher and outstanding educator. Reagan Elementary will serve as a reminder for future generations of the impact that Betty Lynn and Mary Sue Reagan have had on our community.

Mr. Speaker, Betty Lynn Reagan will certainly be missed. However, her legacy will live on for generations to come. Rogers School District Superintendent Janie Darr summed it up best when she said: Because of Betty Lynn, the School District and the City of Rogers is a much, much better place.

I thank my colleagues for the opportunity to honor and celebrate the life of this wonderful woman.

REPUBLICAN BUDGET CUTS

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

Ms. KILPATRICK of Michigan. Mr. Speaker, this week we were to take up the Republican leadership budget bill that would have cut student loans, rural and agricultural programs, LIHEAP low energy assistance programs, and other major programs in our Federal budget that the American people depend on. I am happy to report at this moment they have postponed that legislation just for today.

We want Americans all over to speak up and to contact your Congresspeople. This is not the time to cut vital human family programs like student aid, like rural and agricultural development, like food stamps, and like low energy assistance programs. Do we have problems in America? Yes, we do. But we hope our Republican leadership will not bring a budget resolution forward that will further decimate and hurt families. At a time when many manufacturing jobs have been lost in America, in my own State of Michigan, the highest unemployment State in the country, this is not the time to cut vital programs. It is time, though, not to have a $1.7 trillion cost for a tax cut for the wealthiest of Americans.

Speak up, America. Let your voice be heard.

SPENDING REDUCTIONS

(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, if House liberals had their way, last year we would have spent billions more. I want every taxpayer across America to know that it is this Republican leadership and Republican majority that is talking about spending cuts, spending less, not the Democrats. It is this Republican majority that is talking about continued tax relief for hardworking American families, not the Democrats.

You are going to hear the Democrats say, well, those Republicans, they didn't invite us to come participate in talking about spending cuts, to talk about reducing Federal spending. Mr. Speaker, I hope they will consider this the invitation: Come join us. We would love to have all your input and ideas.

So from this point on, they can stop talking about how we need to spend more and help us find ways to be better stewards and spend less. Let us be frank. The Democrat solution, raising taxes, is not a solution. This government does not have a revenue problem. This government has a spending problem. Mr. Speaker, we invite them to join us.

NEED FOR A CHANGE IN WASHINGTON (CULTURE OF CORRUPTION CANNOT CONTINUE)

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

Ms. WATSON. Mr. Speaker, the American people want change here in Washington, DC. Over the last couple of months, they have seen the headlines of scandal in the ranks of the House and Senate Republican leadership. They have seen the continuing scandal at the White House that should lead to the firing of Karl Rove and Scooter Libby. They have seen that the President's cronies are now entrenched in important government agencies and some of them are as unprepared for their jobs as Michael Brown was at FEMA.

The American people want to know when Republicans here in Washington are finally going to stop doing the bidding of the wealthiest elite and start focusing on issues more important to them. They are concerned about an economy where their paychecks are not rising as high or as fast as the cost of living. They are also wondering how they are going to continue to afford their health care premiums, gas for their cars, and heat for their homes in the winter.

They look to Washington and correctly see that House Republicans refuse to even consider their concerns. Republicans are simply too busy helping their friends. It is time for a change all right, and Democrats are ready to lead by providing creative solutions to our Nation's needs.

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STEALING THE FEDERAL WAY

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

Mr. POE. Mr. Speaker, tattoos, lingerie, Ozzie Osbourne concert tickets, gambling, cruises, exotic dance clubs, prostitutes, and new sports cars. Members may ask what this list is. No, it is not Larry Flynt's Christmas wish list. These are examples of purchases made on Federal credit cards by Federal employees for which American taxpayers picked up the bill; they always do.

Today I have introduced the Government Credit Card Sunshine Act. This act is simple. It requires every government credit card bill to be posted on the government Inspector General's Web site within 15 days of its use. It also states that Federal employees whose credit card abuse is more than $500 shall face immediate dismissal, be forced to repay the bill, and sometimes return the items. This serious scandal is stealing and is unacceptable behavior. We are now going to hold Federal employees accountable for ripping off America. So no more abusing the Federal credit card at the taxpayers' expense; otherwise, pack your toothbrush, you are out of here.

H.R. 3966, SLICE ACT

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

Mr. UDALL of Colorado. Mr. Speaker, we need to change our budget policies. We should use the better, the fairer, and the more bipartisan approach to spending cuts that would come from passing H.R. 3966. That is a bill I introduced with the gentleman from Ohio (Mr. CHABOT), the gentleman from Arizona (Mr. FLAKE), and the gentlewoman from Colorado (Mrs. MUSGRAVE).

It is called the Stimulating Leadership and Cutting Expenditures Act, or SLICE for short. SLICE would require an up-or-down vote on each specific cut the President proposes in the recently passed transportation bill and current appropriations bills. It is a workable and constitutional alternative to the line item veto designed to enable Presidential leadership and require congressional accountability.

Mr. Speaker, before we cut critical health care, education and other programs that help working Americans, let us work in a bipartisan way to consider other cuts. Let us pass H.R. 3966 and slice the budget the right way.

INCREASED FUNDING FOR LIHEAP NEEDED

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to bring attention to a problem that many Americans are facing as we approach winter: the cost of heating their homes.

The U.S. Energy Information Administration recently projected that the cost of heating a home this winter, regardless of the type of fuel, will increase dramatically from last year. In order to counteract this dramatic spike in energy costs, we need to increase funding for the Low Income Home Energy Assistance Program, or LIHEAP. It is a tremendously successful program that enables States to provide low-income families with energy assistance.

In my State of New Hampshire, LIHEAP funding helps people afford to heat their homes and not have to make the difficult choices of paying their rent, of buying food and medications, or keeping their homes warm.

In order to simply meet last year's purchasing power, we must increase LIHEAP funding by $1.276 billion. This is an issue that crosses State and party lines and one that needs to be addressed immediately.

Mr. Speaker, let us act today to increase this funding before Hurricane Katrina claims more victims this winter.

HELPING MOTHERS SUFFERING FROM POSTPARTUM DEPRESSION

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

Mr. RUSH. Mr. Speaker, this morning we learned that a 23-year-old mother threw her three children off a pier in San Francisco killing them all. Apparently she heard voices that told her to commit this unthinkable act.

Mr. Speaker, we do not know yet whether this woman suffered from a most severe form of postpartum disorder known as postpartum psychosis. We do know that postpartum depression and psychosis can emerge even a year after a child's birth.

That is why for the last three Congresses I have introduced the Melanie Blocker Stokes Postpartum Depression Research and Care Act, H.R. 1940. My bill would direct funds to researching this misunderstood disorder, and it would also provide grants for services and care for mothers who suffer from postpartum depression.

I urge all of my colleagues in the House to cosponsor this important bill. What happened in San Francisco happens way too often in this Nation, and we must do what we can to prevent similar tragedies in the future. The mothers of America desperately need this Congress to recognize this deadly malady and pass H.R. 1940.

JUSTICE FOR SADDAM HUSSEIN

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

minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the war on terror is slow going. In Iraq, suicide bombers and terrorists continue to spread fear across the Sunni provinces in the center of the country. Many of our soldiers have made the ultimate sacrifice. Some folks here at home wonder where the war is going.

It is important to step back and look at the big picture. Just this week, millions of Iraqis have once again exercised the right to vote, a right denied them for decades. And yesterday, the Tyrant of Baghdad was brought to trial.

Two things we take for granted here at home: the right to choose our own government and the guarantee of real justice in a court of law. Saddam Hussein is at long last standing trial for his crimes against humanity. The chickens are coming home to roost for those who have painted the past with blood, and the people of Iraq with their ink-stained fingers are creating a new tomorrow according to popular will.

No matter how difficult life remains in Baghdad and the Anbar Province, the future is now full of hope.

Mr. Speaker, we are the good guys in this war. We are helping create a better world. God bless our troops and the citizens of the new Iraq.

ASSISTANCE FOR AMERICA'S POOR

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

Mr. MARKEY. Mr. Speaker, the Republicans have decided not to bring the bill to the House floor today which would slash Medicaid, slash programs for student loans, slash programs for poor people because many conservatives say they are not cutting enough programs for poor people, all to protect tax breaks for the wealthiest Americans. All to protect tax breaks for the wealthiest Americans. And what is the excuse they have used? Hurricane Katrina.

That is why they must cut more programs for poor people, because they do not want to cut the tax cuts, and now they want to delay because Hurricane Wilma is on the way, and the Republicans are saying, Let us wait until the weekend is over and see how big that hurricane is, and then we will be able to cut more programs for poor people, more programs for those most in need in our society, rather than touching those tax breaks for the wealthiest in our country.

Mr. Speaker, hurricanes are the greatest friend conservative Republicans ever had to hurt the poorest people in the country and protect the wealthiest.

COMMENDING CENTURY COUNCIL

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise on behalf of the Congressional Hispanic Conference to recognize the Century Council and Nickelodeon for their creation of an innovative new program to educate middle school kids about underaged drinking.

The Century Council is a national not-for-profit organization funded by America's leading distillers to develop and implement programs designed to combat drunk driving and underaged drinking.

The Congressional Hispanic Conference has teamed up with Century Council and Nickelodeon to launch Ask, Listen, Learn: Kids and Alcohol Do Not Mix. The program helps adults and children communicate early and often about this important issue in a format and a language designed specifically for them.

I commend the Century Council and Nickelodeon for giving Hispanic parents and children across the Nation such a valuable communications tool to initiate these critically important discussions regarding the dangers of alcohol.

NO NEW TAX ON HOMEOWNERSHIP

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

Mr. GARRETT of New Jersey. Mr. Speaker, the cost to buy a new home is about to go up in America. Why is that? Because as soon as next week, Congress is about to vote on placing a new tax on homeownership, a tax that may well raise the cost for the average American who wants to buy their new home.

Years ago, Congress set up Fannie Mae and Freddie Mac with the noble intent to add liquidity to the marketplace and help home buyers. But in an about-face, Congress is about to impose a new tax and at the same time fail to address an inherent flaw in the current system.

Mr. Speaker, legislation before the House would allow Fannie Mae and Freddie Mac to continue to rack up debt on their balance sheets with no limits. These are the same organizations that have been wracked with financial accounting scandals, may have 1.5 to $1.7 trillion on their balance sheets right now. I say ''may'' because no one can get a clear financial picture from these entities.

Alan Greenspan has testified to this problem repeatedly, noting that without restriction on the size of the GSE balance sheets, we put at risk our ability to preserve safe and sound financial markets in the United States. American homeowners deserve better. We need to help them and not hurt them.

DEMOCRATS NEED A NEW PLAY

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

Ms. FOXX. Mr. Speaker, I rise today as a fiscal conservative to set the record straight that Republicans are the party of fiscal discipline. Earlier this year, Republicans passed the budget that cut $100 billion from the deficit. What did Democrats do? They refused to vote for the budget, another act in their play of obstruction.

Republicans have recommended 98 programs be terminated for a total savings of more than $4.3 billion. And under Republican leadership, domestic discretionary spending is currently on track to be below last year's levels. What have the Democrats done? Over the last 3 years they have attempted to bust the discretionary budget in the appropriations process by more than $60 billion. They hope to finance this by raising taxes on small businesses.

So it is not surprising at a time when we must be watchful of taxpayer dollars the Democrats have turned to their playbook and called up one of their favorites, the old tax and spend.

It is time for the Democrats to come up with a new play. In 1997, 51 Democrats had the courage to help Republicans pass the last major entitlement reform bill. I hope they can find that courage again.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 493, I call up the Senate bill (S. 397) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 397

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 ''Protection of Lawful Commerce in Arms Act''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(4) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(5) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition products that have been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended.

(6) The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in the free enterprise system of the United States, and constitutes an unreasonable burden on interstate and foreign commerce of the United States.

(7) The liability actions commenced or contemplated by the Federal Government, States, municipalities, and private interest groups and others are based on theories without foundation in hundreds of years of the common law and jurisprudence of the United States and do not represent a bona fide expansion of the common law. The possible sustaining of these actions by a maverick judicial officer or petit jury would expand civil liability in a manner never contemplated by the framers of the Constitution, by Congress, or by the legislatures of the several States. Such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United States under the Fourteenth Amendment to the United States Constitution.

(8) The liability actions commenced or contemplated by the Federal Government, States, municipalities, private interest groups and others attempt to use the judicial branch to circumvent the Legislative branch of government to regulate interstate and foreign commerce through judgments and judicial decrees thereby threatening the Separation of Powers doctrine and weakening and undermining important principles of federalism, State sovereignty and comity between the sister States.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products, and their trade associations, for the harm solely caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.

(2) To preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section 5 of that Amendment.

(4) To prevent the use of such lawsuits to impose unreasonable burdens on interstate and foreign commerce.

(5) To protect the right, under the First Amendment to the Constitution, of manufacturers, distributors, dealers, and importers of firearms or ammunition products, and trade associations, to speak freely, to assemble peaceably, and to petition the Government for a redress of their grievances.

(6) To preserve and protect the Separation of Powers doctrine and important principles of federalism, State sovereignty and comity between sister States.

(7) To exercise congressional power under art. IV, section 1 (the Full Faith and Credit Clause) of the United States Constitution.

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL LIABILITY ACTIONS IN FEDERAL OR STATE COURT.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this Act shall be immediately dismissed by the court in which the action was brought or is currently pending.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term ''engaged in the business'' has the meaning given that term in section 921(a)(21) of title 18, United States Code, and, as applied to a seller of ammunition, means a person who devotes, time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition.

(2) MANUFACTURER.—The term ''manufacturer'' means, with respect to a qualified product, a person who is engaged in the business of manufacturing the product in interstate or foreign commerce and who is licensed to engage in business as such a manufacturer under chapter 44 of title 18, United States Code.

(3) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term ''qualified product'' means a firearm (as defined in subparagraph (A) or (B) of section 921(a)(3) of title 18, United States Code), including any antique firearm (as defined in section 921(a)(16) of such title), or ammunition (as defined in section 921(a)(17)(A) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(5) QUALIFIED CIVIL LIABILITY ACTION.—

(A) IN GENERAL.—The term ''qualified civil liability action'' means a civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief'' resulting from the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include—

(i) an action brought against a transferor convicted under section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by the conduct of which the transferee is so convicted;

(ii) an action brought against a seller for negligent entrustment or negligence per se;

(iii) an action in which a manufacturer or seller of a qualified product knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including—

(I) any case in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under Federal or State law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or

(II) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under subsection (g) or (n) of section 922 of title 18, United States Code;

(iv) an action for breach of contract or warranty in connection with the purchase of the product;

(v) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage; or

(vi) and action or proceeding commenced by the Attorney General to enforce the provisions of chapter 44 of title 18 or chapter 53 of title 26, United States Code.

(B) NEGLIGENT ENTRUSTMENT.—As used in subparagraph (A)(ii), the term 'negligent entrustment' means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

(C) RULE OF CONSTRUCTION.—The exceptions enumerated under clauses (i) through (v) of subparagraph (A) shall be construed so as not to be in conflict, and no provision of this Act shall be construed to create a public or private cause of action or remedy.

(D) MINOR CHILD EXCEPTION.—Nothing in this Act shall be construed to limit the right of a person under 17 years of age to recover damages authorized under Federal or State law in a civil action that meets 1 of the requirements under clauses (i) through (v) of subparagraph (A).

(6) SELLER.—The term ''seller'' means, with respect to a qualified product—

(A) an importer (as defined in section 921(a)(9) of title 18, United States Code) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of title 18, United States Code;

(B) a dealer (as defined in section 921(a)(11) of title 18, United States Code) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of title 18, United States Code; or

(C) a person engaged in the business of selling ammunition (as defined in section 921(a)(17)(A) of title 18, United States Code) in interstate or foreign commerce at the wholesale or retail level.

(7) STATE.—The term ''State'' includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) TRADE ASSOCIATION.—The term ''trade association'' means—

(A) any corporation, unincorporated association, federation, business league, professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(B) that is an organization described in section 501(c)(6) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

(C) 2 or more members of which are manufacturers or sellers of a qualified product.

(9) UNLAWFUL MISUSE.—The term ''unlawful misuse'' means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.

SEC. 5. CHILD SAFETY LOCKS.

(a) SHORT TITLE.—This section may be cited as the ''Child Safety Lock Act of 2005''.

(b) PURPOSES.—The purposes of this section are—

(1) to promote the safe storage and use of handguns by consumers;

(2) to prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun; and

(3) to avoid hindering industry from supplying firearms to law abiding citizens for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(c) FIREARMS SAFETY.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting at the end the following:

''(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that handgun.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A)(i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or

''(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

''(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

''(C) the transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

''(D) the transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

''(3) LIABILITY FOR USE.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a qualified civil liability action.

''(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

''(C) DEFINED TERM.—As used in this paragraph, the term 'qualified civil liability action'—

''(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, if—

''(I) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

''(II) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device; and

''(ii) shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.''.

(2) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(B) by adding at the end the following:

''(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

''(i) suspend for not more than 6 months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided under section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) shall not preclude any administrative remedy that is otherwise available to the Secretary.''.

(3) LIABILITY; EVIDENCE.—

(A) LIABILITY.—Nothing in this section shall be construed to—

(i) create a cause of action against any Federal firearms licensee or any other person for any civil liability; or

(ii) establish any standard of care.

(B) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action relating to section 922(z) of title 18, United States Code, as added by this subsection.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 6. ARMOR PIERCING AMMUNITION.

(a) UNLAWFUL ACTS.—Section 922(a) of title 18, United States Code, is amended by striking paragraphs (7) and (8) and inserting the following:

''(7) for any person to manufacture or import armor piercing ammunition, unless—

''(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

''(B) the manufacture of such ammunition is for the purpose of exportation; or

''(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

''(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

''(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

''(B) is for the purpose of exportation; or

''(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General;''.

(b) PENALTIES.—Section 924(c) of title 18, United States Code, is amended by adding at the end the following:

''(5) Except to the extent that a greater minimum sentence is otherwise provided under this subsection, or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries armor piercing ammunition, or who, in furtherance of any such crime, possesses armor piercing ammunition, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime or conviction under this section—

''(A) be sentenced to a term of imprisonment of not less than 15 years; and

''(B) if death results from the use of such ammunition—

''(i) if the killing is murder (as defined in section 1111), be punished by death or sentenced to a term of imprisonment for any term of years or for life; and

''(ii) if the killing is manslaughter (as defined in section 1112), be punished as provided in section 1112.''.

(c) STUDY AND REPORT.—

(1) STUDY.—The Attorney General shall conduct a study to determine whether a uniform standard for the testing of projectiles against Body Armor is feasible.

(2) ISSUES TO BE STUDIED.—The study conducted under paragraph (1) shall include—

(A) variations in performance that are related to the length of the barrel of the handgun or center-fire rifle from which the projectile is fired; and

(B) the amount of powder used to propel the projectile.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit a report containing the results of the study conducted under this subsection to—

(A) the chairman and ranking member of the Committee on the Judiciary of the Senate; and

(B) the chairman and ranking member of the Committee on the Judiciary of the House of Representatives.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 493, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 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 S. 397, the bill 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 support of S. 397, the Protection of Lawful Commerce in Arms Act. This legislation passed the Senate by more than a two-thirds vote this summer and contains the same legal reform provisions of H.R. 800 sponsored by the gentleman from Florida (Mr. STEARNS). The Committee on the Judiciary considered and favorably reported H.R. 800 in May of this year.

Just like H.R. 800 and similar legislation that passed the House by more than a two-thirds majority during the last Congress, S. 397 will stop frivolous and abusive lawsuits against manufacturers and sellers of firearms or ammunition by prohibiting lawsuits resulting from the criminal and unlawful misuse of their products from being filed in Federal and State courts.

It is important to stress at the outset what this legislation does not do. First, the legislation does not preclude lawsuits against a person who transfers a firearm or ammunition knowing it will be used to commit a crime of violence or drug-trafficking crime.

Second, it does not prevent lawsuits against a seller for negligent entrustment or negligence per se.

Third, the bill includes several additional exceptions, including an exception for actions in which a manufacturer or seller of a qualified product knowingly violates any State or Federal statute applicable to sales or marketing when such violation was the proximate cause of the harm for which relief is sought.

Finally, the bill contains additional exceptions for breach of contract or warranty in connection with the purchase of a firearm or ammunition, and an exception for actions for damages resulting directly from a defect in design or manufacture of a firearm or ammunition.

Recent trends in abusive litigation have inspired lawsuits against the firearms industry on the theory of liability that would hold it financially responsible for the actions of those who use their products in a criminal or unlawful manner. Such lawsuits threaten to rip tort law from its moorings in personal responsibility and may force firearms manufacturers into bankruptcy.

□ 1030

While some of these lawsuits have been dismissed and some States have acted to address them, the fact remains that these lawsuits continue to be aggressively pursued. The intended consequences of these frivolous lawsuits could not be more clear: the financial ruin of the firearms industry. As one of the personal injury lawyers suing American firearms companies told the Washington Post, ''The legal fees alone are enough to bankrupt the industry.''

Lawsuits seeking to hold the firearms industry responsible for the criminal and unlawful use of its products are brazen attempts to accomplish through litigation what has not been achieved by legislation and the democratic process. Various courts have correctly described such suits as ''improper attempts to have the court substitute its judgment for that of the legislature.'' As explained by another Federal judge, ''the plaintiff's attorneys simply want to eliminate handguns.''

Personal injury lawyers are seeking to obtain through the courts stringent limits on the sale and distribution of firearms beyond the court's jurisdictional boundaries. A New York appeals court stated recently that ''courts are the least suited, least equipped, and thus the least appropriate branch of government to regulate and micromanage the manufacturing, marketing, distribution, and sale of handguns.''

Law enforcement, military personnel rely on the domestic firearms industry to supply them with reliable and accurate weapons that can best protect them in the line of fire. The best and most reliable guns will not be those designed under the requirements personal injury attorneys seek to impose through firearms lawsuits. Rather, these lawsuits threaten to injure the domestic firearms industry, endanger the jobs of thousands of hard-working Americans, and provide to foreign manufacturers an unfair advantage.

One abusive lawsuit filed in a single county could destroy a national industry and deny citizens nationwide the right to keep and bear arms guaranteed by the Constitution. Insofar as these lawsuits have the practical effect of burdening interstate commerce in firearms, Congress has the authority to act under the commerce clause of the Constitution. The Lawful Commerce in Arms Act, by prohibiting abusive lawsuits against the firearms industry, supports core federalism principles articulated by the United States Supreme Court, which has made it clear that ''one State's power to impose burdens on the interstate market . . . is not only subordinate to the Federal power over interstate commerce but is also constrained by the need to respect the interests of other States . . . ''

Before closing, I think it is important to set the record straight on one item. Some news outlets have claimed that this legislation would have barred a lawsuit involving the D.C. sniper and the gun the sniper obtained after it was stolen from a Washington State gun shop that did not keep track of its inventory and did not realize that the guns were stolen.

Anyone who actually reads this bill will immediately realize that that claim is patently false, and it is important to note that some of the editorial pundits apparently do not believe in reading the bills before they write and publish. Under S. 397 a plaintiff would be permitted to conduct discovery to establish the facts and circumstances surrounding what happened to the firearm while in the possession, custody, and control of the dealer and how it came into the possession of the criminal shooters. A plaintiff would be permitted to have his or her day in court to try to establish whether the dealer knowingly violated or made any false entry in, or failed to make an appropriate entry in, his records, which he is required to keep pursuant to Federal law.

I have here a report of violations filed by the Bureau of Alcohol, Tobacco, and Firearms regarding the Washington State gun dealer. It contains a record of dozens of violations of Federal law and quoting the following: ''The licensee's,'' that is, the dealer's, ''bound books were examined and compared to the physical inventory. It was initially determined that there were approximately 300 unaccounted for firearms. These initial 300-plus unaccounted for firearms are considered instances of failure to timely record disposition information in the bound record book.''

So under S. 397 a lawsuit against that dealer could go forward, and I include this report in the RECORD at this point.

DEPARTMENT OF THE TREASURY, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

REPORT OF VIOLATIONS

Name and Address of Proprietor: Borgelt, Brian & Carr, Charles N, Bulls Eye Shooters Supply, 114 Puyallup Ave., Tacoma, WA 98421.

License/Permit Registry Number (if any): 991053013E38708.

County (F&E only): Pierce.

Expiration Date (if any): 5/12/2003.

Date(s) or Period of Inspection: 10/25/2002 through 11/02/2002.

INSTRUCTIONS

Please write firmly with a ball point pen when completing this form. AFT officers will prepare this form in quadruplicate. The original copy and the suspense copy (where required) will be given to the proprietor or a responsible person representative. The remaining copies will be submitted with the completed inspection report. Supervisors will detach one copy from the completed report for their files. Where corrective action cannot be taken during inspection, proprietors will submit the suspense copy to the Area Supervisor as soon as the required corrections have been made.

INSPECTION RESULTS

An examination of your premises, records and operations has disclosed the following violations which have been explained to you:

Reference Number: 1.

Nature of Violation: 27 CFR section 178.124(a). Failure to maintain ATF F4473s recording firearm transfers to non-licensees.

Information obtained from the Washington Department of Licensing indicates 25 handgun transfers to nonlicensed individuals for which you had no completed ATF F4473s. Additionally, 5 firearms transfers to nonlicensed individuals were located in your

computer sales records for which you had no ATF Form 4473s.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall endeavor to locate the required disposition records, such as ATF F4473s, in order to show evidence that a proper transfer occurred.

Reference Number: 2.

Nature of Violation: 27 CFR section 178.124(b). Failure to keep ATF F4473s in alphabetical, chronological, or numerical order.

The inspection uncovered an area behind the store register where ATF F4473s were kept. The area comprised of one lateral file cabinet drawer and a stack of forms. There were 1257 unfiled ATF F4473s. Filing by stock # is not an acceptable method of filing ATF F4473s.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall immediately file ATF F4473s that were found unfiled during the inspection, including any future completed ATF F4473s.

Reference Number: 3

Nature Of Violation: 27 CFR section 178.124(c)(3)(iii). Failure to properly record on ATF F 4473 the date on which the licensee contacted the NICS, response provided by the system, and/or any identification number provided by the system.

There were 14 ATF F 4473s that did not record this information.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall ensure that the complete background check information is properly entered in the designated area on the ATF F 4473.

Reference Number: 4

Nature Of Violation: 27 CFR 178.125(e). Failure to record dispositions made in the bound books.

The licensee's bound books were examined and compared to the physical inventory. It was initially determined that there were approximately 300 unaccounted for firearms. These initial 300+ unaccounted for firearms are considered instances of failure to timely record disposition information in the bound record book.

Some ways of locating proper disposition of these missing firearms included: 70 ATF Forms 4473 filed that did not get properly entered as bound book dispositions; 25 handgun transactions determined through the State of Washington Dept. of Licensing with no bound book entries; at least 10 dispositions to other licensees unrecorded; and at least 6 dispositions to nonlicensees located in computer sales records that have no proper disposition.

Even after using various sources, 78 firearms remain missing at the close of this inspection with no idea of where they went. List provided to licensee.

Citation: 27 CFR 178.

Date Planned Correction:

Corrective Action: The licensee shall research and resolve all unaccounted open dispositions, and properly record the 70 ATF F 4473 dispositions into the bound books.

See attached list of 78 firearms unaccounted for and report them on an ATF F 3310.11, Licensee Theft/Loss Report.

See list of firearms that no ATF F 4473s have been located on but other records of transfer have been: such as 25 firearms identified by the Washington Department of Licensing and computer records indicating a sale but no other information in regards to the transfer.

In addition, the licensee will annotate the bound book disposition entries with date, name, and address and note that no ATF F 4473 exists.

Report Bushmaster rifle, model PCWA3X, Serial number L284320 on an ATF F F3310.11, Licensee Theft/Loss Report, and make note in the bound book.

I Have Received a Copy of This Report of Violations (Proprietor's signature and title):

Date:

Signature and Title of Inspection Officer: Sandra Y. Sherlock, ATF Inspector.

Date: 11/04/2002

PROPRIETOR'S CERTIFICATION

Note: Proprietors must notify the ATF official below when corrective actions required as a result of this inspection have been completed. Failure to notify ATF may subject proprietors to a recall inspection or to other administrative action.

Mail or Delivery to (Address): Area Supervisor, Bureau of Alcohol, Tobacco, and Firearms, 915 2nd Avenue, Room 790, Seattle, WA 98174.

CERTIFICATION

I certify that the corrective actions required as a result of this inspection have been completed.

Signature and Title of Proprietor:

Other Remarks

Mr. SENSENBRENNER. Mr. Speaker, this commonsense legislation is long overdue. Congress must fulfill its constitutional duty, then exercise its authority under the commerce clause to deny a few State courts the power to bankrupt the national firearms industry and deny all Americans their fundamental constitutionally guaranteed right to bear arms. I urge the passage of this critical legislation.

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

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

Mr. Speaker, I rise in strong opposition to this dangerous and misguided bill that would exempt gun dealers from liability even when they negligently sell weapons to criminals.

It is particularly distressing that we are taking up this bill at this particular time. It was just 3 years ago this month, in October, when the community that I represent right outside here of Washington, DC was terrorized by two snipers, who left 10 people dead and three people injured. The snipers obtained their weapons from a negligent gun dealer in Washington State.

Mr. Speaker, I have been struck by how some people in this institution and other places believe that the name given to a bill will somehow fool the American people as to what the bill actually does. This bill has the title on it Protection of Lawful Commerce in Arms Act. In fact, what the bill does is to make lawful many negligent actions that today are unlawful. What it actually does is protect those gun dealers who are engaged in wrongful, negligent sales of weapons to criminals. How does it do it? Very simple. It lowers the legal standard of care that gun dealers must today exercise to prevent guns from falling into the hands of criminals.

As a result, the passage of this bill will make it easier, easier, for criminals to get weapons and it will ensure that those gun dealers who negligently, negligently, put guns in the hands of criminals will not be held responsible for their wrongful actions. And it is a sad day, Mr. Speaker, in this body when special interests and the gun industry exert such influence that they are able to convince the Congress to strip innocent victims of crimes of their rights and instead extend protections to those unscrupulous dealers who put guns into the hands of criminals.

Now, proponents of this legislation will tell us that most gun dealers in our Nation are honest and law abiding. I agree. That is true. In fact, the Bureau of Alcohol, Firearms, and Tobacco has found that about 1 percent, about 1 percent, of gun dealers are responsible for nearly 60 percent of the guns that are traced to crimes. So if most gun dealers are honorable and responsible citizens, why do they need protection? They do not. The real beneficiaries of this legislation are those small handful of dealers who are negligently putting guns in the hands of criminals. It is protecting the bad apples. It is giving them a green light to go ahead and say I see nothing when they are engaged in sales to wrongdoers.

The proponents of this bill, as we have heard, will tell us it is only intended to stop so-called ''frivolous lawsuits.'' That notion has been soundly rejected by victim advocates across this country, and it is an insult to the victims who seek redress against those dealers who profit from negligently selling to violent predators.

Let us focus for a minute on the victims of gun crimes in our country. Should we not be protecting them? Why do we not have a bill entitled the ''Protection of Gun Violence Victims'' on the floor today? Let us look at some cases. We have talked about the sniper case. I differ strongly with the chairman of the committee, and the bill, as the testimony has made clear, would not have allowed that suit to go forward. I represent that area where so many people lost their lives 3 years ago this month. On many sunny days when the snipers gunned down people who were going about their ordinary business, filling up their gas at gas stations, shopping at grocery stores, cutting their grass, a child who was going to school. Before those snipers were caught, they killed 10 people and wounded three. The snipers have been caught, convicted, and they are behind bars.

The snipers carried out those attacks with a Bushmaster XM–15 semiautomatic .223 caliber rifle. The rifle came from Bull's Eye Shooter Supply in Tacoma, Washington, which had an extensive history of firearms violations and had not reported the rifle as missing as required by Federal law because they said they did not know the rifle was missing. According to the ATF, this store and its owner had a long history of firearms sales and records violations.

On January 16, 2003, the families of many of the victims of the sniper attacks who were killed brought a lawsuit against that gun store for their losses and injuries. The victims of that heinous crime spree received a $2.5 million settlement. Let us be clear. If this law had been in effect at that time, those victims and their families would have received nothing. In fact, this bill was being debated on the floor of this House 3 years ago this month when those killings were going on, and this House realized how bad it would look to victimize those people twice, to have them victimized once by the snipers and again by the United States Congress by denying their day in court, and that is why this House decided to withdraw the bill at that time from consideration from the floor of the House. Here we are 3 years later coming back and passing legislation that would have denied them their right. Shame on us.

Let us talk about another case. In New Jersey, June, 2004, two former New Jersey police officers, Ken McGuire and Dave Lemongello, were shot in the line of duty with a trafficked gun that had been negligently sold by a West Virginia dealer. Those two officers received a $1 million settlement for the negligence of this dealer. The dealer had sold the gun along with 11 other handguns in a cash sale to a straw buyer, a trafficker, someone who got the guns because he could legally obtain them but then turned around and sold them to a criminal who committed the crimes. If this bill had been in effect then, that case would have been dismissed and justice for those police officers would have been denied. And because of that, many law enforcement officers and organizations have written a letter opposing this bill, a copy, Mr. Speaker, which I will insert in the RECORD.

Should we not be trying to create additional incentives to improve the business practices of these gun dealers, not give them a green light to be negligent? What happened to protecting the victims? This bill does just the opposite. It provides a shield to an industry that should be providing a standard of care at least equal to other industries and businesses. Why do we want to make the gun industry the most protected industry in America?

It is inconceivable that we are here today at the behest of the gun industry to provide immunity that no other industry enjoys and at the expense of the victims of gun violence. This bill will shut the courthouse doors on many victims who have legitimate claims.

In the interest of truth in advertising, the real name of this bill should be the ''Protection of Negligent Gun Dealers Act.''

I urge my colleagues to oppose this.

OCTOBER 19, 2005.

Re: Law Enforcement Opposition to S. 397.

U.S. CONGRESS,
U.S. SENATE,
Washington, DC.

DEAR SENATOR: As active and retired law enforcement officers, we are writing to urge your strong opposition to any legislation granting the gun industry special legal immunity. S. 397 would strip away the legal rights of gun violence victims, including law enforcement officers and their families, to seek redress against irresponsible gun dealers and manufacturers.

The impact of this bill on the law enforcement community is well illustrated by the lawsuit brought by former Orange, New Jersey police officers Ken McGuire and David Lemongello. On January 12, 2001, McGuire and Lemongello were shot in the line of duty with a trafficked gun negligently sold by a West Virginia dealer. The dealer had sold the gun, along with 11 other handguns, in a cash sale to a straw buyer for a gun trafficker. In June 2004, the officers obtained a $1 million settlement from the dealer. The dealer, as well as two other area pawnshops, also have implemented safer practices to prevent sales to traffickers, including a new policy of ending large-volume sales of handguns. These reforms go beyond the requirements of current law and are not imposed by any manufacturers or distributors.

If immunity for the gun industry had been enacted, the officers' case would have been thrown out of court and justice would have been denied. Police officers like Ken McGuire and Dave Lemongello put their lives on the line every day to protect the public. Instead of honoring them for their service, legislation granting immunity to the gun industry would deprive them of their basic rights as American citizens to prove their case in a court of law. We stand with officers McGuire and Lemongello in urging you to oppose such legislation.

Sincerely,

International Brotherhood of Police Officers (AFL–CIO Police union).

Major Cities Chiefs Association (Represents our nation's largest police departments).

National Black Police Association (Nationwide organization with more than 35,000 members).

Hispanic American Police Command Officers Association (Serving command level staff and federal agents).

National Latino Peace Officers Association.

The Police Foundation (A private, nonprofit research institution).

Michigan Association of Chiefs of Police.

Rhode Island State Association of Chiefs of Police.

Maine Chiefs of Police Association.

Departments listed for identification purposes only: Sergeant Moises Agosto, Pompton Lakes Police Dept. (NJ); Sheriff Drew Alexander, Summit County Sheriff's Office (OH); Sheriff Thomas L. Altiere, Trumbull County Sheriff's Office (OH); Director Anthony F. Ambrose III, Newark Police Dept. (NJ); Chief Jon J. Arcaro, Conneaut Police Dept. (OH); Officer Robert C. Arnold, Rutherford Police Dept. (NJ); Chief Ron Atstupenas, Blackstone Police Dept. (MA); Sheriff Kevin A. Beck, Williams County Sheriff's Office (OH); Detective Sean Burke, Lawrence Police Dept. (MA); Chief William Bratton, Los Angeles Police Dept. (CA); Special Agent (Ret) Ronald J. Brogan, Drug Enforcement Agency; and Chief Thomas V. Brownell, Amsterdam Police Dept. (NY).

Chief (Ret) John H. Cease, Wilmington Police Dept. (NC); Chief Michael Chitwood, Portland Police Dept. (ME); Chief William Citty, Oklahoma Police Dept. (OK); Chief Kenneth V. Collins, Maplewood Police Dept. (MN); Chief Daniel G. Davidson, New Franklin Police Dept. (OH); Asst. Director Jim Deal, US Dept. Homeland Security, Reno/Lake Tahoe Airport (NV); Chief Gregory A. Duber, Bedford Police Dept. (OH); Captain George Egbert, Rutherford Police Dept. (NJ); Sterling Epps, President, Association of Former Customs Agents, Northwest Chapter (WA); Chief Dean Esserman, Providence Police Dept. (RI); and Captain Mark Folsom, Kansas City Police Dept. (MO).

Chief Charles J. Glorioso, Trinidad Police Dept. (CO); Superintendent Jerry G. Gregory (ret), Radnor Township Police Dept. (PA); Chief Jack F. Harris, Phoenix Police Dept. (AZ); Chief (Ret.) Thomas K. Hayselden, Shawnee Police Dept. (KS); Terry G. Hillard, Retired Superintendent, Chicago Police Dept. (IL); Steven Higgins, Director (Ret.) ATF; Chief Ken James, Emeryville Police Dept. (CA); Chief Calvin Johnson, Dumfries Police Dept. (VA); Chief Gil Kerlikowske, Seattle Police Dept. (WA); Deputy Chief Jeffrey A. Kumorek, Gary Police Dept. (IN); Detective John Kotnour, Overland Park Police Dept. (KS); Detective Curt Lavarello, Sarasota County Sheriffs Office (FL); Chief Michael T. Lazor, Willowick Police Dept. (OH); Sheriff Simon L. Leis, Jr., Hamilton County Sheriffs Dept. (OH); and Sheriff Ralph Lopez, Bexar County Sheriff (TX).

Chief Cory Lyman, Ketchum Police Dept. (ID); Chief David A. Maine, Euclid Police Dept. (OH); Chief J. Thomas Manger, Montgomery County Police Dept. (MD); Chief Burnham E. Matthews, Alameda Police Dept. (CA); Chief Michael T. Matulavich, Akron Police Dept. (OH); Chief Randall C. McCoy, Ravenna Police Dept. (OH); Sergeant Michael McGuire, Essex County Sheriff's Dept. (NJ); Chief William P. McManus, Minneapolis Police Dept. (MN); Chief Roy Meisner, Berkley Police Dept. (CA); Sheriff Al Myers; Delaware County Sheriff's Office (OH); Chief Albert Najera, Sacramento Police Dept. (CA); Chief Mark S. Paresi, North Las Vegas Police Dept. (NV); Sheriff Charles C. Plummer, Alameda County Sheriffs Department (CA); Chief Edward Reines, Yavapat-Prescott Tribal Police Dept. (AZ); Chief Cel Rivera, Lorain Police Dept. (OH).

Officer Kevin J. Scanell, Rutherford Police Dept. (NJ); Robert M. Schwartz, Executive Director, Maine Police Dept. (ME); Chief Ronald C. Sloan, Arvada Police Dept. (CO); Chief William Taylor, Rice University Police Dept. (TX); Asst. Chief Lee Roy Villareal, Bexar County Sheriffs Dept. (TX); Chief (Ret) Joseph J. Vince, Jr., Crime Gun Analysis Branch, ATF (VA); Chief Garnett F. Watson, Jr., Gary Police Dept. (IN); and Hubert Williams, President, The Police Foundation (DC).

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me this time.

Mr. Speaker, my home State of Texas is well known for the number of residents who enjoy hunting and value their right to own a gun. Today firearms are found in half of all Texas households. A State law similar to S. 397 which protects the gun industry from frivolous lawsuits, in fact, is already in effect.

Texans, like most Americans, use guns for recreation, hunting, and personal protection. Unfortunately, there are some people who want to make gun manufacturers liable for what other others do with their firearms.

Our courts are already overloaded with frivolous lawsuits designed to topple industries that manufacture products a few individuals in our society have decided are not safe or appropriate for Americans to have.

□ 1045

It is the typical liberal mindset. They know better than other people what is best for them.

If this bill does not pass, Texans and other Americans will be less able to protect themselves from burglars, rapists, and murderers.

The Department of Justice estimates that 1.5 million Americans every year defend themselves using a firearm.

The Constitution protects all Americans' right to bear arms. The second amendment states, ''The right of the people to keep and bear arms shall not be infringed.''

Mr. Speaker, to allow frivolous lawsuits to constrain the right of Americans to lawfully use guns is both irresponsible and unconstitutional.

I urge my colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I really wish that today we could exercise our conscience and vote without the interference of the National Rifle Association.

I do believe in the second amendment, the Bill of Rights, that indicates that you are allowed to bear arms; but this legislation has nothing to do with the first or the second amendments, freedom of expression or the right to bear arms.

More than 10 years ago, as a member of the Houston City Council, I passed the first gun safety legislation that held parents responsible for guns in their homes, that children were then able to take and cause a tragedy. I remember the physician of the Texas Medical Center, Texas Children's Hospital Emergency Room, coming and testifying. I remember a parent coming and holding a very limp child, a paraplegic. They stood before us and they said this is the result of a shooting by a gun by a child who got the gun because of an irresponsible parent. That has not stopped the State of Texas and hunters from going to hunt. In fact, it has been noted that it saved lives and saved dollars.

Here we now have legislation with a blocked rule that suggests that no one can sue, no one can bring a suit of liability against gun manufacturers, and we are now suggesting that this is embedded in the likes and the hearts of the second amendment.

Is it the second amendment that says to a Philadelphia mother who won a settlement of only $850,000 from a gun dealer who negligently sold multiple guns to a gun trafficker, a child found one of the guns on a street in Philadelphia and accidently shot the mother's 7-year-old son, is there some reason, Mr. Speaker, we should not have these kinds of lawsuits? Is there some reason, Mr. Speaker, that this now putting forward only a negligence per se exception will, in fact, disallow States like Arkansas, Louisiana, Maine, Massachusetts, Nebraska, North Dakota, Rhode Island, Vermont, Washington, West Virginia, the citizens in those particular States cannot sue at all because they cannot meet the standard because there is no such standard as negligence per se?

It is unfortunate that the amendments that we were prepared to offer were not accepted; and as presently written, H.R. 800 makes individuals who sell machine guns, semiautomatic weapons, and large capacity ammunition feeding devices immune from that lawsuit, the same kind of bill that we have here before us.

In my own State of Texas, a San Antonio police officer named Hector Garza was brutally murdered when he responded to a family violence call. His assailant was armed with a MAC–10 semiautomatic pistol and AK–47 assault rifle. The shooter also murdered his wife and shot his uncle in the leg. Police Chief Al Phillips said that with the fire power the shooter possessed, the incident might have turned into a bloodbath and he could have killed multiple officers.

This is wrong-headed and misdirected. It is time now for us to vote this legislation down. What a shame for the NRA to buy this Congress.

Mr. Speaker, I oppose this legislation, S. 397, the Protection of Lawful Commerce in Arms Act, just as I did with my colleagues in the case of H.R. 800 in the Judiciary Committee and H.R. 1036 during the 108th Congress. Just as in the case of the malignant Bankruptcy legislation, S. 256, that finessed itself to the House floor for consideration and then to passage into law, H.R. 1036 passed in Committee body last Congress without having given many members the opportunity to have very substantive amendments considered—shielded by ''parliamentary inquiry.''

So too did Members have very important proposals to improve this very troubled piece of legislation. S. 397, like its predecessor and House companion in the 108th Congress, seeks to shield irresponsible gun manufacturers, vendors, dealers, distributors, and importers from liability under the guise of protection from ''frivolous lawsuits.''

As the Democrats of this Committee stated quite eloquently in its ''Dissenting Views'' (108–59), courts around the country have recognized that precisely the types of cases that would be barred by this bill are grounded in well-accepted legal principles, including negligence, products liability, and public nuisance. These courts have held that those who make and sell guns—like all others in society—are obligated to use reasonable care in selling and designing their product, and that they may be liable for the foreseeable injurious consequences of their failure to do so even if those foreseeable consequences include unlawful conduct by third parties. This bill, if enacted, would nullify these decisions, rewriting and subverting the common law of those States, and then, only with respect to a particular industry.

In the past iteration of this legislation, I offered an amendment that would exempt from the scope of the bill any lawsuit brought by a plaintiff who was harmed as the result of an unlawful transfer of a machine gun, semi-automatic assault weapon, or large capacity ammunition feeding device.

The U.S. Code, in Section 922 of Title 18, makes it unlawful for a person from transfer or possess a machine gun, semi-automatic assault weapon, or large capacity ammunition feeding device.

In addition, before the Committee on Rules earlier this week, I joined my colleague from California, Ms. LOFGREN in offering an amendment captioned ''Lofgre_044,'' that proposes an additional exception to the definition of ''qualified civil liability action'' for law enforcement officers acting in that capacity. This legislation creates very overbroad prohibitions for civil lawsuits against manufacturers, distributors, dealers, or importers of firearms, and this amendment seeks to protect one of many classes of parties that might be aggrieved as a result of firearm use.

While I do sit on the Committee on Homeland Security, one does not have to sit on this body to know that our first responders need and deserve protection from unintended situations. These men and women sit at the front line and are the first to act when our Nation is threatened. The de minimis effort that we as legislators can give is to protect legitimate claims filed by them in connection with the use of firearms.

The amendment did not say that gun dealers should be liable simply because they sold a gun that was used in a crime, nor does it say that the families of all 297 officers shot to death between 1997 and 2001 should be able to recover. It simply stated that when a gun dealer sells 12 or 50 or 100 guns to a person who is clearly going to turn around and sell those guns on the street, that dealer should be held accountable. Now, the proponents of this bill may argue that the negligence per se exception protects police officers because it allows suits against dealers who violate other statutes, like the Brady Act. But that is simply not true. It would not have protected Mr. Lemongello, who brought his suit in a State that does not recognize the doctrine of negligence per se. I would also point out that this bill steps all over States' rights. As we've seen, with the Schiavo case and other tort reform efforts, the leadership of the House is all too eager to ignore principles of federalism when it suits their ideological needs. I believe that this bill is just another example of that principle.

More than 30,000 gun deaths occur each year, so the almost blanket immunization from suit proposed in this legislation represents nothing more than an unwarranted and unjust special interest giveaway to the powerful gun lobby and a shameful attack on the legal rights of countless innocent victims of gun violence. Never before has a class of persons harmed by the dangerous conduct of others been wholly deprived of the right to legal recourse.

The Lofgren-Jackson Lee amendment would have protected the right to sue for members of the law enforcement community along with

their spouses or next of kin in the event of their wrongful death. I urge my colleagues to support this important amendment.

As presently written, H.R. 800 makes those individuals who sell machine guns, semi-automatic weapons, and large capacity ammunition feeding devices immune from suit. It makes no sense that the sellers of weapons that have been banned by Congress can avoid civil liability when the guns they sell are used in crimes.

Congress has enacted this ban on machine guns, semi-automatic assault weapons, and large capacity ammunition feeding devices for an obvious reason—these assault weapons are dangerous.

The deadly characteristics of semi-automatic weapons and assault rifles was tragically illustrated in my home state of Texas. A San Antonio police officer named Hector Garza was brutally murdered when he responded to a family violence call. His assailant was armed with a Mac–-10 semi-automatic pistol and an AK–47 assault rifle. The shooter also murdered his wife and shot his uncle in the leg. Police Chief Al Phillipus said that with the firepower the shooter possessed the incident ''might have turned into a bloodbath'' and he ''could have killed multiple officers.''

I will offer this amendment because the exceptions to the general ban on lawsuits against gun manufacturers and merchants is too narrow. One such narrow exception allows the victims of gun violence to sue a gun seller only if the gun purchaser is subsequently convicted of the gun-related crime.

This exception is insulting to the victims of gun violence. It prioritizes the rights of negligent gun sellers and criminals before the rights of the victims of gun violence.

H.R. 800 should be amended to allow the victims of gun violence to seek civil damages when there are allegations of wrongdoing. Under this amendment, the victims of gun violence will not have to wait for a criminal conviction in order to seek justice.

To make those individuals who sell Congressionally banned machine guns, semi-automatic assault weapons, and large capacity ammunition feeding devices liable for their negligent acts. I also offer this amendment so that the victims of gun violence can seek civil damages prior to the conviction of the gun purchaser.

In addition, I will offer an amendment that will exempt from the scope of the bill those lawsuits involving injury or death to minors under the age of 16.

As presently written, S. 397 prohibits all civil lawsuits against gun manufacturers, dealers, distributors, and trade associations for damages resulting from the criminal or unlawful gun use by the injured person or a third party.

There are a few limited exceptions to the overall ban. However, none of the exceptions in the bill protects the rights of minors, or the parents of minors, to sue for civil damages when a minor is injured or killed by a gun that is negligently or recklessly manufactured or distributed.

As it is presently written, a gun merchant could negligently or recklessly sell a gun to a criminal. That gun could then be used to seriously injure or kill a minor. Under S. 397, the negligent gun seller would be immune from any civil liability.

It is absurd to deny the families of children killed or injured by the negligence or recklessness of gun distributors an opportunity to sue. At the very least, the victims of gun violence and their families deserve an opportunity to have their claims heard by a judge and jury.

It is certainly foreseeable that some guns will accidentally fall into the hands of children and serious injuries or tragic deaths may result. Those gun distributors and sellers who fail to conduct adequate background checks, or fail to take other measures to ensure that guns to do not fall into criminal hands should not be free from liability. Gun merchants have a responsibility to conduct their business safely and protect the lives of children. When they fail to do so they should be held accountable in a court of law.

Gun manufacturers and merchants should be liable in courts of law when their negligent acts result in the death or injury to a minor.

Mr. Speaker, this is a bad bill, and the amendments that strive to make some improvements that will provide relief to parties that need protection were closed out without consideration. For the reasons above stated, I reject this legislation and I urge my colleagues to join me.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER), my Democratic colleague on the Committee on the Judiciary.

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

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

I rise in support of S. 397, the Protection of Lawful Commerce in Firearms Act.

It will prohibit lawsuits against firearms manufacturers, legal distributors, dealers or importers for damages resulting from the misuse of a firearm by a third party.

The bill is very similar to a House bill that I joined with the gentleman from Florida (Mr. STEARNS) in sponsoring earlier this year. Our House bill achieves the same objectives as the Senate bill now before us, and the House bill has been cosponsored by 257 Members of this body.

The lawsuits against the firearms industry are nothing more than thinly veiled attempts to circumvent the legislative process and achieve gun control through litigation.

Frustrated that Congress and most State legislatures have rejected repeated attempts to have gun control imposed, some have now turned to the courts in their effort to limit the legal availability of firearms.

I want for my constituents and for all Americans to be able to purchase guns for lawful purposes. The vast majority of gun owners use their firearms responsibly. They should not be restricted in their future purchases because the threat of lawsuits has rendered the American market economically unattractive for the manufacturers.

While the bill before us will prohibit lawsuits against manufacturers and others in the chain of distribution based upon misuse of the firearm, it does not interfere with traditional remedies for damages resulting from defects or design in the manufacture of products.

The bill provides no shelter to those who would sell firearms illegally. It does not affect suits against anyone who has violated other State or Federal laws.

This bill is a commonsense measure to eliminate lawsuits which unjustly interrupt the legal sale of a legal product.

A majority of States, including my home State of Virginia, enacted similar laws prohibiting these suits.

With our votes today, we will provide a much-needed additional response. I urge approval of the measure.

Mr. VAN HOLLEN. Mr. Speaker, I wish my colleague from Virginia would come meet with 10 families from the Washington area who had victims killed during the sniper attacks 3 years ago, as well as the police officers from New Jersey, and tell them that those lawsuits were frivolous lawsuits.

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

Mr. FARR. Mr. Speaker, I rise in strong opposition to this bill.

I would first like to say that I support the rights of gun owners and hunters, but this bill makes it clear this is not about the second amendment. This bill is about a direct assault on our civil justice system that endorses unscrupulous corporate behavior.

Once again, with this bill, democracy has been thwarted by bringing this bill to the floor. Very reasonable amendments were offered, but the majority adopted a restrictive rule that prevented them from being heard on the floor today.

One of those amendments would have expanded the ban on armor-piercing bullets also. For God's sake, who in this country needs to own armor-piercing bullets?

We are not legislating via the intended democratic process. The people of this country want and deserve an open and participatory government, not law by fiat.

I urge a strong ''no'' vote on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS), the principal author of the bill.

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

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman of the Committee on the Judiciary for his help in bringing this bill to the floor. He has been a leader on this bill in shepherding it through the Committee on the Judiciary time and time again.

I also want to thank my colleague from Virginia (Mr. BOUCHER) for introducing this bill with me through the last three sessions of Congress and all the other Members who have strongly supported the Protection of Lawful Commerce in Arms Act over the years.

Mr. Speaker, this is a bipartisan bill. Almost the same bill passed this House

on this floor 285 to 140. Over 60 Democrats supported it.

This legislation will stop baseless lawsuits against gun manufacturers or dealers based on the criminal or unlawful third-party misuse of firearms.

This may seem like an obvious idea. After all, would we hold a car company responsible if a driver gets drunk or reckless and hits somebody with a vehicle? Of course not. This is the United States of America where we are responsible for our own actions; but yet these frivolous lawsuits against a vital, legitimate and perfectly lawful industry have continued unabated for the last several years in the simple hope of bankrupting this industry.

This is a commonsense, logical piece of legislation whose time has come. The States, the courts and the American people have decided again and again that these harmful and baseless lawsuits are unfair and must be done away with.

If anyone does not believe me, let us take a look at this map. It shows that 33 States, or two-thirds of the United States, have laws prohibiting these same frivolous lawsuits. These States consider it fair and just to prevent these junk lawsuits. I am proud to say my home State of Florida is one of those States. The bill we are considering today is designed to simply mirror these States and what they have done to provide a unified system of laws United States-wide.

There have also been dozens and dozens of lawsuits at the local, State, and Federal levels which have rejected this theory that gun manufacturers should be held liable for what violent criminals do with their lawful products.

I have three charts here which list in detail these cases. It is really quite impressive the number of these frivolous lawsuits that have been rejected out of hand.

If my colleagues would bear with me, I would like to focus on a recent case in this last chart which is circled. This case took place in the County of Los Angeles, California. The cities of Los Angeles, San Francisco, and 12 other California municipalities filed lawsuits against 28 manufacturers, six distributors and three associations. This was a mammoth case and they lost. They appealed it, and it was unanimously upheld by a lower court and the appellate court.

I would remind my colleagues that this is an idea that has been enormously popular with the public, also. A March 2005 poll conducted by the Moore Information Public Information Research Company showed that a remarkable 79 percent of the American people believe that firearm manufacturers should not be held legally responsible for violence committed by armed criminals.

The fact of the matter is that there are several pending lawsuits which continue to abuse the judicial system and would threaten legitimate, lawful businesses, including in New York City and right here in the District of Columbia.

We must also consider that just the mere threat of these suits or taking the first couple of legal steps to defend these suits simply can be enough to force some of the smaller companies out of business. As one proponent of this tactic once bragged, we are going to make the gun industry die a ''death by a thousand cuts.''

This legislation will end these coercive and undemocratic lawsuits.

I remind my colleagues and those who are watching at home that this legislation is very narrowly tailored to allow suits against any bad actors to proceed. It includes carefully crafted exceptions to allow legitimate victims their day in court for cases involving defective firearms, breaches of contract, criminal behavior by a gun maker or seller, or the negligent entrustment of a firearm to an irresponsible person.

In conclusion, Mr. Speaker, I am pleased that we are voting on this bill. It has been a 6-year effort. It is with a great deal of satisfaction to the 257 bipartisan cosponsors that this bill, H.R. 800, as amended by the Senate and passed by the Senate two to one, 65 to 31, is poised to pass in this Congress as a bipartisan law.

I urge my colleagues to join with us in voting for this piece of legislation.

Mr. VAN HOLLEN. Mr. Speaker, it seems that the charts that my colleague showed listing all the lawsuits actually make the case for how the system is working because, as he knows, many of those cases have been dismissed by the court. The court looked at them; and those cases that were frivolous, it decided to dismiss.

So why are we trying to change the rules? It is because there are some cases that have merit, like the sniper cases and others, that would continue to go through, and under this legislation, they will not. Why change the rules to deny legitimate victims their day in court?

Mr. Speaker, I yield 3 minutes to my colleague from New York (Mrs. MCCARTHY) who has been such a leader on this important issue in protecting the victims of gun violence.

□ 1100

Mrs. MCCARTHY. Mr. Speaker, I thank my colleague from Maryland for doing such a wonderful job on handling this issue.

Let me first say something. The legislation in front of us, as far as I am concerned, is frivolous. When we think about the millions and millions of lawsuits that have been filed over the last 10 years, only 57 have actually involved the gun industry, 57, and for that we are taking time up here in Congress.

We hear constantly that this is a good bipartisan bill, that over 200 of our Members, Republicans and Democrats, basically support this legislation. May I remind many of my colleagues that the NRA has put extraordinary pressure on Members, and certainly even in the States.

With that being said, there are people out there that need to protect our victims, and they should be protecting our victims. My family went through a terrible tragedy years ago, and it was because of gun violence.

Now, they are saying that the gun industry has nothing to do with the person that buys the gun. Well, I say they do have a purpose. We know that the gun industry, when they ship the guns to gun dealers, and then a gun is used in the commission of a crime, through the tracing it goes back to the gun dealer to say that this store bought the gun from here. They keep statistics on this. In New York State, over 60 percent of the guns used in crime are traced back to the manufacturers.

With that being said, the majority of our gun stores are legitimate owners. But again, 1 percent is causing over 60 percent of the harm in this Nation. With this bill that is going to be passed today, and it will be passed today and will be signed by the President, is not doing any favor for the citizens of the United States.

Our courts are working, and they should continue to work. But again, it comes down to where the victims should be allowed to have their day in court. What we are doing to the gun industry is allowing them to have a blanket, a blanket. My colleagues say that we can have our day in court. The hoops that they will have to go through will make it near impossible.

The States that have the right, through their attorneys general, to sue the gun manufacturers should have their day in court. We are not looking to put anyone out of business. We are not looking to take the right of someone to own a gun, but the gun industry and these bad dealers are costing this country over $100 billion in health care every single year, and here we are going to give them blanket immunity.

I do not understand this. This is not common sense. This is not protecting the American people. And when the American people and my gun owners hear exactly what should be done, they agree with us. It is up to the American people to have their voices heard.

I urge my colleagues to defeat this legislation. It is not good for the American people, it is not good for the health care system.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me this time and I thank him and the gentleman from Florida (Mr. STEARNS) for their visionary leadership on this bipartisan legislation.

The right to keep and bear arms is enshrined in the second amendment of the Constitution of the United States, and the Protection of Lawful Commerce in Arms Act today will reaffirm our Nation's ability to keep, bear, and

manufacture lawful firearms in the United States of America. By passing this bill, Congress will prevent one or a few State courts from bankrupting the national firearms industry with baseless lawsuits.

Mr. Speaker, a gun, by its very nature, is dangerous. But throughout the history of tort law in this Nation, we have built on the principle of individual responsibility in which a product may not be defined as defective unless there is something wrong with the product, not with the way that it is used. The progeny of cases that have emerged in recent years against gun manufacturers flies in the face of both our Constitution as well as the history of common law and its tradition.

It is time for Congress to fulfill its congressional duty, exercise its authority under the commerce clause, and prevent a few State courts from bankrupting our national firearms industry that has as its foundation our constitutional right to keep and bear arms.

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, the gun industry would like to see this legislation passed today so that they can protect their profits. But I would like to talk about the real people who will be affected by this bill, people who have suffered enough.

I would like to talk about a 26-year-old father of two from my home State of Massachusetts whose death was a direct result of negligence by a gun maker. Five years ago, Danny Guzman was leaving a holiday party to go home to see his daughters, Tammy and Selena, but he never made it home. Standing on the street, Danny Guzman was struck down by a stray bullet fired from a 9 millimeter handgun. That gun that killed him made its way into criminal hands because a gun factory employee had stolen it from his workplace and sold it on the black market.

But this is no isolated incident. In that same year, over 25,000 guns hit America's streets after being stolen or lost under suspicious circumstances. And, according to court testimony in the case, stealing guns happened at the plant ''all the time,'' and it happened all the time because no system was in place to prevent theft. It happened all the time because the gun company was negligent. And, in this particular case, the employee got his job at the gun plant despite a criminal record that included a history of drug abuse, theft, and violence.

Mr. Speaker, when big tobacco lied about the dangers of smoking, we held them accountable. When the pharmaceutical industry markets dangerous drugs, we hold them accountable, too. But what do we do when gun makers and dealers ruin countless lives through their reckless behavior, through their negligence? This House considers legislation to provide them special protection and to deny gun victims and their families the justice they deserve.

If this bill becomes law, the Guzman family in Massachusetts, in addition to losing a husband, a son, and a father, will lose their right of legal recourse and justice. It would be an unspeakably cruel case of justice denied.

I strongly oppose this legislation and I urge my colleagues to do the same. Businesses in the firearms industry do not deserve special treatment under the law.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. SALAZAR) who is always welcome on this side of the aisle.

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

Mr. SALAZAR. Mr. Speaker, I thank the gentleman for yielding me this time. I rise today in support of Senate bill 397, the Protection of Lawful Commerce in Arms Act. I would like to thank the gentleman from Florida (Mr. STEARNS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the Committee on the Judiciary for all their hard work on this much-needed piece of legislation.

Mr. Speaker, I consider myself a strong supporter of the second amendment to our Constitution and truly believe in the rights of Americans to keep and bear arms.

For a long time, I have been very dismayed at the anti-gun lobby's effort to litigate the gun industry to death. Taking gun manufacturers, wholesalers, and distributors to court for the actions of criminals is ludicrous. These are mostly small to medium-sized business owners who cannot afford to pay lawyer fees to avoid lawsuits.

Senate bill 397 is a bipartisan effort to reform the civil liability system to ensure that those who lawfully make and sell firearms cannot be held liable for the misuse and criminal use of those firearms.

The current system is equivalent to someone stealing my Chevrolet truck, committing a crime with it, and then GM being sued for millions of dollars for their misdeeds. Now this, to me, is ridiculous. It is time for Congress to derail the efforts of certain organizations whose aim is to bankrupt the firearms industry through litigation.

I urge my colleagues on both sides of the aisle to join me in supporting Senate bill 397, a commonsense measure to protect small businesses and preserve the second amendment rights of American citizens.

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

I want to address an issue we have not covered this morning, which deals with the question of terrorists trying to get their hands on guns in this country. We know from our reports and records that Osama bin Laden and other terrorists have said to their terrorist network that they can easily obtain weapons in the United States, and we know from a government accountability study from January of this year that between February 3 and June 20 of 2004, 35 known or suspected terrorists, those are people who are on the terrorist watch list, purchased guns in the United States, and that from July 1 through October 31 of last year 12 additional people on the terrorist watch list purchased guns in the United States.

Now, I think many Americans would be surprised to know that you can be on the terrorist watch list and you can go to the airport and try and board an airplane, and because you are on the terrorist watch list, we say no, we want to protect the public, we are not going to let you board this airplane and compromise the safety of other passengers on that plane. But that person can then get in their car at the airport, go to their local gun store and buy as many semiautomatic weapons as that terrorist wants. What is more, that person can walk into that gun store and say, hey, guess what? I am on the terrorist watch list, and I want 12 semiautomatic assault weapons, and under this bill, if we pass it today, we could not hold that gun store owner liable in any way for a wrongful sale.

How do I know that? We offered an amendment in committee. Very simple. Let me read the language of the amendment. We said, we do not want to except from lawsuits and liability a seller who knows that the name of the person appears in the violent gang and terrorist organization file maintained by the Attorney General and the person subsequently used the qualified product, the weapon, in the commission of a crime.

We had a vote in committee on this amendment. Every Republican member of the committee voted no, every Democratic member of the committee voted yes. The gentleman from California (Mr. WAXMAN) and I tried to get through the Committee on Rules an amendment so the whole House could consider this proposition. What did the Committee on Rules say? No.

It seems to me outrageous that we would pass a bill that would allow someone to walk into that gun store, the gun store owner knows that person is on the terrorist watch list, they sell the person a gun, the person goes out and murders people and, under this legislation, guess what? You can no longer hold them liable. That is a shame.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the plain language of the bill says that the hypothetical the gentleman from Maryland just talked about falls under the negligent entrustment exemption from the bill, so a lawsuit could proceed. Read the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I am a lifetime member of the National Rifle Association and a life-long shooting sports enthusiast. I have been an outspoken supporter of second

amendment rights and strongly support the original intent of this bill.

I regret the legislation we are voting on today contains the Kohl-Reed storage device amendment. We need to protect the firearms industry, an industry I would like to remind my colleagues on the other side of the aisle is responsible for arming our troops, our law enforcement professionals, including the Capitol Police. But responsible gun owners should not have further limits placed on their second amendment rights. Unfortunately, it has become necessary to enact legislation to protect responsible owners, manufacturers, and sellers from frivolous liability lawsuits and criminals and others who irresponsibly handle firearms.

The original legislation from the House had 257 cosponsors and the original bill in the Senate, which did not contain the Kohl-Reed amendment, had 62 cosponsors. I do not understand why then we are about to pass a measure that is a compromise of the two bills that were overwhelmingly supported by both Chambers.

Among the provisions of this amendment is a requirement of using devices like a trigger lock to protect an individual from a release of liability if a criminal should take their weapon. For example, trigger locks can violate a fundamental safety rule of keeping everything out of the trigger guard until ready to shoot. The very real safety hazard is that the lock could actually depress the trigger as it enters the trigger guard if the weapon is not cleared.

Having said that, though, I think it is very important and I urge my colleagues to support the Protection of Lawful Commerce in Arms Act, because we need to take immediate steps to protect the firearms industry and manufacturers and responsible gun owners from the liberal left's culture of frivolous litigation and to legislate by lawsuit.

□ 1115

Mr. VAN HOLLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me mention that the gentleman from Maryland (Mr. VAN HOLLEN) has a long and prominent history in knowing the laws of this Nation in his earlier life, and as well rendering them in the proper manner.

And I want to follow the comments that you made about the amendments offered in the committee, and as well make mention of the fact of the kind of complete reckless, if you will, lacking of sensitivity, to putting forward real balanced legislation.

In our dissenting views, the Democrats of this committee mentioned courts around the country, and by the way, there are views about gun safety across the aisle. But courts around the country have recognized that precisely the types of cases that would be barred by this bill are grounded in well-accepted legal principles, including negligence, products liability and public nuisance.

These courts have held that those who make and sell guns, like all others in society, are obligated to use reasonable care in selling and designing their products and that they may be liable for foreseeable injurious consequences.

The courts have answered this question. They have rejected frivolous lawsuits. And those that have merit they have accepted. I offered an amendment that would exempt from the scope of the bill any lawsuit brought by a plaintiff who was harmed as a result of an unlawful transfer of a machine gun, semi-automatic assault weapon, or large-capacity ammunition feeding device.

These particular arms, illegal. And therefore the manufacturer does have some liability in it. And this latest offering of the bill, the gentlewoman from California (Ms. ZOE LOFGREN) and myself offered a bill that would exempt law enforcement officers.

This bill does not even exempt law enforcement officers. And even in this climate of homeland security, it is well known that our first responders need to be protected by the reckless use of machine guns and AK–47s. And this legislation turns a blind eye to reality. It turns a blind eye to the shooting of children. It turns a blind eye to the sniper in Washington, to the Philadelphia mother.

I ask my colleagues to vote against this legislation. This is not the second amendment. This is the NRA free legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of S. 397, the Protection of Lawful Commerce in Arms Act, and thank the chairman of the Judiciary Committee, the gentleman from Wisconsin, for bringing this legislation forward.

The second amendment to the U.S. Constitution clearly declares that the rights of citizens to keep and bear arms shall not be infringed. Despite this fundamental protection, an extreme minority determined to restrict the supply of firearms and firearms ownership has discovered a new tool, frivolous lawsuits.

Recently, more than 30 cities and counties have filed lawsuits against the firearms industry alleging that the industry is liable for the actions of third parties, including those that use lawful firearms in a criminal manner. Many legitimate firearms manufacturers could be forced to go out of business due to the prohibitive costs of defending these targeted lawsuits.

If the courts are so allowed to decide the fate of gun manufacturers, then the trial lawyers and the courts will effectively be regulating the supply of firearms and thus the right of citizens to bear arms.

However, legislatures, not courts, are the proper forums for deciding the scope of regulation for the firearms industry. S. 397 would prevent plaintiffs from bringing civil actions against firearm manufacturers and sellers for the criminal or unlawful misuse of third parties of properly made firearms. This bill will help to put an end to the judiciary legislating in the firearms field.

It will also serve as an important statement that responsibility for wrongdoing should rest with the wrongdoer. As Oliver Wendall Holmes stated in an 1894 Harvard Law Review article: ''Why is not a man who sells firearms answerable for assaults committed with pistols bought of him since he must be taken to know the probability that sooner or later someone will buy a pistol of him for some unlawful end?''

The principle seems to be pretty well established in this country, at least, that everyone has a right to rely upon his fellow man acting lawfully. Over 30 States have enacted legislation to prevent junk lawsuits against the firearms industry based on the criminal behavior of others. These States have thus declared that the responsibility for wrongdoing should rest with wrongdoers. Congress should follow the States' lead and pass S. 397.

The House has passed the Protection of Lawful Commerce in Arms Act on several occasions. Now the Senate has passed it. We have a chance to send this bill to the President of the United States.

I urge my colleagues to support this important legislation.

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

Mr. Speaker, I will include in the RECORD the following letters in opposition to S. 397. Letters from the ABA, letters from two former directors of the ATF, a letter from a number of nationally recognized organizations, and letters from a number of law professors.

Mr. Speaker, a moment ago, I raised the scenario of a terrorist getting denied access to an airplane because they are on the terrorist watch list going down to a local gun shop and saying, You know, I am on that watch list, can I get some guns? And under this legislation, that individual would be allowed to purchase those guns.

I have read the bill, and that is why I offered the amendment in committee. And what the bill says very clearly under negligent entrustment is essentially if the gun dealer knows or should know that the person to whom the product is supplied is likely to use the product in a manner involving unreasonable risk of physical injury.

Now, we all might say common sense tells us that that would cover a person on the terrorist watch list. But you know what, that is not what the explanation was in committee. In fact, I have the committee transcript here, and the gentleman from Utah (Mr. CANNON) stated that the reason that

they did not want to adopt the amendment was not because the bill already covered that scenario. The real reason was they have questions about the reliability of the terrorist watch list and whether or not someone who is on the terrorist watch list is legitimately put there.

Well, here is the question. If the terrorist watch list is good enough to deny someone access to an airplane because that will put the public safety at risk, why is it not good enough to deny someone a firearm who goes down to the local gun store?

We have tried to make it a condition that people who are on the terrorist watch list cannot purchase weapons at gun stores. The Attorney General in testimony before our committee said maybe we should think about that. We have not passed that as a Congress.

And so for the chairman of the committee to say that the gun store owner will be assumed to know that person is a danger, when the United States Congress and the Judiciary Committee have refused to make that decision, it is just plain wrong. The Congress has not gone on record saying that someone on the terrorist watch list should not get a gun. Why should we expect a gun dealer and seller to do that?

So this does open a loophole that would allow exactly the scenario I talked about.

It would close the door on lawsuits by the victims of the snipers in this area. The letters I submitted for the RECORD from law professors and others make it absolutely clear that that is what this does.

Look, we have got a system for bringing lawsuits. We heard from the author of the bill, the gentleman from Florida (Mr. STEARNS), a number of cases that were filed that he said were frivolous. Most of those cases were in fact dismissed from the courts.

The system is working. Frivolous lawsuits were dismissed. But what this legislation would do is to change the rules. It does not have to change the rules to protect the ones that were dismissed; they have been dismissed under the existing rules. So why are we changing them? Because we want to deny people who bring legitimate suits today, people like the families of the sniper victims, people like the officers from New Jersey, the police officers, who I must point out, again, and emphasize obtained settlements in those lawsuits.

We want to close the courthouse door on them. I would just ask a very simple question, Mr. Speaker, my colleagues. We have a bill here saying we are going to protect the Lawful Commerce in Arms Act, which in fact changes the rules to make what is today unlawful, lawful.

Why do we not go about the business of passing legislation to protect the victims of gun violence rather than that small handful of bad-apple gun dealers who wrongfully and negligently help put the guns in the hands of killers in this country and allow them to go on the kind of rampage that leads to the death of so many people.

The killers are in jail. Thank God for that. But why should someone who is known to be negligent, who the ATF found to be negligent and later closed the gun shop, why should that person not be liable for their contribution to the negligence and to the deaths and sufferings that were faced by those families? Let us get about protecting the victims.

Mr. Speaker, the material I previously referred to is as follows:

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, April 4, 2005.

DEAR SENATOR: I am writing on behalf of the American Bar Association to express our strong opposition to S.397, the Protection of Lawful Commerce in Arms Act, and to similar legislation to enact special tort laws for the firearms industry. The ABA opposes S.397, and has opposed similar legislation in the past two Congresses, because we believe the proposed legislation is overbroad and would unwisely and unnecessarily intrude into an area of traditional state responsibility.

The responsibility for setting substantive legal standards for tort actions in each state's courts, including standards for negligence and product liability actions, has been the province of state legislatures and an integral function of state common law since our nation was founded. S.397 would preempt state substantive law standards for most negligence and product liability actions for this one industry, abrogating state law in cases in which the defendant is a gun manufacturer, gun seller or gun trade association, and would insulate this new class of protected defendants from almost all ordinary civil liability actions. In our view, the legitimate concerns of some about the reach of a number of suits filed by cities and state governmental units several years ago have since been answered by the deliberative, competent action of state courts and within the traditions of state responsibility for administering tort law.

There is no evidence that federal legislation is needed or justified. There is no hearing record in Congress or other evidence to contradict the fact that the state courts are handling their responsibilities competently in this area of law. There is no data of any kind to support claims made by the industry that it is incurring extraordinary costs due to litigation, that it faces a significant number of suits, or that current state law is in any way inadequate. The Senate has not examined the underlying claims of the industry about state tort cases, choosing not to hold a single hearing on S.397 or its predecessor bills in the two previous Congresses. Proponents of this legislation cannot, in fact, point to a single court decision, final judgment or award that has been paid out that supports their claims of a ''crisis''. All evidence points to the conclusion that state legislatures and state courts have been and are actively exercising their responsibilities in this area of law with little apparent difficulty.

S. 397 proposes to exempt his one industry from state negligence law. The proposed federal negligence law standard will unfairly exempt firearms industry defendants from the oldest principle of civil liability law: that persons, or companies who act negligently should be accountable to victims harmed by this failure of responsibility. Negligence laws in all 50 states traditionally impose civil liability when individuals or businesses fail to use reasonable care to minimize the foreseeable risk that others will be injured and injury results. But this proposed legislation would preempt the laws of the 50 states to create a special, higher standard for negligence actions for this one protected class, different than for any other industry, protecting them from liability for their own negligence in all but extremely narrow specified exceptions. The ABA believes that state law standards for negligence and its legal bedrock duty of reasonable care should remain the standard for gun industry accountability in state civil courts, as these state standards for the rest of our nation's individuals, businesses and industries.

The proposed federal product liability standards will unfairly insulate firearm industry defendants from accountability in state courts for design defects in their products. The proposed new federal standard would preempt the product liability laws in all 50 states with a new, higher standard that would protect this industry even for failing to implement safety devices that would prevent common, foreseeable injuries, so long as any injury or death suffered by victims resulted when the gun was not ''used as intended''.

Under existing product liability laws in most states, manufacturers must adopt feasible safety devices that would prevent injuries caused when their products are foreseeably misused, regardless of whether the uses are ''intended'' by the manufacturer, or whether the product ''fails'' or ''improperly'' functions. Thus automakers have been held civilly liable for not making cars crashworthy, even though the ''intended use'' is not to crash the car. Manufacturers of cigarette lighters must make them childproof, even though children are not ''intended'' to use them. Under this proposed legislation, however, state laws would be preempted so that gun manufacturers would enjoy a special immunity.

Enactment of S. 397 would also undermine responsible federal oversight of consumer safety. The broad and, we believe, unprecedented immunity from civil liability that would result from enactment of S. 397 must be viewed against the existing legal backdrop of the present, unparalleled immunity the firearms industry enjoys from any federal safety regulation. Unlike other consumer products, there is no federal law or regulatory authority that sets minimum safety standards for domestically manufactured firearms. This is because the firearms industry was able to gain an exemption for firearms from the 1972-enacted Consumer Product Safety Act, the primary federal law that protects consumers from products that present unreasonable risk of injury. Over the last 30 years, an average of 200 children under the age of 14 and over a thousand adults each year have died in gun accidents which might have been prevented by existing but unused safety technologies. A 1991 Government Accounting Office report estimated that 31 percent of U.S. children's accidental firearm deaths could have been prevented by the addition of two simple existing devices to firearms: trigger locks and load-indicator devices. Sadly, these minimal safety features are still not required.

This bill, if enacted, would insulate the firearms industry from almost all civil actions, in addition to its existing protection from any consumer product safety regulations. Such special status for this single industry raises serious concerns about its constitutionality; victims of gun violence have the right—as do persons injured through negligence of any party—to the equal protection of the law.

The risk that states may at some future date fail to appropriately resolve their tort

responsibilities in an area of law—where there is no evidence of any failure to date—cannot justify the unprecedented federal preemption of state responsibilities proposed in this legislation. The ABA believes that the states will continue to sort out these issues capably without a federal rewriting of state substantive tort law standards. The wiser course for Congress, we believe, is to respect the ability of states to continue to administer their historic responsibility to define the negligence and product liability standards to be used in their state courts. For these reasons, we urge you to reject S. 397.

Sincerely,

ROBERT D. EVANS.

DEAR SENATORS AND REPRESENTATIVES: The undersigned former Directors of the Bureau of Alcohol, Tobacco, and Firearms (''ATF'') write to express our grave concern over pending legislation that the Congress is now considering. S. 397 and H.R. 800 would provide sweeping immunity to members of the gun industry in numerous cases. While there are many disturbing aspects to this bill from a policy perspective, this letter concerns one that is especially disturbing to us, as it threatens ATF's ability to fully and effectively enforce our nation's gun laws.

Supporters of gun industry immunity have added language to S. 397 and H.R. 800 that was not included in the gun immunity bills considered by the last Congress (H.R. 2037, S. 659, S. 1805, and S. 1806). This new language includes provisions that threaten to block law enforcement efforts by the ATF, as well as state governments. Specifically, the legislation would now prohibit certain law enforcement ''administrative proceeding(s).'' §4(5)(A). This goes well beyond barring civil damages suits, and is apparently intended to curtail law enforcement proceedings against gun sellers who violate the law. Given the serious and persistent danger posed to society by irresponsible gun sellers who supply the criminal gun market and other prohibited purchasers, we find it outrageous that Congress would contemplate tying the hands of law enforcement to protect scofflaw dealers.

This broad new language threatens to block any ATF ''administrative proceeding'' that seeks ''fines, or penalties, or other relief'' resulting from unlawful use of firearms by third parties. §4(5)(A). The bill would likely prohibit ATF from initiating enforcement proceedings including those to:

Prohibit ATF from initiating proceedings to revoke a gun dealer's federal firearm license if the dealer supplies guns to criminals or other prohibited buyers. Current law enables ATF to initiate proceedings to revoke a federal firearm license if a gun dealer willfully violates federal law, such as by transferring a gun to a criminal. 18 U.S.C. §923(e).

Limit ATF's ability to prevent the importation of non-sporting firearms used frequently in crimes. Current law enables ATF to initiate proceedings to prohibit the importation of firearms that do not have a ''sporting purpose.'' 18 U.S.C. §925(d)(3).

We know from experience how important it is that ATF be able to enforce our nation's gun laws to prevent firearms from being obtained by terrorists, other criminals, and the gun traffickers who supply them. To protect our citizens from the scourge of gun violence Congress should be strengthening our laws and increasing ATF's resources and ability to enforce those laws. To handcuff ATF, as this bill does, will only serve to shield corrupt gun sellers, and facilitate criminals and terrorists who seek to wreak havoc with deadly weapons. To take such anti-law enforcement actions in the post-9/11 age, when we know that suspected terrorists are obtaining firearms, and may well seek them from irresponsible gun dealers, is nothing short of madness.

The bill also would likely limit the ability of state attorneys general to bring actions against gun sellers who violate state law, such as those who engage in ''straw sales'' to someone who illegally buys guns on behalf of prohibited buyers. Had this bill been the law, California may not have been able to levy the $14.5 million fines Wal-Mart recently paid to settle a civil suit brought by the California Attorney General concerning numerous violations of state law, including sales to straw buyers. The bill would also jeopardize state and local law enforcement proceedings to shut down ''kitchen table'' dealers who sell guns out of their homes to criminals.

In closing, we would note that many of us have other reservations as well about substantive aspects of S. 397/H.R. 800. But even without those troublesome aspects, the restrictions placed on law enforcement should be reason enough for Congress to reject this dangerous legislation. We urge Congress to reject S. 397 and H.R. 800.

STEPHEN HIGGINS,
Director (Ret.) ATF, 1982–1995.

REX DAVIS,
Director (Ret.) ATF, 1970–1978.

DEAR MEMBER OF CONGRESS: Please oppose any legislation that would limit the legal rights of gun violence victims.

The National Rifle Association and others in the gun lobby are pushing legislation that would deprive gun violence victims of their legal rights and give special legal privileges to the gun industry (House bill H.R. 800 and Senate bill S. 397).

Similar legislation was defeated in the last Congress, and it must be stopped again in the 109th Congress.

Recently, gun violence victims have exercised their legal rights and held reckless and irresponsible gun sellers accountable:

Families of victims of the 2002 D.C.-area sniper attacks won a $2.5 million settlement from Bull's Eye Shooter Supply, the dealer who ''lost'' the snipers' assault rifle, and Bushmaster Firearms, the assault weapon maker who supplied Bull's Eye, while turning a blind eye to its disgraceful record of missing guns and regulatory violations. Further, as part of the settlement, Bushmaster agreed to inform its dealers of safer sales practices that will prevent other criminals from obtaining guns—something Bushmaster had never done before.

Two former New Jersey police officers, Ken McGuire and Dave Lemongello, shot in the line of duty with a trafficked gun negligently sold by a West Virginia dealer, won a $1 million settlement. The dealer had sold the gun, along with 11 other handguns, in a cash sale to what turned out to be a straw purchasing team. After the lawsuit, the dealer, as well as two other area pawnshops, implemented safer practices to prevent sales to traffickers, including a new policy of ending large-volume sales of handguns. These reforms go beyond the law and are not imposed by any manufacturers or distributors.

If the NRA's special interest legislation had passed Congress, these victims would never have obtained justice and it would be business as usual for these dangerous gun sellers.

Instead of trying to close the courthouse doors to victims, Congress should be investigating the gun industry, cracking down on the corrupt dealers who arm drug gangs and other criminals, and passing stronger laws to stop gun deaths.

Please protect gun violence victims and OPPOSE any Immunity legislation (H.R. 800/S. 397) that would deprive them of their legal rights.

Sincerely,

NATIONAL GROUPS

Alliance for Justice.
American Association of School Psychologists.
American Association of Suicidology.
Americans for Democratic Action.
American Humanist Association.
American Public Health Association.
Brady Campaign To Prevent Gun Violence United With the Million Mom March.
Child Welfare League of America.
Children's Defense Fund.
Church Women United.
Coalition To Stop Gun Violence.
Common Cause.
Congregation of Sisters of St. Agnes Leadership Team.
Consumer Federation of America.
Consumers for Auto Reliability and Safety.
Disciples Justice Action Network.
Equal Partners in Faith.
Evangelical Lutheran Church in America.
Hadassah The Women's Zionist Organization Of America.
HELP Network.
League of Women Voters of the U.S.
Legal Community Against Violence.
National Council of Jewish Women.
National Council of Women's Organization.
National Research Center for Women & Families.
Physicians for Social Responsibility.
Presbyterian Church (USA).
Public Citizen.
Religious Action Center of Reform Judaism.
States United to Prevent Gun Violence.
The American Jewish Committee.
The Ms. Foundation for Women.
The Society of Public Health Education (SOPHE).
The United States Conference of Mayors.
Unitarian Universalist Association of Congregations.
Veteran Feminists of America.
Women's Institute for Freedom of the Press.

STATE/LOCAL ORGANIZATIONS

Arizona

Physicians for Social Responsibility—Arizona Chapter

Arkansas

Arkansas Coalition Against Domestic Violence.

California

Khadafy Foundation for Non-Violence.
Concerned Citizens of Leisure World.
Sisters of Saint Joseph of Orange.
Physicians for Social Responsibility.
Marin Friends Meeting.
Orange County Substance Abuse Prevention Network.
Youth Alive.
Gray Panthers.
Society of Public Health Education.
Physicians for Social Responsibility—Sacramento.
Orange County Citizens for the Prevention Of Gun Violence.
Violence Prevention Coalition of Orange County.
Women Against Gun Violence.
Long Beach Coalition for the Prevention of Gun Violence.
Alameda County Million Mom March Chapter.
Contra Costa County Million Mom March Chapter.
Los Angeles County West Million Mom March Chapter.
Marin County Million Mom March Chapter Napa.

Solano County Million Mom March Chapter.
Nevada County Million Mom March Chapter.
Orange County Million Mom March Chapter.
Sacramento Valley Million Mom March Chapter.
San Diego County Million Mom March Chapter.
San Fernando Valley Million Mom March Chapter.
Santa Clarita Million Mom March Chapter.
Silicon Valley/Santa Clara County Million Mom March Chapter.
Sonoma County Million Mom March Chapter.
South Bay/Long Beach Million Mom March Chapter.

Colorado

Colorado Progressive Coalition.
Physicians for Social Responsibility—Colorado Chapter.
Colorado Ceasefire Capitol Fund.
Denver Million Mom March Chapter.

Connecticut

Hog River Music, LLC.
Society of Public Health Education.
Greater New Haven N.O.W.
New England Coalition To Prevent Gun Violence.
Central Connecticut Million Mom March Chapter.
Fairfield County Million Mom March Chapter.

District of Columbia

STARS.
R.O.O.T.
Life After Homicide.
Society of Public Health Education—National Capitol Area Chapter.
District of Columbia Million Mom March Chapter.

Florida

IRC Coalition Against Gun Violence.
Florida Coalition to Stop Gun Violence.
Vero Beach Coalition against Gun Violence.
Central Florida Million Mom March Chapter.
Northeast Florida Million Mom March Chapter.
South Florida Million Mom March Chapter.
Tampa Bay Million Mom March Chapter.

Georgia

American Public Health Association.
Georgia Federation of Professional Health Education.
Metro Atlanta Million Mom March Chapter.

Illinois

Citizens Resource for Children.
Episcopal Peace Fellowship Chicago Consumer Coalition.
Chicago Survivors Million Mom March Chapter.
North Suburban Chicagoland Million Mom March Chapter.
Southwest Chicagoland Million Mom March Chapter.
Springfield Million Mom March Chapter.

Indiana

Hispanic/African American Public Policy Institute.
Infinite Inc.
Hoosiers Concerned About Gun Violence.

Iowa

University of Iowa CPH/CBH.
Iowans for the Prevention of Gun Violence.

Kentucky

Lexington and Central Kentucky Million Mom March Chapter.

Maine

Action Committee of Peace Action.
Maine Citizens Against Handgun Violence.
New England Coalition To Prevent Gun Violence.
Southern Maine Million Mom March Chapter.

Maryland

Life After Homicide.
Maryland Consumer Rights Coalition, Inc.
Ceasefire Maryland.
Montgomery County Million Mom March Chapter.

Massachusetts

The Sandbox Foundation.
Stop Handgun Violence.
Greater Boston Million Mom March Chapter.
Massachusetts's Consumers' Coalition.
New England Coalition To Prevent Gun Violence.

Michigan

League of Women Voters of Michigan.
Michigan Partnership to Prevent Gun Violence.
Detroit Million Mom March Chapter.
East Metro Detroit Million Mom March Chapter.
Mid-Michigan/Lansing Million Mom March Chapter.
Novi Million Mom March Chapter.
Southwest Michigan Million Mom March Chapter.
West Metro Detroit/Washtenaw County Million Mom March Chapter.

Minnesota

Citizens for a Safer Minnesota.
The Healing Circle.
League Of Women Voters of Duluth.
Northland Minnesota Million Mom March Chapter.
Twin Cities Million Mom March Chapter.

Missouri

Missouri Society for Public Health Education.

Nevada

XPOZ.

New Hampshire

New Hampshire Million Mom March Chapter.
New England Coalition To Prevent Gun Violence.

New Jersey

Union for Reform Judaism, NJWHVC.
Woodbridge Homeowners for Quality of Life.
Coalition For Peace Action.
Society of Public Health Education.
Ceasefire NJ.
Bergen/Passaic County Million Mom March Chapter.
Essex County Million Mom March Chapter.
Mercer County Million Mom March Chapter.
Shore County Million Mom March Chapter.

New York

Men Elevating Leadership.
Mothers Against Guns, Inc.
NY Chapter of the Society for Public Health Education.
New Yorkers Against Gun Violence (NA YGV).
Lenox Hill School Based Primary Care Program.
New York Public Interest Research Group.
Brooklyn King's Million Mom March Chapter.
Broome County Million Mom March Chapter.
Capitol Region Million Mom March Chapter.
Manhattan Million Mom March Chapter.
Nassau County Million Mom March Chapter.
Queens Million Mom March Chapter.
Suffolk County Million Mom March Chapter.
Westchester County Million Mom March Chapter.

North Carolina

North Carolinians Against Gun Violence.
Forsyth Mothers And Others Million Mom March Chapter.
Wake County Million Mom March Chapter.
West Triangle Million Mom March Chapter.

Ohio

Women Against Gun Violence.
Inter-religious Partners in Action of Greater Cleveland.
Diocesan Social Action Office of Cleveland.
Ohio Coalition Against Gun Violence.
Cleveland Million Mom March Chapter.
Greater Cincinnati Million Mom March Chapter.

Oklahoma

Oklahomans For Gun Safety Million Mom March Chapter.
University of Oklahoma.

Oregon

Oregon Consumer League.
Ceasefire Oregon.
Physicians for Social Responsibility—Oregon.
Lane County (Eugene) Million Mom March Chapter.
Multnomah County (Portland) Million Mom March Chapter.

Pennsylvania

Not Fair!
Ceasefire Pennsylvania.
Allegheny County Million Mom March Chapter.
Center County Million Mom March Chapter.
Montgomery and Delaware County Million Mom March Chapter.
Philadelphia Million Mom March Chapter.

Rhode Island

Rhode Island Million Mom March Chapter.
New England Coalition To Prevent Gun Violence.

Texas

Austin Physicians for Social Responsibility.
Central Texas (Austin) Million Mom March Chapter.
Dallas Million Mom March Chapter.
South Texas Million Mom March Chapter.

Utah

Peace and Justice Commission of Salt Lake Catholic Diocese.
Gun Violence Prevention Campaign of Utah.
Salt Lake City Million Mom March Chapter.

Vermont

New England Coalition To Prevent Gun Violence.

Virginia

VA Interfaith Center for Public Policy.
Charlottesville Million Mom March Chapter.
Hampton Roads Million Mom March Chapter.
Northern Virginia Million Mom March Chapter.
Richmond Million Mom March Chapter.
Roanoke Million Mom March Chapter.

Washington

Clark County (Vancouver) Million Mom March Chapter.

Wisconsin

Mothers Against Gun Violence.
Peace and Justice Committee of the ELCA of Greater Milwaukee.

Milwaukee Million Mom March Chapter.
Wisconsin Anti-Violence Effort.

THE UNIVERSITY OF MICHIGAN
LAW SCHOOL,
Ann Arbor, MI.

DEAR SENATORS AND REPRESENTATIVES: As a professor of law at the University of Michigan Law School, I write to alert you to the legal implications of S. 397 and H.R. 800, the ''Protection of Lawful Commerce in Arms Act.'' My colleagues, who join me in signing this letter, are professors at law schools around the country. This bill would represent a substantial and radical departure from traditional principles of American tort law. Though described as an effort to limit the unwarranted expansion of tort liability, the bill would in fact represent a dramatic narrowing of traditional tort principles by providing one industry with a literally unprecedented immunity from liability for the foreseeable consequences of negligent conduct.

S. 397 and H.R. 800, described as ''a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others,'' would largely immunize those in the firearms industry from liability for negligence. This would represent a sharp break with traditional principles of tort liability. No other industry enjoys or has ever enjoyed such a blanket freedom from responsibility for the foreseeable and preventable consequences of negligent conduct.

It might be suggested that the bill would merely preclude what traditional tort law ought to be understood to preclude in any event—lawsuits for damages resulting from third party misconduct, and in particular from the criminal misuse of firearms. This argument, however, rests on a fundamental misunderstanding of American tort law. American law has never embraced a rule freeing defendants from liability for the foreseeable consequences of their negligence merely because those consequences may include the criminal conduct of third parties. Numerous cases from every American jurisdiction could be cited here, but let the Restatement (Second) of Torts suffice:

''449. TORTIOUS OR CRIMINAL ACTS THE PROBABILITY OF WHICH MAKES ACTOR'S CONDUCT NEGLIGENT

''If the likelihood that a third person may act in a particular manner is the hazard or one of the hazards which makes the actor negligent, such an act whether innocent, negligent, intentionally tortious, *or criminal* does not prevent the actor from being liable for harm caused thereby.'' (emphasis supplied)

Similarly, actors may be liable if their negligence enables or facilitates foreseeable third party criminal conduct.

Thus, car dealers who negligently leave vehicles unattended, railroads who negligently manage trains, hotel operators who negligently fail to secure rooms, and contractors who negligently leave dangerous equipment unguarded are all potentially liable if their conduct creates an unreasonable and foreseeable risk of third party misconduct, including illegal behavior, leading to harm. In keeping with these principles, cases have found that sellers of firearms and other products (whether manufacturers, distributors or dealers) may be liable for negligently supplying customers or downstream sellers whose negligence, in turn, results in injuries caused by third party criminal or negligent conduct. In other words, if the very reason one's conduct is negligent is because it creates a foreseeable risk of illegal third party conduct, that illegal conduct does not sever the causal connection between the negligence and the consequent harm. Of course, defendants are not automatically liable for illegal third party conduct, but are liable only if—given the foreseeable risk and the available precautions—they were unreasonable (negligent) in failing to guard against the danger. In most cases, moreover, the third party wrongdoer will also be liable. But, again, the bottom line is that under traditional tort principles a failure to take reasonable precautions against foreseeable dangerous illegal conduct by others is treated no differently from a failure to guard against any other risk.

S. 397 and H.R. 800 would abrogate this firmly established principle of tort law. Under this bill, the firearms industry would be the one and only business in which actors would be free utterly to disregard the risk, no matter how high or foreseeable, that their conduct might be creating or exacerbating a potentially preventable risk of third party misconduct. Gun and ammunition makers, distributors, importers, and sellers would, unlike any other business or individual, be free to take no precautions against even the most foreseeable and easily preventable harms resulting from the illegal actions of third parties. And they could engage in this negligent conduct persistently, even with the specific intent of profiting from sales of guns that are foreseeably headed to criminal hands. Under this bill, a firearms dealer, distributor, or manufacturer could park an unguarded open pickup truck full of loaded assault rifles on a city street comer, leave it there for a week, and yet be free from any negligence liability if and when the guns were stolen and used to do harm. A firearms dealer, in most states, could sell 100 guns to the same individual every day, even after the dealer is informed that these guns are being used in crime—even, say, by the same violent street gang.

It might appear from the face of the bill that S. 397 and H.R. 800 would leave open the possibility of tort liability for truly egregious misconduct, by virtue of several exceptions set forth in Section 4(5)(i). Those exceptions, however, are in fact quite narrow, and would give those in the firearm industry little incentive to attend to the risks of foreseeable third party misconduct.

One exception, for example would purport to permit certain actions for ''negligent entrustment.'' The bill goes on, however, to define ''negligent entrustment'' extremely narrowly. The exception applies only to sellers, for example, and would not apply to distributors or manufacturers, no matter how egregious their conduct. Even as to sellers, the exception would apply only where the particular person to whom a seller supplies a firearm is one whom the seller knows or ought to know will use it to cause harm. The ''negligent entrustment'' exception would, therefore, not permit any action based on reckless distribution practices, negligent sales to gun traffickers who supply criminals (as in the above example), careless handling of firearms, lack of security, or any of a myriad potentially negligent acts.

Another exception would leave open the possibility of liability for certain statutory violations, variously defined, including those described under the heading of negligence per se. Statutory violations, however, represent just a narrow special case of negligence liability. No jurisdiction attempts to legislate standards of care as to every detail of life, even in a regulated industry; and there is no need. Why is there no need? Because general principles of tort law make clear that the mere absence of a specific statutory prohibition is not carte blanche for unreasonable or dangerous behavior. S. 397 and H.R. 800 would turn this traditional framework on its head; and free those in the firearms industry to behave as carelessly as they would like, so long as the conduct has not been specifically prohibited. If there is no statute against leaving an open truckload of assault rifles on a street corner, or against selling 100s of guns to the same individual, under this bill there could be no tort liability. Again, this represents radical departure from traditional tort principles.

My aim here is simply to provide information, and insure that you are not inadvertently misled about the meaning and scope of S. 397 and H.R. 800. As currently drafted, this Bill would not simply protect against the expansion of tort liability, as has been suggested, but would in fact dramatically limit the application of longstanding and otherwise universally applicable tort principles. It provides to firearms makers and distributors a literally unprecedented form of tort immunity not enjoyed or even dreamed of by any other industry.

Professor Sherman J. Clark, University of Michigan Law School; Professor Richard L. Abel, UCLA Law School; Professor Barbara Bader Aldave, University of Oregon School of Law; Professor Mark F. Anderson, Temple University Beasley School of Law; Professor Emeritus James Francis Bailey, III Indiana University School of Law; Professor Elizabeth Bartholet, Harvard Law School; Professor Peter A Bell, Syracuse University College of Law; Professor Margaret Berger, Brooklyn Law School; Professor M. Gregg Bloche, Georgetown University Law Center; Professor Michael C. Blumm, Lewis and Clark Law School; Professor Carl T. Bogus, Roger Williams University School of Law; Professor Cynthia Grant Bowman, Northwestern University School of Law; Director of the MacArthur Justice Center and Lecturer in Law, Locke Bowman, University of Chicago Law School; Professor Scott Burris, Temple University Beasley School of Law; Professor Donna Byrne, William Mitchell College of Law; Professor Emily Calhoun, University of Colorado School of Law.

Professor Erwin Chemerinsky, Duke Law School; Associate Clinical Professor Kenneth D. Chestek, Indiana University School of Law; Associate Professor Stephen Clark, Albany Law School; Professor Marsha N. Cohen, University of California Hastings College of the Law; Professor Anthony D'Amato, Northwestern University School of Law; Professor John L. Diamond, University of California Hastings College of Law; Professor David R. Dow, University of Houston Law Center; Professor Jean M. Eggen, Widener University School of Law; Associate Professor Christine Haight Farley, American University, Washington College of Law; Associate Professor Ann E. Freedman, Rutgers Law School—Camden; Professor Gerald Frug, Harvard Law School; Professor Barry R. Furrow, Widener University School of Law; Associate Clinical Professor Craig Futterman, University of Chicago Law School; Professor David Gelfand, Tulane University Law School; Professor Phyllis Goldfarb, Boston College Law School; Professor Lawrence Gostin, Georgetown University Law Center; Professor Michael Gottesman, Georgetown University Law Center.

Professor Stephen E. Gottlieb, Albany Law School; Professor Phoebe Haddon, Temple University Beasley School of Law; Professor Jon D. Hanson, Harvard Law School; Professor Douglas R. Heidenreich, William Mitchell College of Law; Professor Kathy Hessler, Case Western Reserve University School of Law; Professor Eric S. Janus, William

Mitchell College of Law; Professor Sheri Lynn Johnson, Cornell Law School; Professor David J. Jung, University of California Hastings College of Law; Associate Professor Ken Katkin, Salmon P. Chase College of Law, Northern Kentucky Univ.; Professor David Kairys, Temple University Beasley School of Law; Professor Kit Kinports, University of Illinois School of Law; Professor Martin A. Kotler, Widener University School of Law; Professor Baily Kuklin, Brooklyn Law School; Professor Arthur B. LiFrance, Lewis and Clark Law School; Professor Sylvia A. Law, NYU School of Law.

Professor Ronald Lasing, Lewis and Clark Law School; Professor Robert Justin Lipkin, Widener University School of Law; Professor Hugh C. Macgill, University of Connecticut School of Law; Professor Mari J. Matsuda, Georgetown University Law Center; Associate Professor Finbarr McCarthy, University Beasley School of Law; Director (Retired Professor) Christine M. McDermott, Randolph County Family Crisis Center, North Carolina; Professor Joan S. Meier, George Washington University Law School; Professor Naomi Mezey, Georgetown University Law Center; Professor Eben Moglen, Columbia Law School; Professor Dawn C. Nunziato, George Washington University Law School; Professor Michael S. Perlin, New York Law School; Clinical Professor Mark A. Peters, Northwestern School of Law, Lewis and Clark College; Professor Mark C. Rahdert, Temple University Beasley School of Law; Professor Denise Roy, William Mitchell College of Law.

Professor Joyce Saltalamachia, New York Law School; Clinical Assistant Professor David A. Santacroce, University of Michigan School of Law; Professor Niels Schaumanm, William Mitchell College of Law; Professor Margo Schlanger, Washington University School of Law; Professor Marjorie M. Shultz, University of California Boalt School of Law; Senior Lecturer Stephen E. Smith, Northwestern University School of Law; Professor Peter J. Smith, George Washington University Law School; Professor Norman Stein, University of Alabama School of Law; Professor Duncan Kennedy, Harvard Law School; Professor Frank J. Vandall, Emory University School of Law; Professor Kelly Weisberg, University of California Hastings College of the Law; Professor Robin L. West, Georgetown University Law Center; Professor Christina B. Whitman, University of Michigan School of Law; Professor William M. Wiecek, Syracuse University College of Law; Professor Bruce Winick, University of Miami School of Law; Professor Stephen Wizner, Yale Law School; Professor William Woodward, Temple University Beasley School of Law.

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

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

Mr. Speaker, a gun by its very nature must be dangerous. So may an automobile or a knife, or a piece of machinery that does not work properly. There are a lot of dangerous things that we as human beings utilize; and if they work properly, they can be utilized for something that is good and something that is lawful.

Tort law, however, rests upon a foundation of individual responsibility, in which the product may not be defined as defective unless there is something wrong with the product, rather than with the product's user.

And what this bill attempts to do is to get tort law back to its original moorings where the manufacturer of the product that is not defective in its nature is not legally liable for the criminal misuse of that product by its user.

That is what the issue is before the House today in consideration of S. 397. Now, S. 397 while preventing frivolous and abusive lawsuits also ensures that bad actors can continue to be sued.

The bill allows the following types of lawsuits to be filed: first, an action against a person who transfers a firearm or ammunition knowing that it will be used to commit a crime of violence or drug-trafficking crime or a comparable or identical State felony law;

Second, an action brought against the seller for negligent entrustment or negligence, per se;

Third, actions in which a manufacturer or seller of a qualified product violates a State or Federal statute applicable to the sales or marketing when such violation was the proximate cause of the harm for which the relief is sought. And this exception would specifically allow lawsuits against firearms dealers such as the dealer whose firearm ended up in the hands of the D.C. snipers and those who fail to maintain the required inventory lists necessary to ensure they are alerted to any firearms theft;

Fourth, actions for breach of contact or warranty in connection with the purchase of a firearm or ammunition, and actions for damages resulting directly from a defect in design or manufacture of a firearm or ammunition.

This is a carefully crafted bill. It provides immunity for people who have not done anything wrong, even thought their products may be used in a criminal nature; but it does allow lawsuits to proceed against the bad actors.

It ought to be passed. I am sure it will be passed, and finally we can lay this issue to rest after 6 years of debate. I urge the Members to support this legislation, to send it to the President for his signature, and then we can move on.

Mr. HONDA. Mr. Speaker, I rise today to express my concern over S. 397, the Protection of Lawful Commerce in Arms Act. The safe and lawful use of firearms is very important to me. When I was in the California State Assembly, I chaired the Public Safety Committee where I worked to pass sensible gun safety legislation and I have voted to ban assault weapons. I firmly believe we must pass sensible gun laws for the safety of all.

The measure on the House floor today is intended to protect a manufacturer or seller of a firearm, from any legal liability stemming from the criminal or unlawful misuse of that firearm. The legislation also requires the immediate dismissal of pending lawsuits, even cases in which a court has found the suit to be meritorious. I fear this bill will deny justice to innocent victims of gun violence, and therefore I will oppose it.

In recent years, dozens of individuals and municipalities have filed lawsuits against gun manufacturers for damages caused by gun violence. Such suits typically contend that gun makers knowingly provide weapons to irresponsible gun dealers, who then take advantage of gun sale loopholes to sell weapons to criminals. Some of these lawsuits by victims of gun violence have begun to expose how the gun industry's reckless, though not always technically criminal, sales tactics supply criminals with weapons.

The gun lobby argues that S. 397 prohibits ''frivolous'' lawsuits, while allowing ''legitimate'' cases to proceed through the legal system. However, many legal experts confirm that this bill would give the gun industry sweeping immunity that no other industry has, and would bar many meritorious cases brought by victims of gun violence injured or killed by negligent gun sellers and manufacturers. The bill would even restrict many cases in which a product defect is at issue.

S. 397 seeks to provide sweeping legal immunity to an industry that already enjoys exemptions from Federal health and safety regulations. It would dramatically re-write liability law for the direct benefit of a single industry.

Furthermore, lawsuits brought on behalf of officers injured or killed in the line of duty by guns negligently sold by dealers, would be barred. If immunity for the gun industry is enacted, police officers who put their lives on the line every day to protect the public would have no legal recourse when they are harmed due to another's negligence.

Mr. Speaker, we should not be providing this blanket immunity to the gun industry and I therefore oppose this measure.

Mr. HOYER. Mr. Speaker, I do not believe that manufacturers or sellers of weapons should be liable for injuries, which result from the use of their products in criminal ways, simply because they produce and distribute their products.

The manufacture, distribution and sale of firearms is legal in our Nation. And unless a manufacturer or seller of arms acts in some wrongful or criminal way, holding them liable effectively as insurers—I believe is inappropriate and probably a violator of the Constitution's Commerce Clause.

For example, I believe that the lawsuit pending in Federal court between the District of Columbia and Beretta and other gun manufacturers is an example of a claim that would effectively make gun manufacturers insurers for wrongful conduct. I expect the manufacturers to prevail in that case.

However, the bill before us goes beyond this premise, and overreaches in key respects.

First, I oppose the ''look back'' provision in this bill that requires the immediate dismissal of civil liability lawsuits against gun manufacturers that are pending on the date of enactment.

As a matter of principle and as a matter of policy, I do not believe that Congress should pass legislation that interferes with on-going civil lawsuits. This is tantamount to changing the rules in the middle of the game, and I generally believe this approach is inappropriate.

And second, I am troubled that, as the American Bar Association has pointed out, the legislation would preempt State product liability laws with a new, higher standard that would protect the gun industry even if it failed to implement safety devices that would prevent foreseeable injuries, so long as an injury or death suffered by a victim resulted when the gun was not ''used as intended.''

Today, manufacturers must adopt feasible safety devices that would prevent injuries caused when their products are foreseeably misused, regardless of whether the uses are ''intended'' by the manufacturer, or whether the product ''fails'' or ''improperly'' functions.

If perfected, I might well have voted for this bill. However, no amendments were allowed by the Republican Majority to answer the concerns I have expressed. Therefore, I will vote ''no.''

Mr. PAUL. Mr. Speaker, while I sympathize with the original objective of S. 397, the Protection of Lawful Commerce in Arms Act, I am forced to oppose this legislation primarily because of unconstitutional gun control amendments added to the bill in the Senate.

As a firm believer in the Second Amendment to the United States Constitution and an opponent of all Federal gun laws, I cannot support a bill that imposes new, unconstitutional gun controls on Americans. I believe that the Second Amendment is one of the foundations of our constitutional liberties. In fact, I have introduced legislation, the Second Amendment Protection Act (H.R. 1703), which repeals misguided Federal gun control laws such as the Brady Bill.

Senate amendments added two sections to S. 397 that impose unconstitutional controls on American gun owners and sellers.

First, a section was added to the bill to outlaw any licensed gun importer, manufacturer, or dealer from selling, delivering, or transferring a handgun without a ''secure gun storage or safety device.'' Each and any violation of this requirement can result in a person being fined up to $2,500 or having his license revoked. This gun lock requirement amounts to the imposition of a new Federal tax on each handgun sale because gun buyers will be forced to pay the cost of the ''secure gun storage or safety device'' that is required with a handgun, irrespective of if that device is desired. Further, the severe penalties for noncompliance—whether intentional or accidental—add yet more weight to the crippling regulations that hang over gun transactions in the United States.

Second, a section was added to the bill to create draconian penalties for people who possess ''armor piercing'' bullets. Just like the Democratic Congress before it that passed the ''assault weapons'' ban, the Republican Congress is poised to give in to anti-gun rights scare tactics by selectively banning bullets. Instead of each gun owner being able to decide what ammunition he uses in his gun, Federal bureaucrats will make that decision. To recognize the threat such regulation places on gun owners, just consider that a gun without ammunition is nothing more than an expensive club. Regulating ammunition is the back door path to gun regulation.

The ''armor piercing'' bullets restriction imposes a 15 years mandatory minimum sentence for just carrying or possessing such bullets—even without a gun—during or in ''relation to'' a crime of violence or drug trafficking. Given the wide scope of criminal laws and the fact that people are on occasion accused of crimes they did not commit, this provision promises to discourage many non-violent, law-abiding individuals from possessing ammunition protected under the Second Amendment. Further, it does not take much imagination to see how such a provision could be used by an anti-gun prosecutor in the prosecution of an individual who used a gun in self defense, especially considering that use of such bullets to murder can result in a death sentence. In such instances, a defendant who exercised self defense may well accept a guilty plea bargain to avoid the severe enhanced penalties imposed under S. 397.

I am particularly disturbed that the House of Representatives' leadership has taken the unusual step of bringing S. 397 to the floor for a vote without House members at least having an opportunity to vote on removing the gun control amendments. Instead of voting on a bill that contains the new gun control provisions, we should be considering H.R. 800, the House version of S. 397 prior to its perversion by gun control amendments. Notably, Gun Owners of America has written to House members to request that they oppose S. 397 and, instead, support H.R. 800. Last month, I wrote to House Speaker DENNIS HASTERT, Majority Leader TOM DELAY, and Committee on the Judiciary Chairman JAMES SENSENBRENNER of my opposition to these anti-gun rights provisions in S. 397. While I am concerned about some of the federalism implications of H.R. 800, it is a far superior bill because it neither requires gun locks nor restricts gun owners' ammunition choices.

With 258 sponsors and cosponsors, H.R. 800 would easily pass the House. The House voting for H.R. 800 would allow the differences between H.R. 800 and S. 397 to be reconciled in conference committee. In conference, every expectation would be that the new gun control provisions would be stripped from the legislation given that the original, unamended S. 397 had 62 Senate sponsors and cosponsors—a filibuster proof majority—in the Senate.

I regret that, under the guise of helping gun owners, the House of Representatives is today considering imposing new unconstitutional gun controls. I, thus, must oppose S. 397.

Mrs. CUBIN. Mr. Speaker, I hail from a State that respects the fundamental, individual right to own firearms granted to all Americans by the Second Amendment. This right, so essential to our liberty, is under assault by legal teams bent on destroying the firearms industry.

They have tried and failed to accomplish this in the People's House and in State legislatures. Now they are using our courts, filing lawsuits with no legal merit, yet still incurring tremendous legal expense.

These lawsuits rest on the misguided notion that those in the firearm industry are liable for the criminal misuse of their products. This is a dangerous precedent. It makes as much sense as suing car manufacturers for damage, injury or death caused by car thieves or joy riders.

It is important to every firearm owner in the State of Wyoming that these lawsuits stop. If allowed to continue, firearms could become unavailable and unaffordable to the law-abiding citizen. The Protection of Lawful Commerce in Arms Act will stop these lawsuits, while protecting causes of action based on negligence, defective product and other valid claims.

I ask my colleagues to pass this legislation. By doing so, we stand up for the constitutional right of law-abiding Americans to protect themselves, their homes, and their families.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to S. 397, the Protection of Lawful Commerce in Arms Act. My opposition to the measure is based on my belief that it is overly expansive and overarching. This bill prohibits civil liability lawsuits against gun manufacturers from being brought in Federal or State court.

My congressional district is beset by gun violence. I believe that gun owners, manufacturers and dealers must assume responsibility for the wanton gun violence that is being perpetrated as result of the willful neglect of gun dealers who cast blind eyes to illegal and irresponsible gun sales to minors, felons and potential terrorists. It appears to me that we are unwisely and gratuitously insulating gun manufacturers from bona fide civil lawsuits.

This bill protects gun manufacturers but does absolutely nothing to protect innocent victims of gun violence. I am also concerned that we have prohibited suits from being brought in both Federal and State courts and that police officers shot in the line of duty are barred from filing lawsuits. For the families of fallen offices, their only recourse to obtain compensation for the loss of their loved one is through the civil lawsuit process.

I contend that it is vital to preserve the right of citizens to seek redress through civil lawsuits for any harm they experience by virtue of the neglect and irresponsibility of gun manufacturers and dealers. I urge my colleagues to vote, ''no'' on S. 397, and to support the rights of potential victims of gun violence.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today in support of The Protection of Lawful Commerce in Arms Act. It is critical that the House once again pass this legislation in order to reduce the burden of unsubstantiated lawsuits and the infringement on our Second Amendment rights.

When crimes are committed by a person using a firearm, I support tough sentencing guidelines as well as full and vigorous enforcement of all applicable laws. We must focus on the perpetrators of the crime, rather than frivolous lawsuits directed at gun manufacturers which will only restrict the rights of lawabiding citizens.

The State of New Hampshire has a long history of protecting individual rights and liberties. For millions of Americans, and the many citizens of New Hampshire, firearms provide protection for individuals and their families. I stand in support of this legislation and I will work to see that the Second Amendment right of our citizens to protect themselves will not be infringed upon.

Mr. GRAVES. Mr. Speaker, I rise today in support of the Protection of Lawful Commerce in Arms Act.

Over the last few years, trial lawyers have filed suit against firearms manufacturers across the country in the hopes of bankrupting the industry. These frivolous lawsuits are often based on the dubious premise that gun manufacturers should be held liable for the actions of others who use their products in a criminal or unlawful manner.

This abuse of the legal process demands strong Congressional action, and we are responding with this legislation. This bill will protect the firearms industry from lawsuits based

on the criminal or unlawful third-party misuse of their products. This law is necessary to prevent a few state courts from undermining our Second Amendment rights guaranteed by the Constitution. Contrary to many rumors, this bill will not prevent legitimate victims from having their day in court for cases involving defective firearms, breaches of contract, criminal behavior by a gun maker or dealer, or the negligent entrustment of a firearm to an irresponsible person.

Mr. Speaker, while I have serious concerns about the trigger lock language added to this bill in the Senate, the Protection of Lawful Commerce in Arms Act is an important step in the right direction. The reality is that we need a bill to be signed into law, and this is our greatest opportunity to accomplish meaningful reform which benefits all lawful gun owners and enthusiasts. These irresponsible lawsuits seriously threaten the supply of guns and ammunition available for hunting, self-defense, collecting, competitive or recreational shooting, and other lawful activities, and it is time to put a stop to them.

Mr. STARK. Mr. Speaker, I rise in opposition to the so-called Protection of Lawful Commerce in Arms Act because I don't believe that giving gun makers, gun dealers, and gun trade associations special exemption from lawsuits makes our streets any safer.

If this law had been in place, the families of victims of the DC-area sniper could never have held negligent suppliers accountable. In September 2004, eight victims received a settlement from the dealer that ''lost'' the snipers' assault rifle from its inventory, along with at least 238 other guns. The victims' families also received a settlement from the manufacturer who negligently supplied the dealer despite its record of missing guns and regulatory violations. Most importantly, as part of the settlement, the manufacturer agreed to instruct its dealers of safer sales practices that should prevent other criminals from obtaining guns.

Since the National Rifle Association owns about two-thirds of the Congress, guns have fewer safety regulations than teddy bears. The American people can't look to Congress to protect them, so they have no choice but to turn to the courts. It's no surprise that this last resort will now be shut down out of deference to the almighty gun industry.

As if this blatant pandering to an industry responsible for widespread violence and mayhem isn't bad enough, this bill also violates the fundamental right of every American to have their day in court. As soon as the President signs this bill into law, Americans will be able to sue the manufacturer of any product except for guns for death, injury, and any other kind of negligence. Congress, at the behest of the NRA, will close the courthouse doors to gun victims.

I vote ''no'' on this bill because no industry, certainly not the gun industry, should have the right to conduct their business without the oversight of the judicial system.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to S. 397, the Protection of Lawful Commerce in Arms Act. This resolution immunizes the gun industry—including manufacturers, distributors, dealers, or importers of firearms and ammunitions—from civil liability arising from the criminal and unlawful misuse of their products. Advocates of this bill believe that it is necessary to pass in order to prevent the rise of ''frivolous'' lawsuits against companies that manufacture and distribute firearms. Advocates say, the Second Amendment of the Constitution protects the rights of these companies to irresponsibly sell their products without any repercussions for the misuse of their product. I believe there is a delicate balance between the right to bear arms, a right provided by the Constitution, and the need to prevent gun violence. This bill, if passed into law, will unfairly shift the balance. Through the laws vested in the Constitution, every American has been given the responsibility to keep and bear arms, but this resolution will dismantle all progress that has been made toward the fight against crime.

Each year more than 30,000 gun-related deaths occur; a third of these 30,000 deaths are committed with malicious ''intent by customers of the arms industry who exploit their Second Amendment Right. Since 2000, we have witnessed a 9 percent increase in gun-related homicides. In 2003, firearms were used in over 365,000 cases of violent crime. Fifty percent of all the African American youngsters between the ages of 15 and 19, who die, die from gun violence. When guns and ammunitions reach the wrong hands, we must be able to hold accountable the companies that put destructive weapons in the hands of these criminals.

My dissent for this bill focuses around the lack of responsibility required by arms dealers. When the desired intent of a product is to fatally wound an object through legal or illegal means, there will always be the need of a high demand of accountability. For cases of gun violence in which the firearms industry should be held responsible, this resolution does not protect its victims. In past years, State and Federal Courts have found these types of cases to be grounded in such credible legal principles as negligence, product liability, and public nuisance. If this legislation passes, the high demand of accountability and liability required by firearms companies will drastically decrease. For these reasons, I cannot support the bill.

Mr. UDALL of Colorado. Mr. Speaker, some of my constituents have let me know they disagreed with my past vote against similar legislation. They asked me to take a closer look and consider voting for this bill today, and I promised to do so.

However, after careful review of the bill and consideration of points raised by its supporters and opponents, I have concluded that I cannot in good conscience vote for it.

I voted against similar legislation in the past because I was not convinced there was a need for Congress to take such action to restrict certain lawsuits against the manufacturers and sellers of firearms. And I still am not convinced that the potential adverse consequences of those lawsuits are so great that Congress should close the courthouse door to people who think they have valid claims.

And, as in the past, I am particularly reluctant to support legislation that would go further than barring future lawsuits by requiring the immediate dismissal of cases under active consideration by the courts. It seems to me that this is a dangerous precedent for the legislative branch to undertake, and the courts are in a much better position than Congress to decide whether the people who have brought those pending cases have valid claims or whether their complaints are frivolous or malicious.

It happens that this bill deals with lawsuits against firearms manufacturers. But this concern about changing the legal rules to prohibit further consideration of active cases (as opposed to pending ones) would be the same for similar lawsuits against the makers or sellers of other consumer products that are inherently dangerous, if not lethal, when misused—for example, automobiles and electronic devices.

And, while the bill before us—which has already passed the Senate—differs in some respects from versions we have considered before, it too would apply to pending cases.

At the very least the House should have been able to debate and decide on possible changes to the bill. But that did not happen, because the Republican leadership insisted on bringing the bill to the floor under restrictive procedures that essentially barred any amendments from being offered. I strongly object to this way of considering such legislation.

Most of the debate about this bill has been about its significance for firearms manufacturers—and, if the bill dealt only with manufacturers, I might have come to a different conclusion about the need for liability protection. But the provisions related to sellers or other distributors—provisions that are equally or more important—are another matter.

I also think we should at least debate and consider whether reducing the deterrent effect of potential liability might increase the chance that firearms could knowingly or negligently be transferred to criminals or terrorists. I think the seriousness of this is illustrated by the report of the Government Accountability Office (GAO) indicating that last year alone there were at last 56 times when people the federal government considered known or suspected terrorists attempted to purchase firearms.

It's true that under current law, even actual—let alone suspected—membership in a terrorist organization, by itself, is enough to bar someone from purchasing a firearm. But instead of considering a possible change to this part of current law, today we are debating whether the law should be changed to reduce, not strengthen, the legal deterrents to such purchases.

Mr. Speaker, I know that litigation can be costly, and I am not in favor of frivolous lawsuits. Nor am I in favor of banning gun ownership or abolishing the domestic gun manufacturing industry. Earlier this year, for example, I voted against an amendment that would have banned the export of certain American firearms overseas. And since the House last considered similar legislation I have also undertaken a deeper review of Second Amendment concerns and my staff and I have met with thoughtful and enthusiastic Coloradans (like my good friend Rick Reeser) who feel differently about the implications and desirability of this legislation. I have also had many informative conversations with many Colorado sportsmen and women, including some of my staff who make a compelling case that gun ownership is not just a question of legal rights but also about respecting and preserving a critical component of individual liberty. I embrace this view and respect their concerns and acknowledge the need for a less divisive debate about the preserving Second Amendment rights.

But, after a careful reading of the provisions of this legislation and the most objective review that I can make of the arguments for and against its enactment, I still think we in the

Congress should leave it to the courts to decide which of the lawsuits covered by this bill are frivolous and which are not. For all these reasons, and especially because we were not even permitted to consider any changes, I cannot support this legislation.

Mr. OTTER. Mr. Speaker, I rise today to add my support to S. 397, the Protection of Lawful Commerce in Arms Act.

I also commend Senator LARRY CRAIG from Idaho on his leadership on this legislation, defending Americans' Second Amendment right to bear arms.

The Protection of Lawful Commerce in Arms Act, S. 397, is bipartisan, common-sense legislation that takes an important step toward preventing reckless lawsuits targeting the firearms industry. Such misguided claims against the legal manufacture and sale of firearms and ammunition are akin to suing the Postal Service or an envelope manufacturer over someone committing the crime of mail fraud—it just doesn't make sense. The bill provides protection for those in the firearms industry from lawsuits arising from the acts of people who criminally or unlawfully misuse their products. The bill preserves citizen access to firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

I believe that manufacturers and sellers of firearms and ammunition must be protected from restrictions on interstate or foreign commerce. In light of the concerted efforts by opponents of the Second Amendment to destroy the gun industry through frivolous lawsuits, it has become imperative that we protect the jobs and economic well-being of the thousands of people who work for manufacturers and sellers of firearms and ammunition. I find the idea of holding an industry liable for the criminal misuse of their legal products deplorable. Our nation cannot allow the innocent to pay for the dealings of the guilty, or we circumvent the very foundation of the rule of law. It is the individuals who commit violent crimes, not the makers of the means, who must take personal responsibility for their actions through the restitution and civil penalties affirmed by law. This should be the case whether or not a firearm was used to commit the crime.

Without this legislation, further unfounded lawsuits against the gun industry will lead inevitably to an encroachment upon our Second Amendment rights. Congress must work diligently to reduce the level of political rhetoric surrounding gun control, protect the Second Amendment, and promote the role of personal responsibility in society.

This bill is a key element of our effort to bring some sanity to what's become a thriving personal injury industry in this country. Americans understand that suing legitimate firearms manufacturers and dealers out of existence won't stop criminal gun violence. But trial lawyers are eager to cash in on the pain of victims, and criminals rarely have deep pockets. This puts the responsibility where it belongs.

I joined my colleagues in the House in passing similar legislation during the 108th Congress. That unfortunately got held up in the Senate. I am hopeful we will take the opportunity today to pass this bill with no changes so it can go to the President's desk for a signature. This legislation is long overdue.

Mr. SCOTT of Virginia. Mr. Speaker, once again we find ourselves here debating the scope of the Second Amendment and whether its purpose is to protect the sanctity of state militias or provide a fundamental right to individuals, irrespective of their relationship to state militias, to possess firearms. While this bill cites in its findings that the Second Amendment protects the right of individuals to bear arms, there has been a definitive resolution by the courts of just what right the Second Amendment protects.

In United States v. Miller, the Supreme Court wrote in 1939 that the ''obvious purpose'' of the right to keep and bear arms in the Second Amendment was ''to assure the continuation and render possible the effectiveness'' of state militias and that the guarantee of that right ''must be interpreted and applied with that end in view.'' This language was a clear indication that the Second Amendment right to ''bear arms'' guarantees the right of the people to maintain effective state militias, but does not provide any type of individual right to own or possess weapons.

Mr. Speaker, for more than sixty years following the Supreme Court's decision in Miller, there was little judicial debate regarding the scope of the Second amendment. In fact, virtually every federal appeals court has decided this issue and only one, the Fifth Circuit in United States v. Emerson, has endorsed the individual rights view. Since the Emerson opinion in 2001—which was joined by only two circuit court judges and actually upheld the gun law at issue—the individual rights view has been rejected by the Fourth, Sixth, Seventh, Ninth and Tenth Circuits. The First, Second, Third and Eighth Circuits also have issued definitive rulings rejecting the individual rights view.

The First Circuit held that the second amendment applies only to firearms having a ''reasonable relationship to the preservation or efficiency of a well-regulated militia.'' 1939 Miller case.

In 1984, in the Second Circuit, the court cited Miller for the proposition that the right to possess a gun was ''not a fundamental right'' because the Second Amendment did not guarantee the right to keep and bear a weapon unless the evidence showed the firearm had some ''reasonable relationship'' to the preservation or efficiency of a well regulated militia—U.S. v. Toner.

In 1996, in the Third Circuit, defendant's possession of machine guns did not have a connection with militia-related activity required for second amendment protections to apply—U.S. v. Rybar.

The Fourth Circuit, a 1995 case, stated that courts have consistently held that the second amendment only confers a collective right of keeping and bearing arms which bear a reasonable relationship to the preservation or efficiency of a well-regulated militia—Love v. Pepersack.

The Sixth Circuit, in 2000, held that the lower courts have uniformly held that the second amendment preserves a collective rather than an individual right—U.S. v. Napier.

The Seventh Circuit, the second amendment establishes no right to possess a firearm apart from the role possession of the gun might play in maintaining a State militia. That is a 1999 case—Gillespie v. City of Indianapolis.

The Eighth Circuit stated that the purpose of the second amendment is to restrain the Federal Government from regulating the possession of arms where such regulation would interfere with the preservation or efficiency of the militia. That is a 1992 case—U.S. v. Hale.

The Ninth Circuit in 2003 stated that it is this collective rights model which provides the best interpretation of the second amendment—Silveira v. Lockyer.

The Tenth Circuit, a 1977 case, to apply the amendment so as to guarantee an appellant's right to keep an unregistered firearm which has not been shown to have any connection with the militia, merely because he is technically a member of the Kansas militia, would be unjustifiable in terms of either logic or policy—U.S. v. Oakes.

The Eleventh Circuit, a 1997 case concerning motivating the creation of the second amendment, convinces us that the amendment was intended to protect only the use or protection of weapons reasonably related to a militia actively maintained and trained by the States—U.S. v. Wright. I believe these cases are evidence of the remarkable degree of judicial consensus on the meaning of the Second Amendment.

Mr. Speaker, I suggest that if my colleagues across the aisle want to amend the Constitution, they should do it by amendment rather than attempting to do it through findings.

Mr, Speaker, this bill also contains a provision requiring a conviction before a defendant who has violated 18 U.S.C. 924(h) can be sued. Requiring a conviction before an offender can be sued for the civil consequences of his unlawful acts would constitute an extraordinary change in traditional civil liability standards. The public will remember that O.J. Simpson was found civilly liable for damages, even though he had been acquitted in criminal court. Moreover, such a requirement would create absurd results, based on what a prosecutor may decide to do in a particular case, and when he decides to do it. The prosecutor may choose not to prosecute a particular case at all, for various reasons. This would preclude a claim, regardless of how egregious the injuries or clear the liability. Or, even where the case is prosecuted, the prosecutor may decide to plea bargain by allowing a defendant who has unlawfully transferred a number guns to plead guilty to one transfer and drop the remainder. It would be absurd to allow one case to go forward and not others, depending on which case was technically pleaded. Of course, it is always possible that a case will be thrown out because of an unlawful search or seizure because of a coerced confession, or simply because the prosecutor is unable to obtain a conviction. And even where there is a conviction, the timing of the conviction, alone, may be dispositive of the claim, because there is nothing in the bill or the law which tolls the statute of limitations on a civil claim, pending a conviction. And there is nothing in the bill to deal with what happens if the conviction is reversed or appeal.

Absent a conviction, the unlawful transfer still must be proven in order to pursue the case. This should be protection enough for someone who causes another harm by criminal conduct.

Mr. Speaker, this bill is an unprecedented attack on the due process rights of victims injured by the misconduct of an industry that seeks to escape the legal rules that govern the rest of us and I urge my colleagues to oppose this bill.

I submit the following list of cases supporting collective view for the RECORD.

A Sampling of Court Decisions that Support the Militia Interpretation of the Second Amendment from The Legal Action Project.

U.S. SUPREME COURT

U.S. v. *Miller*, 307 U.S. 174 (1939).

Lewis v. *United States*, 445 U.S. 55 (1980).

U.S. COURTS OF APPEALS

U.S. v. *Parker*, 362 F.3d 1279 (10th Cir. 2004).

U.S. v. *Lippman*, 369 F.3d 1039 (8th Cir. 2004).

U.S. v. *Price*, 328 F.3d 958 (7th Cir. 2003).

U.S. v. *Graham*, 305 F.3d 1094 (10th Cir. 2002).

U.S. v. *Lucero*, 43 Fed. Appx. 299 (10th Cir. 2002).

U.S. v. *Bayles*, 310 F.3d 1302 (10th Cir. 2002).

Silveira v. *Lockyer*, 312 F.3d 1052, *rehearing en banc denied*, 328 F.3d 567 (9th Cir. 2003).

Olympic Arms v. *Buckles*, 301 F.3d 384 (6th Cir. 2002).

U.S. v. *Twenty-Two Various Firearms*, 38 Fed. Appx. 229 (6th Cir. 2002).

U.S. v. *Hancock*, 231 F.3d 557 (9th Cir. 2000), *cert. denied*, 121 S. Ct. 1641 (2001).

U.S. v. *Finitz*, 234 F.3d 1278 (9th Cir. 2000), *cert. denied*, 121 S. Ct. 833 (2001).

U.S. v. *Lewis*, 236 F.3d 948 (8th Cir. 2001).

U.S. v. *Hemmings*, 258 F. 3d 587 (7th Cir. 2001).

U.S. v. *Hager*, 22 Fed. Appx. 130 (4th Cir. 2001).

Gillespie v. *City of Indianapolis*, 185 F.3d 693 (7th Cir. 1999), *cert. denied*, 528 U.S. 1116 (2000).

U.S. v. *Napier*, 233 F.3d 394 (6th Cir. 2000).

U.S. v. *Baer*, 235 F.3d 561 (10th Cir. 2000).

U.S. v. *Wright*, 117 F.3d 1265 (11th Cir.), *cert. denied*, 522 U.S. 1007 (1997).

U.S. v. *Rybar*, 103 F.3d 273 (3rd Cir. 1996), *cert. denied*, 522 U.S. 807 (1997).

Hickman v. *Block*, 81 F.3d 98 (9th Cir.), *cert. denied*, 519 U.S. 912 (1996).

U.S. v. *Farrell*, 69 F.3d 891 (8th Cir. 1995).

Love v. *Pepersack*, 47 F.3d 120 (4th Cir.), *cert. denied*, 516 U.S. 813 (1995).

U.S. v. *Friel*, 1 F.3d 1231 (1st Cir.1993).

U.S. v. *Hale*, 978 F.2d 1016 (8th Cir. 1992), *cert. denied*, 507 U.S. 997 (1993).

U.S. v. *Nelsen*, 859 F.2d 1318 (8th Cir. 1988).

U.S. v. *Toner*, 728 F.2d 115 (2d Cir. 1984).

Thomas v. *City Council of Portland*, 730 F.2d 41 (1st Cir. 1984).

Quilici v. *Village of Morton Grove*, 695 F.2d 261 (7th Cir. 1982), *cert. denied*, 464 U.S. 863 (1983).

U.S. v. *Oakes*, 564 F.2d 384 (10th Cir. 1977), *cert. denied*, 435 U.S. 926 (1978).

U.S. v. *Graves*, 554 F.2d 65 (3rd Cir. 1977).

U.S. v. *Swinton*, 521 F.2d 1255 (10th Cir. 1975), *cert. denied*, 424 U.S. 918 (1976).

U.S. v. *Warin*, 530 F.2d 103 (6th Cir.), *cert. denied*, 426 U.S. 948 (1976).

U.S. v. *Johnson*, 497 F.2d 548 (4th Cir. 1974).

Eckert v. *City of Philadelphia*, 477 F.2d 610 (3rd Cir.), *cert. denied*, 414 U.S. 839 (1973).

U.S. v. *Day*, 476 F.2d 562 (6th Cir. 1973).

Cody v. *U.S.*, 460 F.2d 34 (8th Cir.), *cert. denied*, 409 U.S. 1010 (1972).

U.S. v. *Decker*, 446 F.2d 164 (8th Cir. 1971).

U.S. v. *Synnes*, 438 F.2d 764 (8th Cir. 1971), *vacated on other grounds*, 404 U.S. 1009 (1972).

U.S. v. *McCutcheon*, 446 F.2d 133 (7th Cir. 1971).

Stevens v. *U.S.*, 440 F.2d 144 (6th Cir. 1971).

U.S. v. *Tot*, 131 F.2d 261 (3rd Cir. 1942), *rev'd on other grounds*, 319 U.S. 463 (1943).

U.S. v. *Cases*, 131 F.2d 916 (1st Cir. 1942), *cert. denied* sub nom., *Velazquez* v. *U.S.*, 319 U.S. 770 (1943).

U.S. FEDERAL DISTRICT COURTS

Parker v. *District of Columbia*, 311 F. Supp. 2d 103 (D.D.C. 2004).

Blackburn v. *Jansen*, 241 F. Supp. 2d 1047 (D. Neb. 2003).

Golt v. *City of Signal Hill*, 132 F. Supp. 2d 1271 (C.D. Cal. 2001).

Olympic Arms v. *Magaw*, 91 F. Supp. 2d 1061 (E.D. Mich. 2000).

U.S. v. *Willbern*, 2000 WL 554134 (D. Kan. Apr. 12, 2000).

U.S. v. *Bournes*, 105 F. Supp. 2d 736 (E.D. Mich. 2000).

U.S. v. *Boyd*, 52 F. Supp. 2d 1233 (D. Kan. 1999), *aff'd*, 211 F.3d 1279 (10th Cir. 2000).

U.S. v. *Henson*, 55 F. Supp. 2d 528 (S.D. W. Va. 1999).

U.S. v. *Visnich*, 65 F. Supp. 2d 669 (N.D. Ohio 1999).

U.S. v. *Caron*, 941 F. Supp. 238 (D. Mass. 1996).

Moscowitz v. *Brown*, 850 F. Supp. 1185 (S.D.N.Y. 1994).

U.S. v. *Kruckel*, 1993 WL 765648 (D.N.J. Aug. 13, 1993).

Krisko v. *Oswald*, 655 F. Supp. 147 (E.D. Pa. 1987).

U.S. v. *Kozerski*, 518 F. Supp. 1082 (D.N.H. 1981), *cert. denied*, 496 U.S. 842 (1984).

Vietnamese Fishermen's Association v. *KKK*, 543 F. Supp. 198 (S.D. Tex. 1982).

Thompson v. *Dereta*, 549 F. Supp. 297 (D. Utah 1982).

U.S. v. *Kraase*, 340 F. Supp. 147 (E.D. Wis. 1972).

U.S. v. *Gross*, 313 F. Supp. 1330. (S.D. Ind. 1970), *aff'd* on other grounds, 451 F.2d 1355 (7th Cir. 1971).

STATE COURTS

Arnold v. *Cleveland*, 616 N.E.2d 163 (Ohio 1993).

State v. *Fennell*, 382 S.E.2d 231 (N.C. 1989).

U.S. v. *Sandidge*, 520 A.2d 1057 (D.C.), *cert. denied*, 108 S.Ct. 193 (1987).

Kalodimos v. *Village of Morton Grove*, 470 N.E.2d 266 (Ill. 1984).

Masters v. *State*, 653 S.W.2d 944 (Tex.App. 1983).

City of East Cleveland v. *Scales*, 460 N.E.2d 1126 (Ohio App. 1983).

State v. *Vlacil*, 645 P.2d 677 (Utah 1982).

In Re Atkinson, 291 N.W.2d 396 (Minn. 1980).

State v. *Rupp*, 282 N.W.2d 125 (Iowa 1979).

Commonwealth v. *Davis*, 343 N.E.2d 847 (Mass. 1976).

Burton v. *Sills*, 248 A.2d 521 (N.J. 1968), *appeal dismissed*, 394 U.S. 812 (1969).

Harris v. *State*, 432 P.2d 929 (Nev. 1967).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the Protection of Lawful Commerce in Arms Act. I am an original cosponsor of the House version of this legislation, H.R. 800.

A lawsuit against a gun manufacturer simply for being a gun manufacturer has no business in American courts.

I am proud that every court in our judicial system has agreed with that and has thrown out these frivolous lawsuits.

However, in U.S. courts we have the American rule, where each side pays their own legal fees under normal circumstances, instead of the English rule, where the loser usually pays.

Generally, I support the American rule because it is fairer to individuals seeking relief from large firms.

Unfortunately the American rule can mean that frivolous lawsuits which have no chance of going anywhere still impose a terrible burden on parties.

Some people in this country are politically opposed to the firearm industry and believe most firearms should be illegal or hard to obtain.

So these folks do not have a problem spending non-profit money and public money on a losing lawsuit in pursuit of ideology.

However, that is not fair to the firearm industry, which is not only completely legal, but has the right to own their product enshrined in the U.S. Constitution.

Therefore, it is particularly bad that the firearm industry has had to pay $200 million to defend themselves from frivolous lawsuits that have never, ever succeeded in court.

S. 397 only protects legitimate businesses that comply with Federal, State and local firearm laws.

The bill does not waive liability for actually defective products, breach of contract or warranty, or other causes that are not related to third-party criminal misuse of firearms.

If we are going to sue firearm makers for armed robberies, why not go on and sue the auto maker who made the get-away car?

The idea is absurd, but some groups and politicians want to punish firearm manufacturers for their very existence.

As a result, we must pass S. 397 and send it to the President.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong opposition to the ''Protection of Lawful Commerce in Arms Act.''

This bill is an attempt to carve out an exclusive liability exemption, and its vote on the floor today is a giveback to the gun industry at a significant cost to the American people.

Under this bill, manufacturers and sellers of firearms or ammunition will not be held accountable for even the most irresponsible distribution of weapons that kill innocent people, including police officers, children and bystanders of gang violence.

While the wholesale prohibition against lawsuits may allow several exemptions, these exclusions overhaul years of legal negligence standards.

I'm concerned that this bill for the gun industry sets an impractical legal standard for even the most reasonable litigation.

In the Washington-area, we are particularly sensitive to gun violence. You may not all remember, but our nation was held captive for three weeks in October 2002 while two men systematically killed ten people and wounded three others with a sniper rifle obtained from an irresponsible gun dealer that ''lost'' over 200 other unaccounted for guns.

The language in this bill is so restrictive that survivors of the victims would not have had any legal recourse against the company whose negligent business practices led to the deaths of their family.

Under the bill, we are eliminating a powerful incentive for gun dealers to value accountability and keep guns out of the wrong hands. We are implicitly condoning their irresponsible behavior.

I understand the desire to protect the American judicial system from what some people perceive as frivolous lawsuits. But gun manufacturers and sellers should not be able to write their own liability standard into law.

We aren't debating a product that has an inconsequential impact on our nation.

Almost 30,000 people in our country die from firearm injuries, murders, and suicides each year.

According to the National Center for Injury Prevention and Control, as recently as 2002, 2,893 young people were murdered by firearms. That accounts for the second leading cause of death for young people under 19 in the United States.

Our economy even suffers from this senseless violence. From the loss of productivity, medical treatment and rehabilitation and legal costs, gun violence costs the U.S. at least $100 billion annually.

Instead of putting forth a national plan to end this futile cycle of death, extending the

ban on assault weapons, or even prohibiting people we know are on our own terrorist list from obtaining weapons, we are debating how to best shield the gun industry from accountability and responsibility.

Mr. Speaker, it is unfortunate today that we are sending the wrong message to gun manufacturers and the worst of all possible messages to the public: We are not willing to put special interests aside to protect the American people.

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today in strong support of S. 397, the Protection of Lawful Commerce in Arms Act.

As a gun owner, it troubles me that many interest groups and local municipalities have decided that the way to reduce gun violence is to put the manufacturers of firearms and firearm parts out of business through lawsuits and the fear of lawsuits. Their actions run counter to the main purpose of gun ownership: protection.

The Second Amendment was not written as a mere exercise in constitutional thought. It had a practical purpose: First, to ensure that citizens would have the tools to protect their families and their homes and, second, to ensure that an armed militia could be called up to defend the country in emergencies.

But these lawsuits, Mr. Speaker, have the potential of crippling the American firearms industry, in the same manner as the threat of medical liability has crippled the medical industry. Why would we want to go down that route? Why would we want to put firearms out of the reach of law-abiding citizens.

S. 397, and H.R. 800, the companion legislation of which I was proud to be an original co-sponsor, would prohibit state and Federal lawsuits against the gun industry for deaths resulting from unlawful actions of the user.

In my estimation, Mr. Speaker, these lawsuits are a threat to our hard-earned Second Amendment rights. It is entirely proper that we should prevent such unconstitutional actions. I commend the gentleman from Florida, Mr. STEARNS, and Chairman SENSENBRENNER for their hard work on this legislation, and I urge passage of the bill.

Mr. EMANUEL. Mr. Speaker, I rise in strong opposition to S. 397, the Gun Manufacturers Liability Protection Act. Shielding gun manufacturers, dealers and distributors from liability is one of the most egregious forms of corporate welfare we've considered in this House all year.

This is George Orwell legislation at its finest—all industries are equal, but some are more equal than others. If you sell beer to a 17-year-old and he causes an accident, you can be held liable. But if you allow a 17-year-old to walk out of your store with a high powered rifle, don't worry. Congress has your back.

Mr. Speaker, this is not a hypothetical case. Last year the families of DC sniper victims settled for $2.5 million with Bull's Eye Shooter Supply and Bushmaster Firearms, because Bull's Eye allowed Lee Boyd Malvo to shoplift a military quality rifle—one of 233 guns they could not account for when investigated by the ATF. Some of my colleagues call this a frivolous lawsuit. I don't think there is anything frivolous about 233 missing guns.

In July of this year we gift wrapped a provision in the Medical Malpractice Bill that shielded the pharmaceutical industry from liability on any drug that made it through the regular FDA approval process. Coincidentally, Merck Pharmaceuticals was at the same time facing multiple lawsuits tied to its misrepresentation of the dangers of the prescription drug Vioxx.

Thanks to this Congress, Americans can continue to exercise their Constitutional right to seek redress in the court system, unless it involves guns or drugs.

I am gratified to see that this bill does include certain common-sense provisions such as child safety locks and a ban on armor-piercing bullets. We fought hard for these ideas in the Clinton Administration and I urge my colleagues to resist any pressure to have them removed.

Despite my support for these ideas I must vote no on the overall bill. Mr. Speaker, this bill denies Americans one of their most basic rights in order to provide special protections for a very special interest. I urge my colleagues to resist the gun lobby and defeat this bill.

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

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 493, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate 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 SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of S. 397 will be followed by a 5-minute vote on the motion to instruct on H.R. 2744.

The vote was taken by electronic device, and there were—yeas 283, nays 144, not voting 6, as follows:

[Roll No. 534]

YEAS—283

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—144

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George

Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Rothman
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Boswell
DeLay
Davis (FL)
Keller
Musgrave
Roybal-Allard

□ 1153

Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, and Mr. DICKS changed their vote from ''yea'' to ''nay.''

Ms. LORETTA SANCHEZ of California, Mrs. EMERSON, Mr. MORAN of Kansas, and Mr. JONES of North Carolina changed their vote from ''nay'' to ''yea.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MUSGRAVE. Mr. Speaker, on rollcall No. 534 I was unavoidably detained. Had I been present, I would have voted "yea."

MOMENT OF SILENCE IN MEMORY OF VICTIMS OF RECENT EARTHQUAKE IN PAKISTAN, INDIA AND AFGHANISTAN

The SPEAKER. The Chair would ask all Members to stand and observe a moment of silence in memory of the victims of the recent earthquake in Pakistan, India and Afghanistan.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, proceedings will resume with a 5-minute vote.

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MS. DELAURO

The SPEAKER. The unfinished business is the vote on the motion to instruct on H.R. 2744 offered by the gentlewoman from Connecticut (Ms. DELAURO) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 209, nays 216, not voting 8, as follows:

[Roll No. 535]

YEAS—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Snyder
Solis
Spratt
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Boswell
Davis (FL)
DeLay
Keller
Moran (VA)
Myrick
Roybal-Allard
Stark

□ 1204

Mr. DAVIS of Kentucky changed his vote from ''yea'' to ''nay.''

Mrs. McCARTHY changed her vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees on H.R. 2744: Messrs. BONILLA, KINGSTON, LATHAM, Mrs. EMERSON, Messrs. GOODE, LAHOOD, DOOLITTLE, ALEXANDER, LEWIS of California, Ms. DELAURO, Messrs. HINCHEY, FARR, BOYD, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 551

Mr. HONDA. Mr. Speaker, I ask unanimous consent to have the name of my colleague from Arizona (Mr. FRANKS) removed as a cosponsor of H.R. 551. His name was added in error.

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

There was no objection.

AMENDMENT PROCESS FOR H.R. 1461, FEDERAL HOUSING FINANCE REFORM ACT OF 2005

Mr. SESSIONS. Mr. Speaker, the Rules Committee may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 1461, the Federal Housing Finance Reform Act of 2005. The bill was introduced on April 5 and referred to the Committee on Financial Services which ordered the bill reported out by a vote of 65–5 on May 25 and filed in the House on July 14.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by noon on Tuesday, October 25, 2005. Members should draft their amendments to the text of the bill as reported by the Committee on Financial Services on July 14. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

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

Mr. SESSIONS. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman: the bill which you just indicated would be on the floor next week and you asked for amendments to be filed in a timely fashion is a very important bill. It came out, as you pointed out, with overwhelming bipartisan support. I think you said 65–7. Since that time, it is my understanding that there has been some change in the bill. In particular, I refer to the provision which deals with the ability of those who may receive dollars under the provisions of the bill for the purposes of constructing affordable housing, that if they receive Federal funds that they will be unable to thereafter participate in encouraging voter registration drives or getting more people on the rolls to vote. That is something that I think the whole House ought to address.

I believe the ranking member is going to ask that that be struck from the bill so that there not be a preclusion on voter registration drives or participation. The Catholic Conference is very concerned about that. I would presume a number of faith-based organizations are very concerned about that provision. I may have a discussion briefly with the acting majority leader on that issue as well.

But can the gentleman tell me whether or not he believes the Rules Committee will allow the gentleman from Massachusetts (Mr. FRANK) to offer an amendment which would put the bill back in the position which 65 people in the committee supported at the time it was reported out.

I thank my colleague for yielding and would ask him if he can give us some thought on that issue, which we feel very strongly about, and hope that that amendment can be protected and made in order by the committee and that we will have a full and fair debate on the floor of the House with reference to that amendment.

Mr. SESSIONS. Reclaiming my time, I appreciate the gentleman not only asking these questions but bringing up and talking about some important issues.

First of all, I would be the first one to admit that we have for the last few weeks been dealing with issues related to Katrina and other important matters as it relates to housing.

To answer the gentleman most directly, I must say that the instructions that I have given are that we are going back to the bill of July 14. There have been no changes made at this time to that. That will be the text that will be considered by the Rules Committee. The Rules Committee, as we deliberate, we take into consideration amendments of how people would wish for the bill to be changed, new thoughts and ideas; and that will be just as current as the filing date that we have set. So it is my hope that you would have the opportunity to work with Members of your party, and that this announcement would be available for Members of my party to say that we are open to any amendment, any thought process that people would like to come to the Rules Committee.

It is not unusual for us to hold hearings and take testimony that may take hours and hours and we hear from people. That thought process will be considered next week. The chairman of the Rules Committee, the gentleman from California, has instructed me to advise Members that we will be ready to do business next week and be open to the amendment process as Members choose.

Mr. HOYER. I thank the gentleman for that information. There has been some suggestion, I understand, however, that although the bill may be in the same shape now, that there is a manager's amendment proposed and that the vote on the manager's amendment, which we presume, we have not seen it, would cover a multitude of subjects that are in the bill; that the vote on the issue that I have raised could be made on that manager's amendment. Therefore, you would have to vote against the manager's amendment if it changes the provision to which I referred.

I would hope, and this is not a question, just an expression, that the majority would make in order an amendment so that we could have a debate on that issue if in fact the manager's amendment does what we are concerned about and some people are proposing undermining the ability of some groups, faith-based groups. That is why the Catholic Conference is so concerned about it, faith-based groups or other groups who would build affordable housing, get money under the bill and then be precluded from participating in any efforts, not partisan efforts but nonpartisan efforts to get people on the rolls.

I would just urge the gentleman, who is a distinguished member of the Rules Committee, to consider, very hopefully, favorably the request of Ranking Member FRANK to have made in order an amendment to deal with that subject. I thank the gentleman for yielding.

Mr. SESSIONS. I would say to the gentleman, reclaiming my time, that the Rules Committee has been visited by the gentleman from Massachusetts. He is no stranger to the Rules Committee. You also in your leadership capacities and otherwise as a Member of Congress representing your constituents from Maryland have been very vigorous in your support of the things which you believe, the ideas which you choose to press to the Rules Committee. The Rules Committee is very open, and our esteemed chairman will make available that time.

We do not know the content of that manager's amendment that you are talking about at this time. We once again encourage all Members, including the process that will be followed for the manager's amendment, to be filed on that date, October 25.

Mr. HOYER. I thank the gentleman.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend from Missouri (Mr. BLUNT), the distinguished acting majority leader, for the purpose of inquiring about the schedule for the week to come.

Mr. BLUNT. Mr. Speaker, I thank my good friend for yielding and would say that we intend to convene the House next Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any vote called on these measures on Tuesday will be rolled until 6:30 p.m.

For Wednesday and the balance of the week, the House will consider additional legislation under suspension of the rules, as well as several measures under a rule. One will be the Federal Housing Finance Reform Act of 2005 that has just been discussed; two, the Lawsuit Abuse Reduction Act of 2005. The third bill that we would expect to see under a rule would be House Joint Resolution 65, which would be a resolution necessary under the Defense Base Closure Commission for the House to

have a disapproval vote on the work of that commission, a vote that is required by the structure itself.

□ 1215

In addition to that we plan to consider an amendment to the fiscal year 2006 budget resolution that would outline plans for budgeting for the expenses associated with Hurricane Katrina.

I would also like to announce at this time that the following Monday, while we have scheduled that as a workday, the following Monday, October 31, will be a day that we will not be in session. That allows Members to spend that day with their families, and for Members who want to take their children or their grandchildren trick or treating, that day is available for them to do that.

Mr. HOYER. Mr. Speaker, reclaiming my time, on behalf of all the parents and grandparents, the acting majority leader and I had a brief conversation about my 3-year-old granddaughter, who this past weekend had the opportunity to show me the costume she is going to be wearing on trick or treat night, and she said, Hey, Pop, can you go with me? And I appreciate the gentleman's making that time available on behalf of his side and my side for all of us who might be doing that. That is a treat early, not a trick, and we appreciate that very much.

First of all, Mr. Speaker, the leader heard me have the discussion with the gentleman from Texas (Mr. SESSIONS) of the Committee on Rules. I wonder if perhaps you could comment. We do not know the status of the manager's amendment, as the gentleman from Texas (Mr. SESSIONS) indicates. The acting majority leader does not know the status of the amendment, and I presume that is being worked on. But we have concerns that a very critically important provision of the bill, an overwhelming bipartisan bill, 65 to 7, might be changed and might have added to it a condition for the receipt of money by faith-based charitable organizations, nonprofit organizations to receive money to build housing; that if they received such money that a condition of the receipt of that money would be that they could not participate in voter registration efforts.

We have a letter from Catholic bishops very concerned about that. Other faith-based organizations are very concerned about that. I am sure nonfaith-based organizations are concerned about that. And, obviously, if the position is left in place as it now exists or as it existed when it passed out of the House, we would think that, without that preclusion, without that condition attached, we would be obviously not offering an amendment because we all agree with that. On the other hand, if the manager's amendment somehow changes that and puts that condition into the bill, then we would very much hope, Mr. Speaker, that the majority would allow all the Members who think perhaps that condition should not be attached to the bill to have a free shot at making that policy judgment on a separate amendment rather than just as a vote against the manager's amendment, which seems like somewhat not only a clumsy vehicle but very conflicted because there will be some issues in the manager's amendment, most of which I am sure the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Ohio (Mr. OXLEY) will probably agree on, but I would hope that the acting majority leader could work with the gentleman from California (Mr. DREIER), with his leadership to ensure that we have a freestanding debate on that issue. It is an important issue, and I think it will serve the House well if we do that.

I would be glad to yield to my friend for any comments he might have.

Mr. BLUNT. Mr. Speaker, I appreciate my friend yielding to me.

I listened particularly carefully to the gentleman from Texas' answer after the gentleman from Maryland said he might ask me the same question. I am not sure I can improve on his answer to any extent. I think that is the purpose for the Committee on Rules hearing to make that case.

I believe there will be amendments allowed. I know there is a wide discussion that this new fund, a fund we have never had before, if we do create that fund, can be part of the solution to the impact of Hurricane Katrina and Rita and maybe even Wilma. So, assuming that Wilma creates a housing problem as well, for that to be included there would have to be some amendment, as the gentleman suggested, even though the bill, when it came out of the Committee on Financial Services weeks, I believe now even perhaps months ago, with a large vote, does need some adjustment because of circumstances that have occurred since then that both the ranking member and the chairman would be supporting.

But that is the purpose of that hearing, and I thought that the gentleman from Texas (Mr. SESSIONS) made the case well, that the Committee on Rules will listen to those arguments and make that determination.

Mr. HOYER. Mr. Speaker, reclaiming my time, I think he made the case that they would listen and make a determination. We are hopeful that they will make a determination that if they are going to change the bill by the manager's amendment they will allow the full House to consider whether that change is appropriate. But I thank the gentleman for his information.

Secondly, Mr. Speaker, if I can, we appreciate very much the action on Halloween, on that Monday, October 31. I think that was appropriate. As the gentleman knows, the following week, November 8 is election day for a lot of people: New York City, the State of California, obviously very large jurisdictions; Virginia, a major election going on there. All of us are watching that election go on. New Jersey gubernatorial, as is Virginia and Ohio. So a very large number of people in America will be confronting elections and, therefore, a large number of our Members.

Has the majority considered the possibility of making sure that we do not have votes until later on in the day, Tuesday, so that we can free up our Members in those jurisdictions, A, to vote and, B, to participate to the extent that they feel it necessary to do so?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I appreciate the gentleman yielding to me.

The week that is in question there has, of course, been on the calendar for a while as a workweek. We would intend at this point to have the reconciliation items on the floor that week. It will be a very full week of work if we hope to get out of here by Thanksgiving, by November 18, as is still our principal goal if we find cooperation in the Senate on that. I think it is likely that we would stay with the regular schedule. We have elections in Missouri too on that day, and while I hope to be there part of the day on Monday, I have already voted absentee, and I assume many of our other Members have already taken that action as well.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for his information. Perhaps we can talk about that further. I understand the problem. We are running out of time. We have got to use the days that are available. That is a very practical problem. I did not have Missouri on my list, but obviously a large number of States. Maryland does not. Maryland does not have elections this Tuesday other than municipal elections, so that is not a real problem for our State. But I understand the time problem, and perhaps we can discuss it a little further and see if there are some other times that we might utilize.

Finally, I would like to inquire further on the schedule for the balance of the year. Our target adjournment date, as I understand it, is November 18. I hope we can make that. As the gentleman pointed out, we do not have total control. The other body has to do things as well for us to get there.

If we do not make November 18, am I correct that the week of Thanksgiving, the Members can be assured that they will not be here the week of Thanksgiving, and am I correct that the probability is that the week after Thanksgiving, which I think starts either the 28th or 29th, that Monday, would not be weeks that we would be here but that, if need be, the week after that and perhaps the week after that in December would be weeks that we would be utilizing?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me.

We still are hopeful that November 18 could be the date. Our friends in the other body did indicate this week that

they had work on schedule that would allow them to keep that date. I think it is reasonable to assume that some of the work we have to do jointly will stretch out to meet the time frame that they are here rather than the time frame that we are here, and we need to be aware of that. We are still hoping for November 18.

The week after Thanksgiving, the week that starts on November 28 and ends on December 2, if we are still in session at the end of the month of November, we would not plan to work that week. Clearly, we do not plan to work Thanksgiving or the day after. If, in finishing this process up, November 19, November 20, November 21 would finish the process up, I would hate to suggest that we would not finish and get our work done, but certainly the November 28 to December 2 would be a date that I think he and I could right now announce to the Members that if they are planning family activities after Thanksgiving that even if we are still in session, we would not intend for that week to be a workweek.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his answer. I think that is very helpful for Members who are trying to plan.

Mr. Speaker, the PATRIOT Act, we were told that we might go to conference on that bill this week. That did not happen. Does the gentleman know when we anticipate perhaps going to conference on the PATRIOT Act?

Mr. BLUNT. Mr. Speaker, if the gentleman will continue to yield, we are continuing to do work on getting ready for that conference. I would hope that that conference would occur at any time. I am confident that we will appoint conferees and have that conference completed before the law expires. So I think that in itself sets a fairly short deadline but would expect to see that happen in the near future as we thought it might even happen this week.

Mr. HOYER. Mr. Speaker, I appreciate his answer.

Reclaiming my time, on appropriations conference reports, prior to the Thanksgiving recess, can he tell us how many he anticipates might be ready, obviously realizing that the other body's actions are difficult to determine, but does he have any thoughts on what appropriations conference reports we might be considering prior to the November 18 date?

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

Mr. HOYER. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding and would say that it is still our goal to get out of here, to get the session completed by the Thanksgiving recess. In that case we would have all the bills completed.

The Senate seems to have really gotten their appropriations process energized in a way that means a number of bills will soon be ready for conference. As the gentleman knows, three of the bills have already been signed into law by the President. It is possible that we would have other additional conference reports next week.

I am not trying to anticipate too much here, but I think the most likely conference that might be completed next week would be the conference that we just appointed conferees to, the agriculture conference, and have that bill as a fourth bill that was completed. But the Senate work that allows us to address these bills one at a time, which I know we all believe is the best way to do this work, has finally reached a point that bears some likelihood that all of that could happen and hopefully will happen by November 18.

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

Lastly, we were expecting today to have a budget amendment, or an amended budget, on the floor today. That did not happen. He referenced it in his opening discussion of the schedule.

Does he expect that bill to come to the floor next week, and if so, does he expect it to call for reconciliation cuts above and beyond the $35 billion that was in the original budget?

I yield to the gentleman.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I think I announced earlier that I did expect that bill to be on the floor next week. And in addition, the change in the approach to that measure would be that it would include not only a higher goal for savings in the mandatory programs, an issue we do not take up very often in the House. I think this would be the second time in 10 years we have looked at mandatory savings, but also to include a commitment to revisit the discretionary part of the budget sometime between now and the end of the process and to work with the administration on reconciliation as well as looking at the authority for programs that we did not fund in this Congress and in several cases have not funded for some time and eliminate the authority for perhaps as many as 95 or more programs that are receiving no funding.

□ 1230

All four of those items would be in the budget resolution that the Committee on the Budget would bring to the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

ADJOURNMENT TO MONDAY, OCTOBER 24, 2005, AND HOUR OF MEETING ON TUESDAY, OCTOBER 25, 2005

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 25, 2005, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

DEMOCRAT IRRESPONSIBILITY

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

Mr. PRICE of Georgia. Mr. Speaker, with the recent hurricanes on the gulf coast, it is heartwarming to witness the unity and the outpouring of support from all Americans.

It is a unity of purpose from all, except one group: Democrats in the House of Representatives. That is right.

Our Republican leadership is working valiantly to find resources to provide help for the displaced residents. The way to do that is to reopen the budget and identify savings elsewhere to pay for those new costs, and the Democrat leadership says, They won't get one Democrat vote.

Now, that is leadership. How sad.

Mr. Speaker, the American people expect us to work together to solve problems. Democrats are stuck practicing the tired, old, petty, partisan politics of the past; and this is disappointing and irresponsible. America deserves more than obstruction from a once-proud party.

BUDGET AMENDMENT

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

Ms. WOOLSEY. Mr. Speaker, the Republicans' misplaced budget priorities are actually shameful. They continue to be a reverse Robin Hood, slashing funds to safety net programs only to give more tax cuts to the wealthiest of Americans.

The budget reconciliation that we will talk about next week or the next week, whenever you guys can get your stuff together, proposes huge cuts in important programs that the poor and the working poor depend on day in and day out, such as $15 billion in cuts in Medicaid programs; $12.5 billion for student loans; and almost $1 billion in cuts for food stamps. All of this while, and you would allow the richer to get even richer at the expense of helping those who need it the most, doing

nothing to offset Katrina expenses or to reduce our Nation's deficit.

Using Hurricane Katrina as an excuse to extend tax cuts, while taking from the programs that the victims of the hurricane need most, is an embarrassment. I hope you will fix it.

REPUBLICANS OFFER A COMMONSENSE BUDGET PROPOSAL

(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, when American families face financial crises, they make important sacrifices and responsible decisions to get their family budget back on track.

As the Federal Government continues to pay for the rising cost of hurricanes Katrina and Rita, Congress must also make necessary sacrifices and follow a strict budget. House Republicans are leading the effort to reduce spending and have recently proposed commonsense reforms to eliminate 98 Federal programs, saving more than $4.3 billion.

Democrats' opposition to this proposal is, unfortunately, not surprising. Led by the gentlewoman from California (Ms. PELOSI), Democratic leader, they have tried to increase Federal spending by tens of billions of dollars at every stage of the legislative process. Earlier this year, not a single Democratic House Member supported the lean budget that passed the Congress. Democrats seem to view the budget as a credit card, and when the bill gets too high, they pay for the bill by simply raising taxes on the American people.

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

CUTS IN THE BUDGET AMENDMENT

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

Mr. MCDERMOTT. Mr. Speaker, there was a phrase they used to use around here during the Reagan years called ''take from the needy and give to the greedy.'' Well, we are back in session with that same thought going.

These cuts in this budget amendment we just heard about, the gentleman from South Carolina said we were not willing to make the cuts. Let me tell my colleagues just what one of those cuts was so we get a feeling for what they are up to.

There was a rule in many States that if you were from a poor family and you went to a rich family as a foster kid you did not get any money. If you went to a poor family, you would get some money. They went into court, and the court said it did not make any difference what kind of a family you were living in; it was what the child had access to and every child ought to receive foster child payments in the United States, no matter where they were or what situation they were in.

What the Republicans want to do in this bill is repeal a court decision. They do not like what the courts did. The same thing is true about kinship care. If a child is picked up by a foster home, they get money; but if they are picked up by their grandmother, they are not entitled to it, no matter what the circumstances are. That is the family friendly Republican budget cuts.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF 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 time of the gentleman from California (Mr. SCHIFF).

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

There was no objection.

TAXING AND SPENDING

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, we heard some earlier interesting statements from the Republican side of the aisle, and one gentleman talked about a once-proud party. I guess he was referring to the Republicans and the fact that they used to have a commitment to protecting Federal taxpayers and for fiscal responsibility, but no longer.

Now, they keep talking about the Democrats taxing and spending. Excuse me? Who runs the White House, the United States House of Representatives with an iron hand, and the United States Senate? The Republicans. They are in charge of everything. It is the President who is submitting budgets that are being approved by Republicans that are running up huge and growing deficits.

They are trying to say, oh, this year was great; it was only $312 billion, only the third largest deficit in history. Except they forget to tell people they borrowed the whole $180 billion surplus out of Social Security and spent that, too; and, in fact, some of it went to tax cuts for rich people that was paid for by working people with their Social Security money that is supposed to pay for the future of that program.

They say, well, it is the darn Democrats. No, it is not the darn Democrats. It is the Republicans who control everything who have brought up $8 trillion of debt, a 60 percent increase in the 5 years George Bush has been in the White House; and, no, it was not all spent on the war in Iraq and homeland security. A lot of it came from huge tax cuts to the wealthiest among us, immensely expensive tax cuts that go predominantly to people who earn over $311,000 a year; and they want to give permanent exemption of estate tax to estates over $6 million. They consider $100 million, $200 million, that is a small family farm or small business in Republicanland over here.

Unfortunately, those tax cuts are immensely expensive, and they are borrowing the money to finance them and the government.

The entire general fund of government of the United States, everything that government does outside of the military is paid for with borrowed money, $1.2 billion a day, some of it from Social Security. Yeah, we are borrowing some of it from ourselves. We are borrowing a heck of a lot of it from China, Japan, and other foreign interests; and we are adding this mountain of debt and we are pushing it forward to our kids and our grandkids. In their vision, the wealthy would not share in the burden. They will not help pay that debt because they will be the beneficiary of massive tax cuts.

What they were going to bring to the floor today was so embarrassing they could not quite do it. They were actually going to increase the deficit. Under the guise of paying for Katrina, they were going to cut programs like student loans, $9 billion; Medicare for seniors; Medicaid for needy people and seniors and other essential programs. But they were actually going to cut those programs to pay for more, guess what, tax cuts for the wealthiest among us.

Are the wealthy really hurting that much? Well, actually no. IRS data that came out last week say that 99 percent of the people in America saw their real incomes decline last year; but 1 percent, those who earned over $311,000, saw a real increase. But that is not even the real thing.

The real thing was one-tenth of 1 percent, those who earned over $1.3 million a year, saw a phenomenal increase in their incomes, mostly due to tax cuts that are being paid for by borrowing on the backs of working people and Social Security. They have the gall to come to the floor and say it is the Democrats who want to tax working people.

The only working people they are concerned about are people who earn over $311,000 a year, the investor class; but the investor class also happens to be the contributor class, the people who can write out those $2,100 checks

twice a year to their campaign accounts or the even bigger checks to their party accounts or to the Presidential campaigns. That is who they are taking care of.

They are borrowing money from working people. They are bankrupting the country. They are undermining the future of Social Security; and now they want to pull the rug out from under kids who want to get a higher education and from seniors who need a little bit of help with medical care in their old age. They are going to pretend that they are fiscally responsible.

April Fools has come early to Congress if anybody believes that malarkey. It is just extraordinary to me, and the boys keep turning the volume up and keep listening to a little too much Rush Limbaugh over there. We are going to counter them with the facts.

The facts are they have run $8 trillion of debt, $27,000 for every American. They are borrowing $1.2 billion a day to run the government; and now they want to cut essential programs, student loans, Medicare, Medicaid and other programs, to finance more tax cuts for the wealthy, more trickle down.

Our people have been trickled down on long enough, and more than enough. It is time to change the priorities around here, and that is what we are fighting to do.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. GARRETT of New Jersey. Mr. Speaker, I ask unanimous consent to claim my time at this point.

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

There was no objection.

REGULATION OF GSE'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise tonight to discuss an important issue that could, as we know, come before the House as early as next week, and that is, the regulation of GSEs, specifically Fannie Mae and Freddie Mac, and the impact they have on homeowners or people who want to buy a new home, and a tax that it may place upon them and the risk that places to the mortgage market in this country.

Fannie Mae and Freddie Mac were chartered by Congress with the main purpose of creating a liquid secondary mortgage market in this country and also providing essential affordable housing for lower-income families. To help them in this effort, the GSEs have a number of benefits, including exemption from State and local taxes and an ability to borrow at a discounted rate due to the implied government backing they have.

Beginning in the early 1990s, Fannie and Freddie held a combined $12 billion, that is, 5 percent, of the single-family home mortgage market in their portfolio; but over the last 15 years, this number has grown to over $1.5 trillion, about.

□ 1245

I say ''about'' because I cannot give you a more specific number, because it has been years, if not longer, since anyone has known precisely what is in their books.

Fannie and Freddie realized that by keeping a portfolio of the larger portion of the mortgages they purchased and by buying back much of the MBS they issued, they could make five times as much spread as they could by simply securitizing the mortgages that they bought and selling the resulting MBS to third parties. However, by keeping a large amount of mortgages and MBS on their portfolio, Fannie and Freddie are greatly increasing their interest rate and prepayment risk, which leaves them very susceptible to interest rate changes.

To hedge against these possible interest rate changes, Fannie and Freddie use various types of derivatives to shift much of the interest rates to derivative counterparties. Hedging of this nature greatly concentrates interest-rate risk in Fannie and Freddie and a handful of large banks and investment firms, and this concentration has created what is known as a systemic risk, which Chairman Greenspan has warned about.

The best way to reduce the systemic risk for the economy is by limiting the amount of mortgages that Fannie and Freddie can hold in their own portfolio.

Now, I commend the chairmen of the committee, the gentleman from Ohio (Chairman OXLEY) and the gentleman from Louisiana (Chairman BAKER), in working to draft legislation to create a new world class regulator to oversee Fannie and Freddie. However, I believe that the House bill does not go far enough.

See, the House bill gives a new regulator the authority to dispose of any new assets or liabilities of the enterprises if the Director determines such action is consistent with safe purposes. Now, while this is a step in the right direction, I believe that stronger language is definitely necessary. I worry that a new regulator, without specific congressional direction to reduce the size of portfolios of the GSEs, will face constant political pressures from the GSEs, thus putting the possible problems that result on the backs of American taxpayers.

Now, some argue that if Fannie and Freddie portfolios are curtailed, they will not be able to meet their affordable housing goals. But this is not the case.

As the former head of OFHEO noted just last week, ''The amount of time and resources that the enterprises must dedicate to managing the risks associated with their portfolios is very substantial, and it dwarfs any marginal benefit to their affordable housing mission. In addition, the recent scandals at both companies illustrate the problems they can get themselves into as they try to manage this volatility associated with very large portfolios.''

Limiting the portfolio growth is the number one priority of the administration in addressing GSE reform. Chairman Greenspan, Secretary Snow, Secretary Jackson and others have all spoken out on the need to rein in these large portfolios that exist solely to increase the profits for Fannie and Freddie executives and their shareholders.

In a speech last spring to the Federal Reserve Bank of Atlanta, Chairman Greenspan discussed the GSEs' ability to securitize mortgages and the benefits that it would have on the housing market and the health of the entire economy. He stated, ''The method of GSE financing most consistent with our mission is to securitize assets first and to hold in their portfolios only those assets that are very difficult or unduly expensive to securitize.'' And here is the key part: ''Without the needed restrictions on the size of the GSE balance sheets, we put at risk our ability to preserve safe and sound financial markets in the United States, a key ingredient of support for housing.''

So in conclusion, Mr. Speaker, legislation that is coming before the House next week dealing with GSE, Fannie and Freddie reform is a good first step, but is not in the current format something that we should support. It will result in a tax on the American taxpayer, it will result in a tax on the American who is trying to buy his first house, and it will add risk to the already risky mortgage market in this country.

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

IRAQ AND 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, yesterday Saddam Hussein faced a panel of Iraqi judges where he will finally stand trial for the crimes against humanity that were committed under his regime. Saddam Hussein is an evil person. He ordered thousands of his own people to death, and it is time that he is brought to justice for these crimes.

But anyone who suggests that Iraq is more stable or less of a threat to the United States now than it was before the war is fooling themselves. Iraq has never been less stable, and it has never posed a greater threat to the United States than it does today.

The war in Iraq has not combated terrorism as President Bush and his administration have repeatedly claimed. It has actually encouraged terrorism by providing a unified target and rallying point for those angry with our Mideast policies.

Since we invaded Iraq in March of 2003, hundreds of terrorist attacks have killed thousands of innocent people, both American soldiers and Iraqi civilians.

Most people assume that suicide terrorism of the sort that plagues Iraq on a daily basis stems from opposition to democracy in general or hatred of the United States in particular. But Dr. Robert Pape, a University of Chicago professor, reaches a different conclusion based on a comprehensive study on every act of suicide terrorism that has occurred over the last 10 years. Dr. Pape found that the common element linking all suicide attacks around the world is not religion. Rather, suicide terrorism is about pressuring another country to withdraw its military forces from the lands that the terrorists view as their homeland.

This helps to explain the intensity of the Iraqi insurgency. The insurgents resent the continued United States occupation of their land and want control over it.

If the folks in the Bush administration truly want to end the war, they must honestly convince the Iraqi people that the United States has no long-term objectives in Iraq. But to do that would require a sea change, because we currently maintain over 100 military bases in Iraq, with what certainly appears to be intentions to maintain some of them permanently.

Mr. Speaker, we all know that President Bush loves those prime time speeches to our Nation. Maybe it is time for him to eat a little crow and ask the international community to help. He needs to face the fact that the so-called Bush doctrine of preemptive war and unilateral military action just is not working. He should tell the Iraqi people that the United States has no plans to maintain permanent bases in Iraq, nor do we have any designs on controlling Iraqi oil. You could call this speech the ''anti-Bush doctrine.''

Mr. Speaker, there were plenty of mistakes made in Iraq, mistakes that could easily have been avoided. But now, the best thing for the President to do is cut his losses, admit he made mistakes, and change his course. He needs to seek the cooperation of our allies around the world to help Iraq get back on its feet, because we cannot do it by ourselves in the United States. The President should do that by going back to those countries we have spurned in the past like France and Germany, as well as influential bodies like the United Nations and NATO, and ask them to assist.

A true multilateral coalition could and would enable us to bring thousands of our troops hope. To borrow a phrase from the President, as our allies stand up, we will stand down.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

ORDER OF BUSINESS

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

RISING COLLEGE COSTS AND REPUBLICAN RAID ON STUDENT AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this week new reports from the College Board showed how much harder it is getting for families to pay for college. Since 2001, tuition and fees at a 4-year public college have risen by 46 percent. Today the maximum Pell grant is worth $900 less when adjusted for inflation than it was in 1975 and 1976. This year, students attending 2 and 4-year public colleges are already $10 billion short for paying for college, even after grants, work study, savings, and Federal loans are taken into account. As a result, millions of students will be forced to work long hours to take on additional debt from other sources or forgo college altogether.

What has been the Republicans' response? To make American students and families who are already struggling to pay for college, pay even more.

In July, during the committee consideration of the Higher Education Act, Republicans voted to cut nearly $9 billion from the student aid programs and raise interest rates and fees on student borrowers. This raid on student aid represents the largest cut to the Federal student aid programs ever, ever. As a result of these cuts, the typical borrower with $17,500 in loan debt when they graduate will be forced to pay an additional $5,800 more for his or her college loans. That is $5,800 additional that they will have to pay over the life of those loans for the college education that they are seeking.

While many of the cuts were on excessive subsidies paid to student lenders, such as the 9.5 percent loan boondoggle, the Republicans only agreed to reduce some of these excessive subsidies to large lending institutions after widespread criticism from Democrats, students, and editorial writers.

But instead of reinvesting these dollars into low-interest loans and additional grants, the majority plans to use nearly $9 billion in cuts for the alleged deficit reduction, or to pay for their tax cuts to the wealthiest people in this Nation. They are going to take $9 billion out of the student loan account to pay for the tax cuts to the wealthiest 5 percent of the people in this country. That is their idea of economic justice.

But it gets worse. Next week, the majority plans to cut an additional $7.5 billion from the Nation's student aid programs, the second largest cuts ever. The first largest cuts were several weeks ago. Now they are back. They are back for $7.5 billion to take out of student loans to again pay for the $1 trillion in tax cuts that they gave to the top 5 percent of the people in this country.

To make matters even worse, the Republican leadership has failed to provide real relief for college tuition. In fact, in their higher education bill, they would do nothing to make tuition more affordable for the first 5 years after it is enacted into law. Even after 5 years, the bill only requires colleges and universities with rapidly rising tuition to increase their reporting and disclosures.

Mr. Speaker, the public already knows how much it costs. They struggle with it every spring as they try to figure out how to pay for their children's education. What the Republicans are doing, it is not lowering the cost of tuition, not lowering the rate or the increase in the cost of tuitions; they are adding thousands of dollars, thousands of dollars in additional costs to students and to their families.

This is unacceptable. What the Democrats had was a better idea that we would cut those outlandish subsidies to the lending institutions, to the banks, and to others, and we would take that money and we would recycle it into the student loan programs so

that we could increase the Pell grant by some $500. We could take care of low and middle-income students who fall short in being able to finance their education. We would lower the cost of that debt to those students. We would make the repayment easier.

But the Republicans did not do that. They chose to take now what is almost $16 billion when they are done next week out of the student loan program, to raid this student aid and take that and transfer that to the wealthiest people in this country through the tax cuts that they have already enacted.

It is a shameful day, and it is a sad day, when we are being told that it is more important now than ever that students in America complete a college education for the sake of their economic well-being and for the sake of the competitiveness of our economy, and the Republicans have decided to make it more and more expensive for millions of American students and their families. It is a tragic day for these students and their families.

CONGRESS GOES HOME WITHOUT COMPLETING ITS WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the American people might wonder why we have gone home today at 1 o'clock on a Thursday. Are there no problems facing this country? Have we rebuilt the gulf coast? Have we dealt with the problems in Iraq? Have we dealt with everything that is troubling in this society? You have to ask yourself, where did the Congress go? Why did they go home? Why does the Republican leadership declare that no, we are not going to be here, we are not going to be here on Monday. I think this Congress is pretty much having trouble here doing their job.

□ 1300

The reason we are not here on the floor dealing with the issues today is that the issues are tough. And the Republicans do not want to go into Thanksgiving with everybody saying, well, they did it again. They took more from the needy and they gave it to the greedy.

But that is what the debate was about this week. It is about what kind of amendments, what kind of cuts. Amendments is a fancy congressional word for the fact that we are going to cut the budget.

Now, where are those cuts coming from and why can the Republicans not make up their minds what they want to cut? Well, they are looking at the Medicaid program. They want to cut $10 billion there. They want to just raise it; now, just 1 more billion would not be very much. Just a nick out of some people.

Student loans. You just heard the gentleman from California (Mr. GEORGE MILLER) give the facts about that issue. You are talking about a $7 or $8 billion cut in student loans. You know, those sick people, what can they do for themselves? Right. Take it away from them. What about the students? Take it away from them.

How about agriculture? Now you say, well, rich farmers. No. No. No. Half of the money spent in the agriculture budget is spent on the food stamp program. Buying the surpluses of our farmers and giving them to the poor of this country.

Now, why would we talk about cutting another $4 or $5 billion? No, they only want $1.5 billion. Excuse me. $1.5 billion out of food stamps. So we are taking away health care and food and ability to go to college, and then they come to the Ways and Means Committee that I sit on. Those are not even mandatory. Those are just things that that Congress said that we would do.

But when you get to the Ways and Means Committee, you come to things that are written in law, and they are called entitlements. If you are an American, you are entitled. It does not make any difference where you live, how much you have; you are entitled. And they are now going to go after those entitlements.

Now, I spoke a little bit before about a couple of them. One of the things they want to do is go after people who have had unemployment payments, unemployment insurance overpayments. They figure that they can get that back out of their taxes. That is at a very time when we have rising unemployment in this country. We are going to try and save $1 billion going back and squeezing workers that have been out of work for 3 months or 6 months or whatever.

Anybody who is at the bottom of the pile should watch out for these guys, because they are coming after them with a sharp stick. They are going to take it away, and why are they taking it away? I mean, you have got to ask yourself, why would they cut food stamps? Why would they cut health care? Why would they cut school loans? Why would they go after the unemployed? Why would they go after grandparents who are taking care of foster kids? Why would they do that?

Did you know that we had to give tax cuts to the rich? If we do not give tax cuts to the rich, why, the rich will not be rich. Well, they will be less rich, I mean. If we do not finish those tax cuts that are before this Congress, somehow they are not going to get that $100,000 tax cut if they make more than $1 million.

Now, think about the tears. Think about the tears up in those apartments and those houses where those people have been expecting that $100,000 tax cut that they were going to get. Who knows what they are going to do with it. I am sure that they are going to run out and give it to the poor.

But these decisions that are being made in this body are being made by people who stand out here and beat their chests and talk about how much they care about family values. Is it a family values budget that cuts food and medical care and student aid? I do not think so. And they are going to find out at the next election.

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. HERSETH. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 5 minutes.

Ms. HERSETH. Mr. Speaker, I rise today in support of the Cheyenne River Sioux Tribe Equitable Compensation Act of 2005.

Over 50 years ago, the Pick-Sloan Act initiated a major flood control and reclamation project along the Missouri River Basin. The construction of dams and reservoirs flooded hundreds of thousands of acres in South Dakota, dramatically altering the basin's landscape and the river's flow.

The American Indian communities in South Dakota were some of the most severely affected by this project. Five of the nine, Lakota, Dakota, and Nakota reservations in South Dakota, border the Missouri River.

The Cheyenne River Sioux Indian Reservation is in north central South Dakota and among the largest reservations in terms of land base. For generations the Lakota bands which comprised the Cheyenne River Sioux tribe camped in the river valley and shaped their way of life to match the contours of the land and the flow of the river.

This was no less true after the Plains Indians were confined to the reservations in the late 19th century. The fertile river bottomlands remained at the center of their society, providing the tribe's best crop land, pastures and wildlife habitat, as well as an important source of timber.

Perhaps even more significantly, the fertile bottomlands remained central to many of the tribe's cultural and spiritual practices. At the outset of the Pick-Sloan Project, the United States Government used its eminent domain power to seize large tracts of the fertile

Indian bottomlands. Payment for these takings was typically haphazard and piecemeal. Time and again, the government failed to fairly compensate both tribal and individual land owners for the loss of their property.

One such landowner is Freddy LeBeau. Freddy was born and raised on the Cheyenne River Sioux Indian Reservation. While serving 4 years in the U.S. Navy in the South Pacific during World War II, he arranged to purchase 200 acres of land along the Missouri River.

In Freddy's own words he explains, ''We live in a poor county, and if I can pay taxes on that land and help the county in that small manner, I would be glad to do that. I thought I was an asset there fighting for my country, and I would remain an asset when I came home in a small way and pay taxes on my land.''

Following his service, Freddy returned home and for a time he was able to work his land, raise horses and cattle and start a family. The Pick-Sloan Act changed all that.

The Ohio dam and reservoir flooded over 100,000 acres of Cheyenne River Sioux lands, including Freddy's home. He and many other tribal members were forced to move their families to higher ground and begin again. Like many others, he did not receive a fair price for his loss. And at 83 years old, this World War II veteran says, ''I am still looking for a place as good as the place that I lost.''

Congress has already acknowledged this injustice and only a few years ago passed legislation to provide just compensation by creating the Cheyenne River Sioux Tribal Recovery Trust Fund. While this action was commendable, it left one important group behind, tribal members who lost privately owned land, elders now, who owned deeded land at the time it was taken by the U.S. Army Corps of Engineers. Current law actually prohibits the tribe from using existing funds to compensate these individuals.

The tribe has recognized this shortcoming and has worked to craft a solution that requires no new expenditures, no new expenditures, and guarantees that the affected tribal elders and their families can be justly compensated for lands taken over a generation ago.

The leadership of the Cheyenne River Sioux Tribe, a united South Dakota congressional delegation, and the moving testimony of private landowners like Freddy LeBeau have all contributed to the introduction of the Cheyenne River Sioux Tribe Equitable Compensation Act. This bill would correct a historic wrong and compensate tribal members who have been left behind and treated unjustly for many years.

At 83 years old, Freddy and 33 other tribal elders are still waiting for just compensation. I urge this swift consideration and passage of this bill.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

(Mr. MARKEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WATSON. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

THE PROBLEM WITH THE PROPOSED BUDGET CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I stand to oppose the misguided budget amendments that are being presented to us. These amendments will not help a post-Katrina plan, but would only add to the deficit. It would require spending cuts and new tax cuts that would mount up to $70 billion, cuts that mostly benefit the wealthiest Americans at the expense of the poorest Americans.

If these spending cuts were approved, they would probably do what I would consider to be Draconian cutting. They would cut Medicaid, food stamps, child care support, the earned income tax credit, and supplemental security income.

I have a problem in my City of Los Angeles, and it is a homeless problem. There are over 80,000 homeless individuals that are on our streets, mostly in the evenings. They have problems with alcohol abuse, drug abuse, and mental illness. Over 33 percent of the homeless are mentally ill. And they are homeless. And why?

Because we have cut out the programs that address this population; and not only did we do that, but under the Reagan administration we closed mental health hospitals. Money was to follow the patients into the community, and it never did.

So if we are trying to be fiscally responsible, that means we are being irresponsible to the poorest of Americans. As Americans we cannot allow this to happen. If we are spreading democracy around the world, then we must live up to the principles and the tenets of its provisions. And its provisions say that every American has a right to be a recipient of the social services programs.

Mr. Speaker, we cannot accept the amendments to the budget that are being proposed. They will weaken our homeland, its people, and our security.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to address the House. I can tell you that this week has been quite eventful. As you know, Mr. Speaker, we come every day to the floor to share not only with the Members but the American people what is actually going on in this House, and what is not going on in this House and what should be going on in this House, and it is the House of Representatives.

And there has been a lot going on this week as it relates to the budget. As you know, many Members came to the floor to speak pro and con of this. I will not use the Washington language, but I will use it in a way that everyone can understand: our relooking at the budget and making more cuts from the budget that have already been made.

And when I have been coming to the floor recently, Mr. Speaker, I have been bringing the local publication, the Washington Post to the floor, just to serve as a third-party validator to the arguments that have been made here on the floor. I am proud that our leadership on this side of the aisle, the Democratic leader, the gentlewoman from California (Ms. PELOSI), has stood against the winds of power in saying that there are certain things that we will not do. We who are Democrats on this side, we will not turn our backs on the American people.

We will not turn our backs on the survivors of hurricanes Katrina or Rita. We will not stand idly by and watch this country continue legislatively to go down the tubes because certain people and certain individuals in power would like to see their priorities and their projects and their special interest breaks or opportunities prevail on the backs of the American people.

□ 1315

I am proud that we have the leadership on this side of the gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. MENENDEZ) and also the gentleman from South Carolina (Mr. CLYBURN) to say no. I am proud of the fact that we have men and women in this Congress that are willing to stand up and say no to the majority, I must add, on the majority side who want to see their goals and objectives carried out on behalf of individuals that have suffered.

Now, I have to commend some of my colleagues here and some of my colleagues even on the other side of the aisle for standing up to the leadership

and saying no, we will not cut Medicaid. We will not cut free and reduced lunch. That did not just come about because folks thought, well, it is okay to stand up. That did not come about within the Republican Conference. But I will tell you how it came about, Mr. Speaker. It came about because Members came to this floor mainly on the Democratic side and said, if you are going to do it we are going to turn the lights up. We are going to raise our voices, and we are going to let our constituents and your constituents especially know that you are allowing this to happen.

Mr. Speaker, this is not a victory lap in any way. I do not want anyone to feel that the tide has changed because as far as I am concerned individuals that are fighting on behalf of billionaires in this Congress to make sure that their tax cut is not touched and that we take away from those that cannot fight for themselves, they are sleeping in shifts. They are sleeping in shifts because they know that that is what they have to do to prevail.

I will tell you on this side, even though we are in the minority, even though we are not in the majority, even though we cannot bring a bill to a committee and expect for it to pass with the majority vote because everything is on partisan lines here as of recently, unfortunately, but I can tell you that even though we cannot agenda some of the things that we would like to agenda that will help this country move to the next level and will put us in the right direction, we are willing to fight with what we have. And what we have is the opportunity to come to this floor to share not only with the Members, let the Members know exactly what they are doing so we are not around here hugging and smiling and cheesing and grinning and scratching where we do not itch, saying ''that was a leadership call.''

Well, I can tell you right now, Mr. Speaker, as we look at third party validators, I just want to make sure that folks do not believe that this is the Kendrick Meek Report and that I just sit in the office and come up with whatever we want to say. I want folks, I want the Members to go to the WashingtonPost.com editorial page just today. Like I said once before, I do not have to go back and pull publications or pull Time from 2 weeks ago or pull Newsweek from a month ago about something they wrote about and say that was a great story from the Sioux City, Iowa Journal about a month ago and I want to bring it to the attention of the Members. You pick up the paper any day and it is filled with what this Congress is doing to a certain group of Americans.

Now, like I said, there has been a lot of discussion about the budget. It is truly, truly beyond me of all the power and influence of Members of Congress, you have all kinds of leadership on the other side of the aisle that has the opportunity to shine in the aftermath of Hurricanes Katrina and Rita and some of the biggest natural disasters that have hit this country in recent days. Do they take the opportunity to lean on behalf of those that are suffering right now and displaced? No.

Do they take the opportunity to go in and deal with these Federal agencies who do not even want us to talk to them directly because they feel that they are protected by the White House and why do they have to listen to Congress? We take this opportunity to say that you had the opportunity to perform and you did not. And because you did not perform, we are here as the elected people representing the people of the United States, be if from the affected area or from an area outside of the affected area, your constituents have federalized you to lead.

No. We are not doing that. The majority side is not doing that. No. They are seizing the opportunity to carry out the motives of the special interests. So, Mr. Speaker, when we talk about this issue of a culture of corruption and cronyism, this is a perfect example here in the Washington Post editorial number two, entitled ''Katrina's Costs to the Poor.''

What it is saying here basically is that the Congress voted earlier this year here on this floor, I must add that I did not vote for it but the majority did on party line, vote a $35 billion cut in spending for the next 5 years as it relates to the issue of entitlement programs, Medicaid, Title I. All of these programs that help financially challenged Americans that are federally mandated were cut.

Now, we have forces on the other side saying that we will not even get it up to $50 billion to help the Katrina victims. Well, I can tell you right now that has nothing to do about health. It has everything to do about the priorities that the majority side leadership has picked that they are going to represent. $70 billion in tax cuts mainly, in this editorial, this is not what I am saying, I am reading verbatim from this editorial, mainly for the most wealthy, the most wealthy Americans in this country. They are fighting on their behalf. They are saying it is okay.

I do not blame the top half. I do not blame the billionaires in America for what the majority is doing on their behalf on the backs of the suffering of the American people. I do not blame those individuals. I blame the people that are saying that they want to save our country money by cutting entitlement programs to the very people who have sent us here to protect them. They do not have, the average American does not have a million dollar lobbyist to walk into the office and represent them. They have a Congressman that they sent or a Congresswoman that they sent to this floor to represent them. And if we fail in that duty, then it is beyond personal responsibility, it lies on the majority.

I want to make it clear that you have to make the decision on if you want to lead or you want to follow. And I will tell you there are some folks in this House that are winning right now because we are not having a debate. We are just straight out saying that we are going to cut again the very programs that we just finished, that the majority just finished cutting, that are supposed to be helping the very people that we are trying to help. Better yet, we have asked billionaires to do nothing. We have given them tax cut after tax cut. We have men and women with sand in their teeth over in Iraq and Afghanistan and we are asking everyday punch-in and punch-out, retired, on Medicare Americans to suffer and to pay a price and to take a cut. We are not asking the most able Americans to do the same.

Now, I can tell you that this editorial goes on to say, Mr. Speaker, that the individuals that are being protected in this are the high-priced lobbyists and enriched constituencies. What it means by that by saying if you can pay to play in this House, then you are in good shape. You do not have anything to worry about. We have you, or they have you. And so I am glad that we are coming to the floor to be able to let not only the Members know but the American people know that this is an unacceptable practice, that I am glad that we are prepared on this side of the aisle to be able to put forth an amendment when you come to the floor with your budget that is going to not only move Americans forward but decrease the deficit.

This editorial goes on to say, You are saying that you are going to cut the budget and you are going to be fiscally responsible in managing the money of this country, but better yet, it does nothing to reduce the deficit. It increases the deficit.

Mr. Speaker, it is almost laughable if it was not true. And this is not just Democrats or Independents or some study group out there. You have the Washington Post, you have a number of other publications out there that are saying, wait a minute. You are doing this in the light of being fiscally responsible, but you are not. You are increasing the deficit. You are finding your money for your tax cuts for billionaires on the backs of working Americans, and I guess we are just supposed to sit here because it is in the light of trying to help Katrina victims.

Now I have a personal problem with that and I know the American people are going to have a problem with that also. We talk about this issue of a culture of corruption and cronyism, and I think it is important that we have an opportunity to talk about this a little bit more. This whole cronyism and individuals that are not qualified to lead is prevalent here in Washington, D.C., and it is continuing to happen, and I can tell you right now that it is truly unacceptable.

You want to talk about saving money on behalf of the American people? According to the AP, four out of

five companies that won the largest Katrina contracts are being reviewed for possible waste and abuse. Four of the top 10 companies. So what we are doing here is we are saying, hey, listen, it is okay for you to mismanage the taxpayers' money. Not only is it okay, we will reward you again with a no-bid contract.

That is almost like saying, I have a bad contractor working on my house. I have already given him $200,000 to fix my house. Let me run out and get another loan and see if I give him $500,000 to see if they can really mess that up.

But the sad part about that is I would be doing it with my own money. But the majority and this administration is doing it with the American people's money, and so it is very disheartening.

Mr. Speaker, I am so glad to see my good colleague from New York. We are not in the race for the World Series Championship this year like we were a couple years ago, being from Miami and New York. But the gentleman from New York (Mr. SERRANO), I am so glad he came down here today to share in this hour with me.

Mr. SERRANO. Mr. Speaker, let me thank the gentleman that he brought this week this issue up again and again. I think it is very courageous on his part and very profound.

Secondly, as far as the World Series goes, it is true that the Yankees and the Marlins are not in it, I also noted that you took our bench coach, our assistant coach, as your new manager so you will do better in the future.

One of the issues that come to mind as I was watching the gentleman, as we know, this is transmitted live on television, I am wondering if the folks who are watching us today were also the same folks perhaps that watched the victims of Hurricane Katrina as that national tragedy hit us. Regardless of whether you felt it was a State or local responsibility or a joint responsibility with the Federal Government or whether you think we as a Nation failed or not, those images are in your head.

Now you see this discussion. What is this discussion about and how do I see it? We all tend to come have the same feeling but we come to the table with perhaps slightly different views. My concern is, as a member of the Committee on Appropriations, is that in the appropriations process we have the ability to declare an emergency. An emergency means just that. That while we try to balance a budget and while we try to have expenditures that meet both the needs and our ability to pay, that there comes every so often a situation that requires us to spend the money and deal with the fact that we are spending that money rather than try to make somebody pay a major price for it.

Of course, my biggest example is the war in Iraq. Now, whether you support the war or you oppose the war; and, incidentally, one of the things that we always need to clarify is that opposition to the war is not opposition to the men and women fighting the war. In fact, I could argue that you really support them by bringing them home tomorrow and ending the war. But that is a discussion for another time.

What is a discussion today is that the American people need to know that the way we pay for the war is by paying for the war. Whatever amount needs to be spent on the war in Iraq, we spend it. And it has gone close to or above $300 billion that we have spent.

Now, if I was to be sarcastic up here I would say that basically what we have done is print the money. We have not taken it out of anybody's budget. We have not taken it out of anybody's pain. We basically printed the budget.

Now there is a word in the English language that I try very rarely to use and that is immoral immorality. The reason for that is who the heck am I to determine what is immoral and who is involved in an immoral act, when in fact we are all guilty of a lot of things in the way we behave in this society. But if there is anything that resembles legislative immorality it is the suggestion that for you to get whole again, for you to be helped after Katrina, the way to do this is by taking money away from the programs that in fact affect the very same communities in many ways that are being hurt while slipping in, slipping in permanently this gigantic tax cut for people who did not need it and some of them who publicly said we do not want it.

□ 1330

You recall some very wealthy people in this country saying we do not want that tax cut. We do not need it.

So that what the American people need to understand is that I cannot imagine, nor have we ever heard of one American who watched the videos, the scenes of Katrina, and said, good for them. Everyone was heartbroken and wanted to do something. Our country came together in the aftermath to try to help. But what I think most people do not know is that the majority party is trying to slip in all of a sudden a new legislative morality that says when you pay for certain emergencies, you have to take it out of somewhere.

Now, where do you take it out of? Well, if you take it out of people and places that can afford it, then perhaps that is balanced. But to suggest you are going to take and pay for Katrina relief by cutting out certain amounts of student loans or certain housing programs or what may be left of the Food Stamp Program in this country, which is now down to practically nothing, or to help children in our country, to suggest that you would pay for that by taking out of there is, in my opinion, totally improper. It is not in the best interest of who we are as a country and it does not make us look good.

So we saw many in the last couple of days allow perhaps a momentary slight retreat on bringing that approach to the House floor. But the importance of the gentleman's comments and his being here today, and the reason why I joined him for a few minutes, is the fact that we have to keep mentioning the issue and the fact that that idea is still out there; that, again, if we cut the taxes of billionaire, that is okay; that if we put forth a war that half the country is still questioning why we are in it to begin with, that is okay to pay the $300 billion; that it is okay to build schools, hospitals, playgrounds, temples, churches, and any kind of structure for the people of Iraq. But to rebuild New Orleans, we have to take it out of a social program or an educational program. That is what the people need to understand, and I know that is what we are trying to do here today.

Let me repeat that just one last time, not to be repetitious but to simply make the point and to drive it home. In Iraq it is not just a war. The American people need to know that we are rebuilding Iraq. Incidentally, not necessarily rebuilding anything the former government destroyed but maybe we destroyed in the process. So we are putting in new schools, new homes, new temples, new churches, new community centers, an infrastructure, and new transportation systems. We are rebuilding a country. But if you were caught up in Katrina, you are on your own. And if we help you, we are going to take it out of another part of your life or another part of your suffering.

That is wrong. That is where we have to wake up and say who are we, what are we, and I believe that we are much better than that. So I thank the gentleman for his time, and I really hope that we can wake up soon, in the next week or so, and stop this madness from going forth.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for his comments, and I am glad the gentleman came down to the floor. I think it is very, very important to have as many voices as possible from different parts of the country sharing with not only the Members but the American people what is actually going on right now. Because by the time the American people find out what we do here, it is too late. It has already happened to them and they are saying, how did this happen. Many times they cannot follow the paper trail back to the source.

The gentleman mentioned the war in Iraq. Well, we have to remind ourselves that Republicans are in control of the House, Republicans are in control of the Senate, and the Republicans are in control of the White House, so it is not just the agencies that respond to the White House. They are the Federal agencies that are out there that are appointed by the President of the United States. So it is not our fault that things are going the way that they are going as it relates to dealing with Americans.

And what we are doing in Iraq is at top dollar. I must add that it is not

like building a school in your neighborhood. It is top dollar, because you have to pay those contractors big money. And a lot of that money goes towards these special contracts. Four of the contractors that are carrying out Katrina work in a no-bid contract are under investigation by this government for mishandling taxpayers' dollars. So we are going to reward them for wasteful spending and possibly stealing.

People get all teary-eyed when they come to the floor and they start talking about the troops and how they support the troops; and some say, well, I support the troops more than you. Well, I support the troops. Who does not support the troops? We all support the troops. I want to meet the caucus that does not support the troops. It does not exist. So let us take that away and start looking at the realities of governing and oversight and not rewarding corruption and cronyism.

The gentleman talks about the money that it is costing. It is borrow and spend. The Republican majority is borrowing and spending at the highest interest rate possible. A lot of Americans receive mail, I do, and I open it and there you might find a free credit card. You can just sign right here. And then you read the fine print and you see that after the first 6 weeks it jumps up to a 21 percent interest rate APR. It is not a deal. So we are chest beating and talking about how we have to help these poor Iraqis, but, meanwhile, when it comes down to Americans here on our soil, suddenly we want to become fiscally responsible on the backs of those very same people.

There is a lot of hypocrisy in the democracy within this Congress when it comes down to looking at that. And that is not just because I am saying it, that is what is actually happening, and that is the unfortunate part about this whole argument. If we could wait until the next round of elections and the American people could have their way with some of the individuals that are running to the floor and cutting the very things that are helping their own local communities in the light of being seen as fiscal conservatives, it would be fine. But guess what, there is too much out there for us to wait that long. It has to happen now and we have to fight now.

Mr. SERRANO. If the gentleman will yield for just a moment. In this profession of ours, we like to make predictions and, of course, we like to be right. I will make a prediction now, one that we have discussed before, and I hope I am wrong. I hope I am totally wrong. News flash: Making a prediction; I hope I am wrong.

When this war settles down to something other than it is, because we are going to be there for at least 10 or 12 years, but when it settles to something less or different than what it is now, there will be many of us coming to the House floor putting in legislation to say those folks coming back need special medical attention, psychological, physical, all kinds of things. They need special housing and job training. They need all kinds of help. Well, the very people who are now saying we support the troops and are jumping all over the place spending all kinds of money on that ill-conceived war will be the ones saying we are fiscally irresponsible in trying to take care of the troops coming back home.

The best way to take care of the troops is, one, bring them home now, right away; and the second thing is to make sure they are rewarded and cared for for the pain they went through.

We know, sadly enough and unfortunately, that of the close to 2,000 Americans who have died we all know some personally. What we do not know, because this government will not tell us, is what is the total number of thousands of wounded, wounded who will come back, and are here already, with pain that needs to be dealt with. And the wounded in a war, as you know, could be getting shot in the hand to losing your eyesight or losing a leg or an arm. There are serious injuries coming back, but nobody is talking about that.

So I think the gentleman is right to continue to drive this home so that the American people can just get a wider look and then make their own decision, and I thank the gentleman once more so very much.

Mr. MEEK of Florida. Mr. Speaker, once again I want to thank the gentleman for taking the time to come and join us here this afternoon.

Mr. Speaker, I am also joined here by our great local delegate, the gentlewoman from the District of Columbia (Ms. NORTON), who has been in the Congress quite some time and who has seen quite a bit, so I am so glad she is here and I yield now to her.

Ms. NORTON. Well, I want to thank the gentleman from Florida (Mr. MEEK) very much for taking out this hour and taking the leadership on this vital issue.

Mr. Speaker, I was on my way to a markup. I got there and I thought I saw that there were a few minutes yet, and I said, I have to go down. Because I want my colleague to know that I heard from some of my friends on the other side get up and say words to the effect that our side did not want to see any budget resolution that had any cuts; and that, see, there go the Democrats again, they think you can just spend money. And comments like, even though they see the problem, they do not want any cuts to be made because they say that nobody will be for the budget resolution changes that are coming down now.

So I said to myself, my goodness, what is coming down now? The American people need to know that it is a perversion of what is required, a perversion of what they even say it is, which is an attempt to do the cuts so that there will be money for the Katrina victims. I did not think I could let them get away with that when three or four of them got up with the same message.

I think the first thing to understand, because we have the credibility to say it, is that the Democrats stand for a balanced budget, including making some cuts at this time given this emergency. We have the credibility to say it because we have proposed a budget that would put us in balance by the year 2012. We have done it. It is balanced. It is there for all to see on our Web site.

This is the moment. It is a magic moment, and the American people should look for this moment. This is the moment when the Congress should reinstate PAYGO. That is the pay-as-you-go notion that in the 1990s brought us to surplus, the surplus that the Republican White House inherited of almost $250 billion, a surplus as far as the eye could see, and in the snap of a finger it was gone.

We have pressed this Congress ever since the last administration left office to keep PAYGO. They have, in fact, said the only thing we are going to use PAYGO for are for spending other than tax cuts. So, we have had a perversion of PAYGO. We can do as many tax cuts, and they have been overwhelmingly for the most advantaged and wealthy people in our society, and you do not have to pay for those. But if in fact you are trying to help the poorest people in this society, such as those who were exposed for the world to see from the Katrina hurricane, then you better pay for those.

I do not think you could find any substantial number of the American people who would say, I am right there with you, and so we say, let us go with PAYGO right now. You will find that there will be Americans, those who are most concerned with the deficit, those who are most concerned with helping the poor saying, yes, now is the moment and we are for it.

Instead, what we see is amazing and brazen in how the resolution that appears to be coming down would operate. Since tax cuts cannot be touched, we have been told that, still, over and over again, the spending cuts are, in effect, going to take from services of the kind that the Katrina victims need. Do understand that. If you are a Katrina victim, even if you are middle class now, you need Medicaid when you did not need it before, you will need food stamps when you did not need them before.

I saw a woman on television who said, and this is a woman in her fifties, who said the very notion of food stamps and my family asking for them is so laughable that I did not even know how to do it. She had to have her daughter, who had also never been on food stamps, help her to find out how you apply for food stamps. So we are talking about of course the poor, the poor to our shame that we all saw but who somehow we had not seen before, but now we are also talking about hundreds of thousands of the new poor, or

the temporarily poor, and those are the victims of Katrina who simply will not be able to get from one day to the next unless they have access to the services that have only been available to the poor, like Medicaid and like food stamps.

□ 1345

If that is not enough under the topic of perversion, here is another one. This is supposed to be about cutting the deficit. We still leave the deficit at more than $100 billion. We do not make any real inroads into the deficit, so what are we doing? Do we really think the American people are fooled? I do not think so. I think as technical as this stuff can get, they are beginning to understand it. We see it in the polls.

I must say to the gentleman from Florida (Mr. MEEK), I was here with his mother before him; and in my 15 years in Congress, I have never seen such a gap in the generic poll between Democrats and Republicans. That tells me our message of who believes in balance and who believes in making cuts but doing them in the right way is getting across.

I say to the gentleman from Florida (Mr. MEEK), the Republicans started with $35 billion in entitlement spending, no tax-cut spending. That was cruel, but that is where they were, and that is what we had to take with all of our protestations. They said, no, that is not enough. After Hurricane Katrina, they said we need more. We need $50 billion. They say to the American people with a straight face, we need to do this for the Hurricane Katrina victims. These are the very victims who are now having their Medicaid and food stamps cut.

As if there are no offsets on tax cuts, we are looking to the spending cuts paying for tax cuts and new tax cuts, as much as $70 billion in tax cuts. We have been in the Congress long enough with Republicans in charge to know they believe in the reverse Robin Hood notion, take from the poor and give to the rich, but after Hurricane Katrina, how shameful, on the backs of poor give more in tax cuts.

The gentleman from New York (Mr. SERRANO) was clear when he says he knows where the rich would be. He said he cannot think of the rich in New York who would say this is the way to do it after Hurricane Katrina. We know and we want everybody to know we know where the money is, and it is in mandatory spending. We know there have to be cuts in the entitlement spending, and there have to be cuts where they hurt most, in Medicaid and Medicare. We hate that. But if there is a balanced budget resolution, we are prepared to eat that pain along with the rest of the country. What we are not prepared to do, what we are not prepared to do, after $35 billion in cuts that have already been on the backs of the poor, to break their backs by, in fact, more cuts to them.

The House has already cut low-income energy assistance, 8 percent. There was an 8 percent cut below last year's level. Middle-class people in our country are pulling their hair out trying to figure out how to heat their homes this winter, and we are going to cut even further the Low Income Home Energy Assistance Program for the poor. We could shout it from the hilltops because I do not think there are any Americans anywhere that would sanction that.

Every single winter we have left it at level funding; and to cut it this year when we know what has happened to energy, we know what has happened to oil and to gas, and everybody has informed everybody what they have to get ready for. They are telling middle-class people now is the time to shore up your houses, put in storm windows, and do the extras that will save you in your heating bills. Tell that to the poor people. They do not own the premises. They are the renters of this country. They are having a hard time finding enough money to pay the rent. They cannot fix the premises; and if they did, because they are so poor, they could not buy the storm windows. This is so cruel that you will not find Americans in any number who will sanction this if we tell it.

Mr. Speaker, we are going to tell it. We are going to tell it in the rich and the poor neighbors. We do not have the same access to the media the other side has, but just wait until we finish telling America about how you are taking money for Hurricane Katrina victims supposedly, from other poor people to supposedly pay for them when the money will in fact go to pay for tax cuts for wealthy Americans.

Let me give one more example that I think will get to the heart of the problem, and that is the possibility of a 2 percent across-the-board cut that will cut special education funding below the 2005 level, further reducing special education.

There is not a Member here who does not hear his school board, his local officials screaming about special education drinking up the lion's share of the education dollar. As it is now, we are down to covering only about 17.5 percent of special education. That is 17.5 percent out of the storied 40 percent we pledged the States we would cover when we passed the IDEA bill.

Mr. Speaker, who has the nerve to say to States, take from the traditional children if you have to, because the IDEA bill says you have to give to your special education children. So this time I say to my friend, we are not taking from the poor to the rich, we are taking from our traditional children and giving to our most needy children, and that is a trade-off nobody in America wants us to make.

Mr. Speaker, I say to my friend before I return to my markup, the gentleman has done us a service. I do not know how many Americans are watching, but I do say whatever happens here, we do not have the majority. The gentleman from Florida took this hour so we could make it clear that the other side of the aisle cannot come on the floor and say whatever they want to say, even if what they say are patent untruths, without understanding that lie for lie, you will find us talking to the American people to try to set the record straight.

Mr. Speaker, I thank the gentleman for his leadership.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership. As I said at the top of this hour, we thank the Democratic Caucus of this Congress for standing up on behalf of the American people. When we start talking about issues, these issues we are all talking about, these issues are affecting the American people. It is up to us to be able to share this information. I am glad that the gentlewoman went further into the budget.

Mr. Speaker, we need to balance the budget. We are the only Members of the body that can actually say we balanced the budget and we had a surplus. The majority side cannot make that claim. I was not here, but the gentlewoman was here. They passed the budget that gave us a surplus. The other side cannot even say it because they all voted against it.

Ms. NORTON. Mr. Speaker, I thank the gentleman.

Mr. MEEK of Florida. Mr. Speaker, it is almost like we need to have an opportunity to come to this floor like every 3 hours. There is so much going on here, the Members need to know that we are watching them. The American people need to know and the Members need to know that we have alternatives, and we are going to present those alternatives legislatively in committee, we are going to present those alternatives here on this floor, and we are going to present those alternatives in Special Orders to let it be known that we are not going to sit by and watch this country start to slide, not because of the American people, but because of the majority who are willing to stand on behalf of the most able Americans as it relates to finances on the backs of everyday Americans.

Mr. RYAN of Ohio. Mr. Speaker, there is no doubt about it. I think there are so many issues we need to address as a Congress that are going either unaddressed or the actions of the Congress are hurting the average American people. That is why the Democratic Party is presenting proposals that will take us in a new direction. I think the country needs to go in a new direction. I do not need to go back to Ohio to figure that out. I think it is all over the country. We had a gentleman here last night from Oklahoma. We had a woman here from Florida. We had a man from New Jersey and a man from Ohio. From all over the country people are saying, Democrats, please take us in a new direction, in a direction that will change the country, and those are the kinds of proposals that we are offering.

As we look back as to what has been happening here for the past 5 years, it has been nothing but appointing crony friends to positions that are key in executing the game plan for emergency management, and then the job not getting done, hiding information on the true cost of the Medicare bill so we have a corrupted system here.

The Democrats want some transparency, and we want the opportunity to lead so we can take this country into another direction. I found it very interesting today in The Washington Post there was an article about a speech that Colin Powell's chief of staff for 16 years, Colonel Larry Wilkerson, gave. During the course of the speech, he talked a lot about what has been going on. This is one of the third-party validators that we like to have at the 30-something group. We like to validate our thoughts with someone who is independent of us. This is not the Meek Report or the Ryan Report. This is a 16-year chief of staff with Colin Powell, and he is a veteran. He was the director of the Marine Corps War College for quite some time. And what he had to say I found unbelievable.

He talks about him seeing a cabal between the Vice President of the United States, DICK CHENEY, and the Secretary of Defense, Donald Rumsfeld, by cutting out the bureaucracy that had to carry out the decisions: ''We have courted disaster in Iraq, in North Korea, in Iran, and generally with regard to domestic crises like Katrina.''

If there is a nuclear terrorist attack or major pandemic, ''you are going to see the ineptitude of this government in a way that will take you back to the Declaration of Independence.''

This is a guy who has been in the Department of State for 16 years. This is a 16-year chief of staff, worked at the State Department, ran the Marine War College. This is a guy who has been around the block. He is saying if we have a terrorist attack of significant magnitude, we are going to see the ineptitude of our government.

What the Democrats are saying with our independent commission that we want to oversee what happened with Hurricane Katrina, we had better figure out what the answers are here. We had better figure out what we did wrong because the next time it may not just be New Orleans, it may not just be the gulf coast and then people are going to come to us and say in 2005, where was the United States Congress? Where were they in their oversight duties? Article I, section 1 of the Constitution, the people of this country govern in the House of Representatives and we have oversight over everything, over every executive function, including FEMA and the Department of Homeland Security.

The concern is when a man of this magnitude who has been around the block as many times as he has been, who has watched up close the misinformation with the war in Iraq, Hurricane Katrina, all this other stuff, says to us you will not even believe the ineptitude if there is a major nuclear attack in the United States, the ineptitude of the government. Now, our job is we should not have to wait.

□ 1400

And that is why the Democrats want an independent Katrina commission just like we had an independent 9/11 Commission, bipartisan. And the committee that is set up right now might as well be chaired by Mr. Gillespie, the chair of the Republican National Committee, because it is a partisan committee. The Democrats do not have subpoena power, it is 11 to 9 Republican to Democrat. And I just feel that that is an unfair way to go about solving the problems, because it is about CYA, it is not about getting the facts. And that is a real problem.

And meeting our constitutional obligation, we stand here and we raise our hand and we swear to uphold the Constitution so help us God. Part of that responsibility is the oversight that I think we have been derelict of our duty. And the Republican Congress has been derelict of their duty, and that is why the Democrats want to take this in a new direction and change what is going on down here and do that by having an independent commission that will get to the facts, not to the politics.

Mr. MEEK of Florida. Mr. Speaker, my colleague from Ohio could not say it better because that exactly goes to the marrow of this whole issue, of making sure that we engage not only the Members but also the American people. If it was something dealing with total politics, you could say, well, you know, in 2006 it will be dealt with. But there are so many things that are happening to Americans versus for Americans that we need change now.

Mr. RYAN of Ohio. The last part of this article about the Colonel, he says what my colleague just said, what he was just saying: You and I and every other citizen like us is paying the consequence. Whether it was a response to Katrina that was less than adequate certainly, or the situation in Iraq which still goes unexplained, we are paying the consequences.

Mr. MEEK of Florida. Like I said, he is right and we are going to see.

Mr. RYAN of Ohio. You are right.

Mr. MEEK of Florida. I will take some of that, too. Because those of us that are here in the Beltway, and when I say Beltway we are talking about here in Washington, D.C. there is a Beltway that goes around this entire city. Those of us that are drinking the water, breathing the air, and eating the food here understand exactly what is going on, and it is our duty as Americans to make sure that we put light where light is not. And even where you have light, like here under the lights here in this Chamber, that we illuminate it even more as it relates to making sure that every Member knows exactly what he or she is doing or not doing as it pertains to issues that are going to blanket, blanket and increase cronyism and corruption and going to increase the whole, or going to promote the whole theory of borrow and spend.

Folks, it is interesting, and the thing about being in Congress is that it is important that you understand that we all must tolerate one another. It is not personal, it is just business. And the bottom line is, is that if you want to talk about the business and you want to talk about spending, you want to talk about fiscal responsibility, you cannot just have a backdrop in the back of you at a press conference and say fiscal responsibility, and fiscal responsibility, that makes you a conservative. That does not make you a conservative. What makes you a policy maker and what shows that you have the ability to lead is being able to march down to the White House and tell the President: We are concerned about spending. Why don't you veto a bill for once?

Mr. RYAN of Ohio. Yeah.

Mr. MEEK of Florida. The President of these United States, our President, you want to talk about being a conservative, has not even vetoed one spending bill. As a matter of fact, of the transportation bill that has more fat, pork, everything else, a couple of raccoons in there, he did not even have the nerve to stop that. We have bridges going to nowhere. Meanwhile, we have got folks around here in shelters, and we are asking no one to sacrifice. No. As a matter of fact, the majority side, the Republican side, they are asking poor people to sacrifice. They are asking people that their kids are in Iraq right now and Afghanistan to sacrifice.

Meanwhile, you have billionaires saying: Do not worry, you do not have to say anything. This is what the majority is saying. You do not have to say anything, we will protect you. We will protect you, Republican majority.

So I think it is important that we continue every time that we get the opportunity, need it be out in the hall, in our office talking to our constituents, or on this floor talking to our colleagues, that we know and the American people will know exactly what you are doing to them, and it will not be something where that: I do not know, I did not understand what I was doing on that vote. And, if I would have had that opportunity. Do not come creeping in here under the doorjamb writing something into the CONGRESSIONAL RECORD saying, well, I know I voted for this budget, to cut the budget of a lot of my constituents, but I really feel this way.

Do not do that. We do not want to have to pick up the CONGRESSIONAL RECORD to find that you have a conscience about the vote that someone told you to do, a twist your arm.

The gentleman from Ohio and I talked the other day about violating the spirit of the rules of the House of Representatives. The so-called energy bill that went and passed this floor just

a couple of weeks ago, held this board open, the voting board here in this House open for 90 minutes, 90 minutes on a 15-minute vote. We came up to these mikes and called: Mr. Speaker, point of order. What is going on here? Did we not have a vote? Oh, wait, I am sorry. You mean to tell me you are not winning and the special interests are not winning on allowing them to stick the drill anywhere they want to drill, and you mean to tell me you are not winning because this is not a true energy bill that is going to talk about conservation and independence and go against price gouging? You mean to tell me until you are able to twist enough arms, or I must add, hammer people, okay, to the point where they are going to change their vote based on their thoughts of coming in here and based on the information that they have on this bill that it does nothing, you are going to hold the voting clock open until you have your way.

It is almost saying that we are at a little league football game and I happen to be the guy that bought the jerseys for one team and my cousin happens to be the ref that has the stop clock, I am going to tell him to stop the clock because we are behind by 7 points and I have got to go over and try to twist some arms and try to change the rules so that we can come up by 8 points, and then I want him to start the clock all over again. That is breaking the spirit and that is violating the rules. They are doing things because they can.

But I can tell you one thing, Mr. RYAN. Just like you talked about that decorated veteran that has worked in the State Department and worked with Colin Powell, the American spirit will prevail over politics, and that is what we have to bank on as it relates to this.

So those individuals that have a problem with us coming to the floor and sharing exactly what is going on, this is fact, not fiction, then they have a problem with the spirit of America. They have a problem with the blood, sweat, and tears. They have a problem with folks that are sitting in Walter Reed right now that laid it down on behalf of this country that we would come here and represent them. They are white, they are black, they are Republican, they are Independent, they are Native American, they are Hispanic, they are Americans. And we are charged with the duty of coming to this floor and making sure that they are represented. Even if the majority does not want to represent them, even if we are in the minority, we do not have the option to say we were bigger, they were smaller. They had the majority, we had the minority. Oh, we could not do anything. We are doing everything. As I speak now, we have Democratic members fighting in committee to make sure that they can get amendments on to bills to be able to help Americans. As we speak right now we are preparing to come to the floor to fight the battle with what we have.

What my colleague from Ohio is saying is 110 percent right. That bill that you have there, we have over 40,000 citizen cosponsors on it right now.

Mr. RYAN of Ohio. 40,000? Wow. H.R. 3764, you can come to www.housedemocrats.gov/katrina. We are trying to get a grassroots movement together, and it sounds like we are well on our way. 40,000 citizen cosponsors for this bill to form an independent commission so we can go back and review and actually fix problems. Would that not be novel, for government to go back and actually have an independent commission, remove the politics, and fix the problem? That is what the Democrats want.

And all that you said there, I want to make one final point because we only have a couple minutes left. If you do not believe us and you do not believe our third party validators, Mr. Speaker, let us just use good common sense here. Every single cut that is being made to supposedly pay for Katrina is being cut in a program that does not have lobbyists. Can you believe that? Medicaid, after-school, free and reduced lunch, student loans, no lobby groups down here for those people. So we are going to pick on the little kids, we are going to pick on the people who cannot defend themselves. But meanwhile, the guys who are raising millions and millions of dollars for the Republican majority, we are not going to touch you. We could not possibly ask in this time of great national crisis, three wars, we have a natural disaster and high gas prices, we could not possibly go ask the wealthiest in this country to pay their fair share.

And I say this, and I do not say this lightly. This administration does not have the guts, the guts, to go and ask the wealthiest people in this country to help out. It is easy to cut programs for poor people. It is easy, because you know why? None of those people associate with the poor Americans. They are not sitting on the White House lawn drinking champagne and eating caviar.

But show the proper leadership and ask the hard questions and ask all Americans, including the ones making a billion dollars a year, to pay their fair share. Our Web site is www.housedemocrats.gov/katrina for our citizen cosponsorship, and you can e-mail us at 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. I thank my colleague from Ohio for joining me. Mr. Speaker, I also would like to thank the Democratic leader for allowing us to have this first Democratic hour.

HEALTH CARE AND FISCAL ISSUES

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the leadership allowing me the opportunity to speak this hour and talk about a number of issues. We are going to discuss an important issue of health care. But before we do, I thought it would be appropriate to correct some of the misinformation that we have heard over the past hour. And the misinformation is truly remarkable, and so I have been joined by one of my colleagues here to address a couple issues and I will do the same as well, and then we will get into the discussion about health care. But I am pleased to be joined by my colleague from Tennessee (Mrs. BLACKBURN), who is going to tell the rest of the story.

Mrs. BLACKBURN. I thank the gentleman from Georgia who is doing such an extraordinarily wonderful job, Mr. Speaker, as he represents the positions that our party holds on so many issues that are important to the American people.

I am going to be heading to my district for the weekend, as most Members are, spending some time there, having the opportunity to talk with them. But as the gentleman from Georgia was saying, we wanted the opportunity to just address and maybe do a little bit of correcting on some of the points that our colleagues from across the aisle have been saying and stating. Sometimes I think that they are just sadly misinformed on some of these issues.

They said that Republicans are not looking to cut spending. I just find that extraordinary. They said that Democrats are the ones that are wanting to cut spending. Mr. Speaker, the level of hypocrisy in that statement is absolutely astounding. We have a Democratic Party in this House whose message, and I honestly believe many days is the only message that they have, that message is: Spend more. Whatever it is, spend more. Whatever they are wanting to do, if they do not think the outcome is right, go spend more. And for years they have held this thought that if you just put more money in the pot, then the outcome is going to be what they want. Spend more. Spend more.

And what holds them together? Mr. Speaker, I think that is something that is a curiosity to many people, because they are not united on foreign policy, they are not united on winning in Iraq, they are not united on border control issues, they are not united behind working families who tell us repeatedly that what they want is lower taxes, lighter regulation, preserving individual freedom, and having their shot at hope and opportunity.

Our colleagues across the aisle are not united on that. The one thing that they repeatedly seem to be united on is spending more of the taxpayers' money, spending more of your hard-earned money. And it is amazing to me, government never gets enough of the taxpayer money. Government has this huge, voracious appetite for the

taxpayers' money. They just cannot get enough of it. There is always another program. Many of them are great programs, but one of the truths that we all see here in this body: If government moves in to solve a problem, generally neither the private nor not-for-profit sector will move in and address that problem.

□ 1415

So you have additional costs that come about. Every time we talk about winning in Iraq, our friends across the aisle seem to say let us get out, regardless of the sacrifices that are made. Every time we talk about controlling the border, they are over there saying no way.

Mr. Speaker, yesterday, I was on a CNBC program; and a Democrat Member of the House said that their party had never been invited to offer spending cuts. There are 435 Members of this body, and Mr. Speaker, they are waiting for an invitation to come in and participate in how to reduce the size of government. This morning, I was on the floor and I said please consider this the invitation, come on. Everybody needs to work on this. It should be a bipartisan effort. It should involve every single Member of this House, how we go about reducing what the Federal Government spends.

I have three bills that would enact across-the-board cuts, 1 percent, 2 percent and 5 percent cuts; and for all of their talk today about how they want to cut spending, Mr. Speaker, not one single Democrat is on those bills, not one. We have got 14 Republicans who are on those bills, and not one Democrat has signed on to commit to finding 1, 2 or 5 percent of waste, fraud and abuse in government spending.

Mr. Speaker, I ask my colleagues, who is really leading on this issue? I hear plenty of accusations from the left. I hear plenty of complaining, and I see zero action. A lot of talk, no action. They controlled this body for 40 years; and in that 40 years, they built layer after layer after layer after layer of government. They cooked them a big old government cake, layer upon layer.

We have got programs out there that do nothing but waste our money. We have got 342 different economic development programs. There is a lot of work that we can do. Everyone is invited to come in and work on these issues; and anytime we even try to restrain spending, look at the rhetoric that we hear.

Mr. Speaker, it is our party in this House, it is our leader, the gentleman from Illinois (Speaker HASTERT), who truly is leading on this issue, not the minority leader. It is our leaders who are pushing this. It is our party who would like to reduce government spending by billions of dollars, billions more in next year's budget. It is our party that would like to see across-the-board spending reductions.

Their solution that they offer is repealing tax relief that is well deserved by hardworking American families, repealing that relief and raising taxes, period. That is the only thing that unites their party.

I hope that they will work with us on reducing the spending of the Federal Government. I thank the gentleman from Georgia for yielding.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman from Tennessee for her leadership and really stalwart stance on the issue of budgetary reform and fiscal responsibility. She is one of the champions here as it relates to that.

I just wanted to mention a few other items that we have had presented by the other side of the aisle over the last hour; and again, I think the misinformation that is being presented is truly astonishing. It does a disservice to the American people. It does a disservice to the debate because if folks are not interested in being honest and open about the debate, then you cannot have a real debate; and when you are dealing with folks really who want to distort things so incredibly, it is phenomenal.

My colleague from Tennessee mentioned that the Democrats were concerned because they had not been invited to participate. Let me tell you what their leadership said when we discussed the possibility of opening up the budget that we agreed to in the spring in order to find savings to cover the costs for the displaced citizens down in the gulf coast after the hurricanes. What the Democrat leadership said, well, you may do that but you will not get a single Democrat vote. Now, there is leadership for you. There is leadership for you.

We also heard from the other side recently, just earlier today, that they looked for third-party validators, some objective body that would say, yes, what you are saying is absolutely correct. As an example of the third-party validator, they brought an editorial from the Washington Post. Folks in my district, if you had a microphone in their living rooms right now, you would hear them guffawing. To consider that the Washington Post editorial is a third-party objective body is just phenomenal, but it is the backdrop for all of the discussion that they have, and that is, to distort and to give a lack of credibility to those things that are truly occurring here in Washington.

I want to point out this chart right here because this is a chart that talks about the percentage of Federal personal income tax paid by different sectors of our society. All the time you hear the other side talking about the wealthy are not paying their fair share and it is all on the backs of the poor and on and on and on. Sometimes the picture is worth a thousand words.

What this chart shows is that the top 1 percent, this column right here is the top 1 percent of our population in terms of income. The top 1 percent of our population in the United States today pays 34.27 percent of the total taxes, 34.27 percent by the top 1 percent. So you tell me whether you think that is the right amount or the wrong amount. I do not know. All I do know is they are certainly paying their fair share.

The column way over on the other side, way over on the other side is the lower 50 percent of income individuals in this Nation, and the amount that those individuals are contributing to the total revenue is 3.46 percent. You see the difference, the lower 50 percent, that is half, 50 percent, that is half, compared to the top 1 percent, 3.46 percent, 34.27 percent, 10 times as much by the top 1 percent as the lower 50 percent.

As I say, you may say that that is not the right amount, but you certainly cannot say with a straight face that the individuals who are in the top 1 percent are not paying their fair share. That is just nonsense, and really, makes it so that you have to be suspect about every other word that comes out of their mouths, especially when it is talking about budgets.

So I would hope that what they would do is to engage productively, to engage in the process and come with positive solutions and positive discussions and not just a just-say-no attitude, which is what their leadership has told them as it relates to budgetary issues.

Let me shift gears a little bit because I did want to thank, once again, the leadership for allowing me to participate in this hour and wanted to talk about one of the most important aspects and areas of every single citizen's life, and that is the area of health care.

Few things are more important to any individual's life than health care; and certainly, the decisions that an individual makes about health care are some of the most personal ones that one will make. I am joined today by one of the gentleman from Texas (Mr. CONAWAY), my good friends and colleague, who is going to discuss a little bit about individual responsibility as it relates to health care; and then we will talk about some other items as they relate to Medicare and other issues and health care.

Mr. Speaker, I yield to the gentleman from Texas (Mr. CONAWAY) and ask my colleague to talk a little bit about individual responsibility in health care.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for yielding.

Let me make one comment about your chart. I am a CPA. I have spent 30-plus years assisting clients in dealing with our very complicated, very convoluted Federal income tax code, whether it is individually or corporations or other businesses. Any system that is based on a ''fair concept'' is flawed because what is fair to one person's view is not necessarily fair to somebody else's point of view. When you base a public policy this broad and expansive and quite frankly invasive

on ''fairness,'' then you set yourself up for a constant argument and constant battle about what is and is not fair.

Clearly, your chart shows a differential between the wealthiest folks in this country and the folks that are on their way up to, hopefully, becoming the wealthiest in this country. Certainly, they have got that opportunity with hard work and applying themselves to that.

So I would just like to point out that maybe we need a different system. Maybe sometime next year let us have this conversation about a different way to collect the minimum amount of money needed to fund this Federal Government, and we will have that conversation.

I would like to comment, though, on health care and individual responsibility.

I think it is universally recognized, and that is a hard thing to state with a straight face, but I think it is universally recognized that Americans enjoy the finest health care delivery system in the world. You yourself have been an integral part of that as an orthopedic surgeon, and your wife, I believe, is an anesthesiologist, members of the delivery system that this country enjoys.

We have got a flawed payment system, and I am not sure how we got to this point and place, but we are here. We have got a system that if you ran your car insurance program the same way we run health insurance, then each time you needed to change the oil in your car or new tires, you would file an insurance claim. That is not how we work our cars. We figure out a way to operate our automobiles out of our normal monthly budget. We budget for that and take care of those incidentals. We do have car insurance for the catastrophes, for wrecks, for destruction and theft, those kinds of things, those catastrophic deals.

Our health care system is flawed in that, quite frankly, I get the services, you provide me the services, and someone else pays for those services. In that scheme, I am not as concerned about the cost of those services as I ought to be because I am not writing a check to help out with that. So I have no incentives, so to speak, to ask you are there alternatives to what you have proposed, is there another way to do this or cheaper way. Can we do it at some other hospital that can be a little less expensive than the one you typically practice at, because I am writing those checks.

Getting personal responsibility back into the health care system, getting a system in which I have a viable interest in asking that question. We may ask that question on every other single thing that we do, how much is that going to cost. We may not ask it out loud, but we make a cost-benefit analysis each time in our head each time we make a purchase on something such as how do I want to pay for that. We do not do that in medicine, and it needs to be communicated to all of us that that is okay to do in medicine.

There are some things in medicine you do not ask: emergency or catastrophic kinds of things. You go get that thing. There is an awful lot of medicine that I think is subject to a circumstance where we can ask what that costs, and I think just doing that would begin to drive down those costs.

As the example, I went for an annual checkup a year or so ago and had an issue. The physician said, well, I can prescribe a course of antibiotics that is about $300 a month and 3 months from now that condition will clear up. I have got a prescription drug card so it was going to cost me $15 or whatever. I said $900? He said, yeah. I said, well, what happens if I do not do that? He said in about 3 months it will clear up.

I made a cost-benefit analysis and decided that I would forgo the antibiotic treatment and go with the professional judgment. It was my decision. I need to stand behind that decision, and if 3 months later my condition had gotten worse and I had other problems that may have been fixed if I had taken a different tack, I cannot go back on the doctor or should not and sue the doctor or the pharmacy or whatever, sue anybody that is still breathing because of a decision that I made.

Personal responsibility is not only taking responsibility for paying for health care but also reclaiming your health care decisions because those are yours. You are responsible for that, and you yourself know there will be the occasional bad outcome to any procedure, to any field, and that is just nature. Doctors are not perfect or hospitals. None of us are. Those legitimate just bad outcomes is just the system, and we ought to take personal responsibility for that.

I had several doctor clients, and to a person, if they did something wrong, if they created an issue or made something that aggravated something with a patient, they were going to fix it, period, no matter what it was.

□ 1430

But in many instances, they used their absolute best professional judgment to treat a patient and they just got a bad outcome. That is life. So this personal responsibility issue that I am talking about is decisions for what health care you do get or you do not get, and the costs.

I think the health savings accounts that we have instituted in certain instances will help us do that, so that putting away money in a health savings account; if you have a normal monthly kind of an expense come up, I have to decide do I take that money out of my health savings account that is growing, or do I figure out a way to do it out of this month's budget or my normal operating budget. So bringing that personal discipline back to the table in the arena of health care is not the absolute overall magic bullet, but it is a piece of the fix that is health care costs.

I appreciate this opportunity to share this hour with the gentleman, and I look forward to hearing the remainder of the gentleman's comments from a learned colleague in an arena that is obviously of vital importance to all of Americans.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the gentleman's comments, because they are just so appropriate, and I think it is a shame, but they are visionary, that it ought to be the system that we currently have in terms of personal responsibility and an opportunity to select the kind of health care that we have. But, sadly, that is not the case. We will talk a little bit about that and how we got to where we are today in our health care system.

But let me mention, once again, why I think it is so incredibly important that we discuss health care. It is a significant portion of the Federal budget but, more importantly, it is without a doubt the area where the most personal decisions are made. And as we talk about health care, I think it is important that we always try to remember who is making those decisions, or who should be making those decisions may be a better question. Who should be making those personal decisions as they relate to health care?

My passion for this is, as the gentleman from Texas (Mr. CONAWAY) mentioned, I am a physician, I am a third generation physician. My grandfather and father were physicians as well. My grandfather graduated from medical school in 1908, so he saw a transformation in the field of medicine that was absolutely incredible. He practiced for over 30 years nearly without any antibiotics at all. When you think about that as being a different kind of world, it really was a different kind of world, a different kind of health care. He practiced medicine until he was 94 years old. So I remember well when I was a young boy, some of my first memories are of visiting my grandfather and going on what were rounds with him, and rounds at that time meant house calls. Some people remember those, but we would get in his car or walk through the neighborhood and visit patients. And one of the things that I remember so well is the love that was poured out when he would come to a house, because it was a very personal relationship, the relationship that the patients had with their physician, then my grandfather.

My father was a physician as well and came and practiced during the 1960s and the 1970s, and it was a different time then also. It was a time of great transformation for health care, in a direction that has kind of led us to where we are right now. He initially practiced internal medicine and then moved into becoming one of the first professional physician groups of emergency care. He worked in an emergency room in a hospital, and that was part of the transformation that medicine was going through, to try to answer some of the real challenges of caring for people with new technology and a

new society that was having challenges in the way that people were accessing health care. Many suffered from trauma, which had not been the case in the past, primarily related to the automobile and the kind of traffic that began sprouting up in so many urban areas across our Nation.

In the 1960s, we saw the changes that came about with the institution of Medicaid and Medicare. And when we talk about health care in the United States, it is impossible to talk about health care without talking about Medicare, because Medicare has truly transformed, for better or worse, the whole method of how we deliver health care in our Nation. The vast majority of private insurance products today as they relate to health care are tied in some way to Medicare. Most folks do not talk about that, many do not know that, but it is why the discussion about Medicare is so incredibly important.

There are a couple charts that I have here that I would like to share with the body that kind of bring some of that into perspective. This first one comes from the Center for Health Transformation, and that is an organization that has come about in the past couple of years. It is headed by some wonderful people. Speaker Gingrich is leading this charge. He recognizes that the aspects of health and health care and the costs of health care to our Nation must be transformed in the way that they are being delivered right now. And this information comes and demonstrates the national health care expenditures as a percent of gross domestic product.

So how much are we in this Nation spending on health care as it relates to the entire domestic product that we have? How much money do we have and how much are we spending on health care?

In 1965, that amount was about 6 percent. In 1965, that amount about was about 6 percent. It happens that 1965 was the year that Medicare began. And there are a variety of reasons for why we see the curve go up the way it does, but suffice it to say that we have significantly increased the amount of our domestic product that we are spending on health care, now to about 13 percent, and the projections are that in the relatively near future, we will be at 17 percent. Some of that is, I would suggest to the Members of the House and folks who are watching, some of that is as a result of governmental involvement, and we will talk about that some. Some of that is a result of technology, no doubt about it. But the trend is disturbing. The trend is disturbing, because we cannot go too much further, and we may be at that point now, where we are not able to provide for other priorities that the Nation has. So we have gone from about 6 to 13 percent as a percent of gross domestic product.

Now, it is also important to look at who is paying. I often talk about the golden rule. Most folks know the golden rule. There are a couple golden rules. The finest one is the golden rule that says do unto others as you would have them do unto you, but in Washington the golden rule is he who has the gold makes the rules. And this chart demonstrates clearly one of the challenges that we have as it relates to health care.

This chart shows the percentage of health care expenditures that are privately paid or paid for by the government. And one of the dirty little secrets that is not really a secret is that whenever the government pays for anything, whenever Washington pays for anything, there are all sorts of rules and regulations and requirements that are in place that go along with that. Sometimes they are good and sometimes they are not, but they have to be complied with. Otherwise, you do not get the money.

Now, in 1965, remember that other chart that we had, which showed the amount of money that we were spending on health care. This chart shows in 1965 that government paid for about 25 percent of all of health care expenditures in our Nation. And the private sector, individuals and the private insurance, paid for about 75 percent. So about 3-to-1 private sector to government.

Over a relatively short period of time, we are seeing a significant change in who is paying for what. Right now we are in a situation where the government is paying for about 45 percent, and it continues to tick up, of health care expenditures, and the private sector or the private market is paying for about 55 percent. That is important not just because this side is oftentimes on the backs of hard-working Americans, but it is important because remember that golden rule, he who has the gold makes the rules.

Washington, when they are paying for health care, make rules that may and oftentimes may not be to the benefit of the system. When I say ''the system,'' I do not mean the folks providing the care; I mean the folks receiving the care. This system is set up not to serve patients, and that is the problem. This type of graph demonstrates that those individuals who are most, remember, the most personal decisions that we make are health care decisions, and this system is set up to not be one that is the most helpful to patients.

My colleagues may say, well, can you give an example of that? Well, there are all sorts of examples of that, but what I would like to talk about briefly is an example that clearly points out why Washington is not the place to make these decisions. We are about to begin a new part of the Medicare program on January 1 of 2006, it is part D Medicare program which will start January 1, and that program is a program that for the first time since 1965 when the program was instituted, for the first time will cover prescription drugs, will cover medicines.

Now, one thinks of a health care system that has incredible ramifications for the entire health care system of our Nation, and it has been in place for 40 years, and it has not covered a single medicine, not one antibiotic, not one drug for diabetes, not one drug for hypertension or high blood pressure, not one drug for cancer; it has not covered any of them. That is the way that Washington works; that is, slowly and with a lack of perspective on who is being affected by the decisions.

Remember, patients are the ones that are affected by the decisions that we make here in Washington as it relates to health care all across the spectrum. And we have a system in place that is not changing; that is, the structure of the bureaucracy in the government, that is not nimble, it is not nimble like the private sector. So we have a Medicare program that for 40 years has not covered a single drug.

Now, thank goodness we are moving in that direction. There are some challenges I think we have in that program. But we have a system of government in Washington that cannot respond to the remarkable changes that we have had in the area of progress in science and technology. The private sector is so much more adaptable, so much more flexible, so much more nimble. So when patients need improvements, they ought to be able to look to the private sector for those improvements, because they come about so much more rapidly. But the sad story is, they have to look to Washington.

So I think what we need is a transformation of our health care system so that patients can make those kinds of decisions.

The health care model that we have right now really harms people, because it is not responsive to the needs of patients. It is responsive to a bottom line. It is responsive to a bottom line. In fact, the individuals way back in 1965 who wrote Medicare, the Medicare law, in this body knew that. They knew that Washington could not be responsive. They knew that it ought not be in charge of health care. And how do I know that? I know that because what they wrote in the law at that time, and this is a quote from the changes to the Social Security Act which put in place the Medicare program: ''Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any, any supervision or control over the practice of medicine or the manner in which medical services are provided.''

Did you hear that? Nothing shall be construed to authorize anybody in the Federal Government to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided.

Well, I say to my colleagues, I will tell you, and you know this, that all sorts of things that Medicare does and all sorts of things that we do specifically, specifically, either supervise or control the practice of medicine or the manner in which medical services are

provided. We violate this law all the time, all the time. And why do we do it? We do it because we are not patient-sensitive or quality-sensitive as it relates to health care. Washington, by its very nature and by its very being is bottom line sensitive, it is bottom line sensitive.

So we have a model that is in place that cannot, I would suggest cannot provide the kind of services that are needed for the patients.

Think of the contrast. If you think about the ways that our society has changed over just the past 20 or 30 years, the way that we do so many everyday things, and if you compare that to how health care is provided now and how it has changed or not changed, then you have a very clear idea I think about the challenges that we have in the area of health care.

Some common, everyday things: buying gasoline at the gas station. Now, regardless of what it costs, the way that we used to purchase gasoline is that you would pull up at the pump and you would roll down your window and somebody would come out, and they would say, would you like us to fill it up? And then they would go ahead and put the amount of gasoline that you wanted in your car, and you would pull out a dollar or two or more and you would pay for that gasoline. Now, how do we put gas in our car? We pull up to a pump, we never see anybody, we take our credit card out of our pocket or purses and we put it in the pump, we select the gasoline, we pump the gasoline, and many of us, I am told almost half of us, do not even ask for a receipt any more because we trust the system.

□ 1445

Because we trust the system. It is easy. It is more efficient. It is a system that has changed drastically over the past 20 or 30 years. And if you compare that to health care, that is stuck in a paper society that is no longer existent in so many aspects of our society.

The same is true of travel right now. If you want to purchase an airline ticket, an increasing number, in terms of percentage of folks, are now going online. They can go to their home computer 24 hours a day, 7 days a week. They pull up the site of the airline that they want to utilize, or they can go to something like Travelocity and it will pick the different airlines for you.

You plunk in the starting city where you are going to leave from; you plunk in the designation city. It will send back to you, in a matter of seconds, seconds, what kind of flights there are, how much it costs, whether there is a seat, and then you can purchase your ticket right there.

And you can, within 24 hours of your travel date, you can sit at your home computer or at your office and print out your boarding pass. The efficiency of that, if you think about it, is mind-boggling. It is incredible.

You as an individual are interacting with the entity that can provide a service that allows you to do what it is you want to do in terms of travel.

Now, why is it that in health care we do not have any of those things? We do not have any of those things. Think about what happens when you go to your doctor. What happens is that you walk in the door, and what are you met with?

You are met with a pile of paper. You are met with a pile of paper. And you read through that paper, or most folks go right to the back end of that paper, and you sign. And you wait and you get into the clinic room or the exam room, and your doctor comes in, and he or she has what in their hand? A chart. A paper chart.

That may have the last notes from your office visit. It may not. It is a system that is antiquated. It is a system that is inefficient. It is a system that is unresponsive to the needs of patients in a way that the rest of our society has transformed completely.

So health care is stuck in the past. It is stuck in the past century. It will take a significant length of time to just catch up to where we are, not get into the 21st century, but to catch up to where we are.

Now, how do we progress from here? What do we need to do to move forward and transform health care? I want to talk about some principles, and I want to talk about a resolution that I have introduced, H. Res 215. It is kind of a 30,000-foot view of health care.

What it says is that we ought to move as a matter of national policy from a system as it relates to health care of defined benefits to a system of defined contribution. Now, what does that mean?

Right now most individuals get their insurance through their employer, or their previous employer, or through the government, though Medicare or through Medicaid. And all of those systems, by and large, have what is called a defined benefit plan.

That means that somebody, in the case of Medicare and Medicaid, some government employee, bureaucrat, has gone through and decided what ought to be included in that insurance plan, in that package, and what you can be treated for and where you are treated and by whom you are treated and how are you treated, often times.

What diseases are covered, what diseases are not covered. Somebody else has decided all of those. That is a defined benefit. There is a defined package of benefits that are provided to the patient. This is true for individuals receiving their health care through Medicare and Medicaid. It is also true for most employer-provided health insurance.

Someone else, the human resources officer or someone in the company is deciding what ought to be covered in terms of health care. And what that does is remove the patient from that decision-making process. It also sets up a system whereby the patient, if the patient is frustrated, oftentimes that is the case.

I heard a statistic the other day that I found fascinating. Four percent of the public is accessing the health care system at any point in time. Four percent of the population is accessing the health care system, having some interaction with the health care system.

Half of those folks are frustrated in some way. So you say, well, why has the system not changed? Well, if only 2 percent of the population is mad at any point in time, it is a small amount. It is a small amount.

But what that defined benefit system has in place is a system where patients cannot be the ones who are affecting insurance plans easily. Because, you know, my colleagues know and patients around the Nation know that when they dial up the insurance company and say, hey, this plan is not working for me, I cannot get this disease treated, or I cannot go to the doctor that I want to go to, or I cannot get the medicine that I want, the insurance company says, well, you will have to talk to your boss. Right? Talk to your human resources officer. Or if you are a Medicare patient, you cannot even get through on the phone most of the time. But what happens is that the patient is removed from that decision-making process.

Now, that is not right. These are the most personal decisions that people make in their lives, the most personal decisions; and they are removed from that process. So moving from a defined benefit system to a defined contribution system says that whoever is paying the cost for the health insurance, whether it is the Federal Government through the Medicare program or the State government through Medicaid, or the employer through employer-provided health insurance, or the individuals, regardless of who is paying for the insurance policy, the patient owns the policy.

The patient owns the policy. And that is a sea change, because what that means then is that patients can vote with their feet. If they do not like what one insurance company is doing because they own the policy, they can change to another insurance company. And if they do not like what that company is doing, they can change to another. It also makes it easy so that when the patient gets on the phone with the insurance company, the insurance company has to be responsive to the patient. Why? Because the patient has power. The patient has control and ownership of the insurance policy. It changes the whole dynamic for health care.

It will not change anything overnight; but over a period of time, what it will do, if we are bold enough to transform health care in this way, it will allow patients to have the power over the kind of insurance policy that they have.

Now, this Center for Health Transformation is really doing some incredible, incredible work. And what they have done, I think in a very succinct

and appropriate way, is to identify kind of the principles of our current system of health care, and compare them to what a 21st-century health care system would be.

And I would like to just touch on a few of these. The current system is provider-centered, or I would say more correctly, it is insurance- or government-centered. Remember that the patient is outside of the control process, outside of the power process for this. The system is price-driven.

What that means is that it is more interested in the bottom line than it is interested in quality, or, said another way, it is more interested in money than it is in patients. And that ought not be a system that we tolerate. That ought not be a system that we tolerate.

Medicare is a classic example. Remember, I mentioned that Medicare is important to talk about as it relates to health care, because so much of our entire health care system, even in the private sector, is driven by the decisions that are made in Medicare. Medicare has a system that they compensate or pay physicians and other providers with. It is called an RBRVS, or a Resource Based Relative Value Scale, RBRVS. And what that means is that Washington, the Federal Government, decides how much money it is going to spend on health care for seniors.

It decides what that pot of money is going to be. And it may or may not bear any resemblance to the amount of health care that needs to be provided, so that when patients go to their doctor, they may or may not be able to get at what they need because the decision-making is all based on cost; it is not based on need. It is not based on quality of care. It is based on how much money we have.

That is a model that is fraught with problems and, frankly, fraught with extreme difficulties for patients. So a price-driven system just does not work. It ought to be something completely different. That has been defined by the Center For Health Transformation as values-driven. We will talk about that in just a minute.

The current system is knowledge-disconnected. There is not a good way to get knowledge between those folks providing the care, slow diffusion of innovation. It takes years, literally, for a new drug that is out to come on the market, to get to the market. It takes an average of 5 to 7 years, 5 to 7 years from the time when a new procedure or a new type of treatment for a specific disease is described in the literature, in the medical literature, to get to be used in the clinic or exam room or in the operating room. Five to 7 years.

That means that the kind of health care that we are receiving right now the individual who described the new innovation did so 5 to 7 years ago. That is not a system that is responsive to patients. It is a system again that is not patient-oriented. The current system is dysfocused, instead of being focused on prevention and on health.

The current system as we talked about is paper-based instead of utilizing the technology that is available today. The current system is a third-party controlled market, and that is a fancy way to say that the patient is out of the loop.

Remember, the Federal Government or the State government or the employer, by and large, is making decisions about what kind of health care is being provided, not the patient. The process is focused on government. As I mentioned, it is the government that is making these decisions has limited choices.

You know this, Members of the House and all of our citizens know this, that often times if you get sick, what is the first thing you do if you have not been to a doctor in a while? Well, you do not do what you ought to do, what you ought to be able to do, and that is find the highest quality physician you can.

You open up your book and see who you can see. Someone else is making that decision about who you can see. That is not a system that provides the greatest amount of choices appropriately for patients.

The current system is a predatory trial lawyer litigation system. The lawsuit system, the lottery system of the courts that we have as it relates to health care right now is driving up the cost of medicine. It is making it so that folks are receiving all sorts of tests and the like that they frankly do not need.

And the problem with this is not the malpractice insurance costs that doctors are having to pay, although that is a minor portion. The bigger problem is what is called defensive medicine. That means that your doctor, when you go see your doctor, he or she often times is ordering a test or doing a procedure or something in order to make it so that they are less likely to be sued and cover themselves, not necessarily because you need them. And you say, well, that is crazy.

But it happens all of the time. I am an orthopedic surgeon. When someone comes into my office with back pain, almost regardless of their complaint, if I have not seen them before, every one of them gets an x-ray. Now, they get an x-ray because if I did not do an x-ray and they went out of the office, and they went to another physician and that individual took an x-ray and on that x-ray was found to be something astronomically wrong, then I could have been sued for not picking that up at that very first office visit.

You say that is probably the right thing to do. Well, 90 percent, 90 percent of individuals with back pain, standard back pain, will get well within a period of 3 weeks. They did not need an x-ray. But everybody gets one. Everybody gets one. So you make it so that that 3 weeks is not lost for the minimal percentage of individuals who have a significant problem.

□ 1500

The legal system is just phenomenal as it relates to health care, and it drives this practice of defensive medicine to an incredible degree.

Overall cost increases. We have not seen the kind of savings in health care we ought to see. You remember the graph that showed the increase in percent of GDP that we are spending on health care? It was 6 percent in 1965. Now it is 13 percent, soon to go to 17 percent. We have not seen any of the savings in health care that we have seen throughout all other sectors of our society.

What is a 21st-century system? It is centered on the patient. It is values-driven, knowledge-intense. It allows for a free flow of information between physicians and other providers. It is prevention- and health-focused. Electronically based. It gets away from that paper system that frankly results in more errors and more problems because it is a paper system.

The Center for Health Transformation calls it a binary mediated market. What does that mean? It means that the patient is in charge, the patient and the provider are the ones making decisions.

Outcomes focused on government. Increased choice. That is exactly what needs to happen. The patient needs to be in charge. And a new system of health justice. All of these things would result in a significant decrease in the cost of the health care and making it so that the quality of care and quality of life is increased all across the Nation for all, frankly, because of a transformation in our health care system.

So what we need is a new vision for health care, one that has more choices, more control by patients resulting in higher quality and lower costs. And I look forward to working with so many of my colleagues in the House on both sides of the aisle who are interested in positive solutions, productive solutions, making it so that those personal decisions as they relate to health care are able to be made by patients and individuals.

Mr. Speaker, I am honored to be joined now by one of my colleagues, the gentleman from Nebraska (Mr. FORTENBERRY). We thank the gentleman so much for coming, and I look forward to the gentleman's comments as they relate to health care.

Mr. FORTENBERRY. Mr. Speaker, I thank the gentleman for the opportunity to be here and participate in this important discussion of health care in our country. I thank the gentleman so much for his leadership today in coordinating this important discussion.

Mr. Speaker, I believe we have an important opportunity today to both save lives and save money. Health care is a pervasive part of American society. As we have heard, a major portion of our Federal budget is devoted to health

care costs, and total health care expenditures are a significant portion of our gross domestic product.

The good news is people are living longer with better technology and better drugs. That is excellent news. America has one of the best health care systems in the world. Yet everyone knows, because everyone is affected, that rising health care costs are a growing challenge to families, to businesses, and to the government. We need to look at this system, and I believe that simple new approaches can make a huge difference, as the gentleman has pointed out.

It is estimated that improvements in health information technology, quality patient management and wellness programs themselves promise to save up to 20 to 40 percent of costs. Personal ownership of health care decisions may minimize the wasteful overutilization of services. Incentives to medical providers, as well, to better target expensive and excessive testing are all areas that we need to aggressively explore in order to appropriately use our public and private health dollars.

Mr. Speaker, today I wish to focus on one aspect of how the rising cost of health insurance prevents entrepreneurial individuals from pursuing good opportunities. I think we must take the opportunity to think creatively, to update outdated approaches, and put consumers and families in charge. I have a keen interest in reducing barriers for small entrepreneurs. The vast majority of new jobs in our country are created by small business. This is where most people are working hard to get a little ahead in life and secure their own long-term economic well-being.

I have seen how the lack of available health insurance and rising health care costs decreases productivity and distorts social and economic decisions. For instance, in my district it is not unusual for a spouse in a farm family to drive very long distances to have a job simply for health care coverage. The rising cost of providing health care coverage for employees is a growing obstacle for small business owners or those who may wish to join their ranks.

It is not surprising that only 63 percent of smaller companies can afford to offer health care insurance. This is a primary reason why three out of five uninsured persons in our Nation are small business owners, their employees or their families.

Recently, the Committee on Small Business held a field hearing in my district. It was an extraordinary turnout. One of the reasons was because it was on the issue of small business and health care costs. During this forum, we examined the increasing cost of health insurance and possible solutions. The hearing emphasized one important aspect, the underutilized tool for small businesses known as health savings accounts, which were established as a part of Medicare prescription drug law.

These tax preferred accounts, coupled with high-deductible health insurance, help alleviate the ever-increasing cost of traditional health insurance premiums and empower families to take better control over their own health care dollars.

While the number of individuals using these accounts is increasing, I believe we need to do more to give small business owners and entrepreneurs the ability to take advantage of this very important policy innovation. In fact, of the new policies, 37 percent were taken out by individuals who were previously uninsured, and 27 percent were taken out by employers who previously did not offer health care insurance to their employees.

Now, one concern regarding health savings accounts is the initial funding. I have introduced legislation that will allow individuals to roll over portions of their retirement accounts into health savings accounts. This rollover would not subject the retirement account to the usual 10 percent penalty for early distribution. Moreover, all individuals with retirement accounts would be eligible to take advantage of this opportunity.

I believe this will help meet important public policy objectives of increasing access to health care coverage and overcoming a major barrier that small businesses face.

HSAs, as they are known, are just one of the many simple new approaches that can make a huge difference in our health care system by providing positive incentives for those who use the system.

Again, I would like to thank the gentleman from Georgia (Mr. PRICE) for undertaking this important discussion about health care and health care costs in our country; and I look forward to continuing our dialogue about innovative approaches to both save lives and save money.

Mr. PRICE of Georgia. I thank my good friend from Nebraska for joining us today. I want to thank him for pointing out health savings accounts and also the incredible importance of this discussion to small business.

When I go back to the district and I visit businesses all across the district, one of the things that they say, Whatever you do up there in Washington, please, please, make it so that we can afford to provide health insurance for our employees.

So many of the things that we are doing right now as it relates to the model in which we are delivering health care make it more difficult for them to be able to provide that. So I thank the gentleman for his perspective and for joining us today.

Mr. Speaker, I want to take a very, very short period of time and just close by saying that the model that we currently deliver health care under in this Nation is one that is not patient friendly; it is not efficient; and it does not spend anybody's money, be it tax money or personal money, wisely.

We need a new model, a new model for health care. A transformation of our health care system is what is needed: more choices, more control by patients, higher quality and lower costs. What that does is make it so that we would have better care, more patients in power, and more responsibility and opportunity for patients to receive the kind of care that they so richly deserve.

Again, I would like to say that I look forward to working with Members on both sides of the aisle who want to work positively and productively to bring about a system of health care in our Nation that allows patients, that allows patients to be the ones making decisions that give the highest quality of health care that they need and that they deserve.

WORKING-CLASS FAMILIES BETRAYED

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to talk about the betrayal of working-class families and the people on the bottom who need the safety net most. In this year of disaster, in this time of disaster, the people who need the help the most and who are the weakest in our society have been betrayed by the leadership.

Involved in this matter is the recent set of decisions made by the President to suspend Davis-Bacon in Louisiana where on the gulf coast we have a tremendous amount of construction work going on, opportunities for jobs to be created for those people who have been thrown out of work and have no income, no homes, no reasonable future. It is an opportunity for them to be employed. And yet interference by the White House has cut the wages there by suspending Davis-Bacon. And I will explain more about Davis-Bacon in a few minutes.

They have also suspended any Federal regulations on affirmative action. And that, of course, will hit hard because evacuees, the people who had to leave New Orleans and who are expecting to come back, 60 percent of them were African Americans; and their opportunities to get those jobs that are going to be created in the process of rebuilding the reconstruction are lessened by the fact that the contractors are not required to follow Federal regulations and affirmative action.

Those are just two of the things I would like to discuss. There is a broader range of issues related to leadership, competency in leadership, preparedness in terms of the huge amount of money we have invested in our armed services and our military apparatus and why we cannot have the dual preparation of the same body of people who are prepared to fight wars also be trained to take care of natural disasters of any kind.

However, before I commence to discuss this betrayal of the people on the bottom, people from working families by our leadership, I would like to yield to the gentleman from Detroit, Michigan (Mr. CONYERS), who has a set of items that he would like to discuss on his own.

Mr. CONYERS. Mr. Speaker, I want to thank the gentleman from New York (Mr. OWENS) for his discussion, a very important one that I am very pleased to associate myself with.

I rise to use this part of the Special Order to discuss the health care crisis in America, the uninsured, and the need for universal health care. It strikes me as unacceptable that America remains the only country among the developed nations that still does not have a universal health care system. It is time for this body, the Congress, to pass a universal health care bill now.

The biggest problem in this country is that our health care is run like a business; and the profits of private health insurance companies, health maintenance organizations, and pharmaceutical companies are more important than whether or not working families and senior citizens and small businesses in this country and their employees have access to affordable and high-quality health care.

So I rise to discuss this serious health care crisis and the fact that it can no longer be ignored. It is my belief that the time has come now for bold and decisive leadership by the Congress to address the growing crisis of the uninsured, the skyrocketing costs of private health insurance which is hurting working families, and nonworking families all over this country.

How many more horror stories must we read in the newspapers across the country, day after day, that painfully describe the plight of the uninsured and the underinsured before we act to pass universal health care legislation that guarantees once and for all that all of us, all Americans, regardless of income, employment, regional demographics, or race have access to the highest quality health care possible.

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Recently, in The New York Times, op-ed writers are reminding us and calling for national health insurance that covers everybody, everybody in, nobody out, as the best way to solve the crisis of the uninsured. In an October 17 New York time op-ed, which highlighted the plight of uninsured workers in America, that article pointed out that 9,000 Wal-Mart workers needed public insurance in Wisconsin alone. And the op-ed concluded with the notion that the problem of uninsured cries out for a Federal solution and that Washington lawmakers have done nothing to solve the larger problem, the crying need for national health insurance.

Polls reveal that the majority of the American people support the concept of universal health care. The majority of American people support universal health care, yet we have failed to pass health care legislation. According to a recent Kaiser Foundation poll, 64 percent of Americans favor expanding Medicare to all Americans. A Pew Research Center for the People and the Press survey was conducted by Princeton Survey Research Associates on July 14 through August 5 of 2003 nationwide. And cities across the country, Boston, Pittsburgh, New York, and Detroit, have sponsored universal health care hearings where hundreds of citizens are demanding from their Members of Congress that they fight for passage of universal health care legislation because they are tired of the high cost of private health insurance, and being uninsured, sick, or broke due to our profit health care system is no longer something that they can deal with.

So on behalf of the 49 other Members of the House of Representatives, the gentleman from New York included, I am proud to say, we are happy to propose and set forth for examination and discussion House Resolution 676 that supports the idea and how we get to a national universal health insurance that allows everyone to be covered no matter where they are from, no matter what their illness. We want to put an end to a system which really is so threadbare that we cannot fix it up any more. There is no more mending that we can do. There are no more ways we can patch it up.

We have now come to the point in time where not only the people but a number of our friends in the labor movement are supporting universal health care. Twelve international labor unions and individual local unions across the country now support single-payer universal health insurance. This includes the United Automobile Workers, the American Federation of State, County and Municipal Employees, the United Steelworkers of America, Service Employees International Union, SCIU, and the National Education Association.

Mr. OWENS. Mr. Speaker, if the gentleman will yield, I would just like to note that on today's front page of The New York Times, today, Thursday, October 20, there is an article which talks about, and the gentleman mentioned patching up, we should no longer try to patch up the system. There is an article which says that Jeb Bush, the President's brother, who is the Governor of Florida, has been given a waiver to revamp the Florida health care system, the Medicaid system.

The essence of what Jeb Bush is proposing is that they will establish a certain amount of money to be spent on each Medicaid patient, and when that runs out, that is it. They die. By implication, they will spend that amount of money on the health care of that person and when that amount of money runs out, then they are on their own. And if it is some procedure, of course, which they cannot afford, they would have died.

Would the gentleman care to comment on that?

Mr. CONYERS. Well, it is this cold-blooded bottom-line economic business approach to health care that makes us rank number 37 among the nations in the world when they examine how this health care is being delivered. The fact of the matter is that you cannot ration health care if you want a strong nation.

If you really need to go to the doctor, if you really need treatment now before it becomes worse or uncorrectable or fatal, as the gentleman suggests, we cannot send out an arbitrary amount of money because we are doing other things in the world or we are building new weapons of mass destruction or we are doing anything else. We have to have a health insurance system that is flexible to the needs of the people.

And one of the first things that we would come to, I say to the gentleman, is that we are catching up to people who have needed ample health care for a long time. One of the great things about health insurance, at least our program, is that health insurance would be working in a preventive mode; that when you get sick and get well, you will then be treated and you will come back for annual checkups and you will actually reduce the cost of providing the American citizens with health care.

So it is incredibly important that this debate start here and now. And I have been told that other Members of the Congress were talking about this subject today, so I will be anxiously reviewing their comments so that we can continue a broad discussion of this matter.

Right now there are 45.8 million people with no insurance. They are not underinsured, they have none whatsoever. And then there are any number of million who have insurance but they are underinsured. They do not know that what they may go to see their doctor about is not covered in their plan until they find out the hard way.

So I want everyone in our body to know that this is the beginning of a discussion that I am prepared to deal with on every issue, every aspect, because we want to make it clear that this is not just something for some group of people. This is going to benefit our economy. Goodness knows General Motors and Ford and Daimler Chrysler in Detroit all are struggling with the legacy costs that they have to carry because we have an employer-based system. And many of our automotive competitors have national health insurance systems, so they do not have to carry those additional costs.

So this is the beginning of a discussion that we will welcome as many as would join in as we sort these issues out and move toward the time when America will enjoy a universal health coverage system that cares for everybody in this country, from shore to

shore. And I want to thank the gentleman for participating in this discussion, and I yield back to him.

Mr. OWENS. I thank the gentleman and would like to say that the remarks I am going to continue making are very much in concert with the general theme of what the gentleman has said.

Every American, every human being, certainly every American citizen deserves to have the entire society involved and engaged in trying to guarantee that they get the best health care possible. There can be no second class, bargain basement health care.

Our leaders have failed us by making us believe that it is impossible, and these proposals that are being made today on the front page of The New York Times about Jeb Bush in the State of Florida are just beginning, but Kentucky is in line and a couple of other States want to do the same thing, which is to put a price on health care. You get $1,000 a year for your medication, for your examination, or for whatever, and after that you are on your own. Now, the $1,000 is hypothetical. They do not quote a figure. But they are saying there should be a figure for each individual, and after you run out of money in your account you are on your own, that the State will only go so far and that is it.

I think that is cruel and unnecessary. We are the richest Nation that ever existed in the history of the world. If Canada, Germany, Spain, France, and all kinds of nations can have a decent health care system with a volume of income much less than that of the United States, we certainly can afford to provide health care for every individual.

The attitude regarding people on the bottom is what I am talking about. The attitude about the folks left in New Orleans to float and drown in the water, that attitude, and I know some people are saying we are beating that to death and let us get off of it, but it is so symbolic. It was visual. You could see it. When a set of leaders and a Nation decides that people are expendable, that they are not worth it anymore, they are not important, you can lead to that kind of cruel and inhuman neglect.

Too much of that mindset of cruel and inhuman neglect permeates the present administration. It manifests itself in so many different ways. Not that it is only this administration. There are other parts of the world where you have cruel and inhuman treatment by leaders also. Pakistan now has a serious problem with an earthquake. And I am going to try to limit my remarks because I want to go to a meeting with the ambassador from Pakistan to talk about what we can do to help deal with the suffering that is going on there. But one of their big worries in Pakistan, the worries of ordinary people, is that their leaders are so corrupt that they will never get the money that is being donated. It will not be used properly. They will never buy the medicines or buy the cots and the equipment. Large parts of it will be drained off.

The great fear there is corruption. And, of course, Third World countries, developing countries have a major problem with corruption. We talk about it here in the United States all the time. We talk about denying the World Bank resources to certain nations because of the fact that they have corrupt governments, corrupt leaders. But the corruption goes on here also. In Katrina we have a graphic example of how that corruption can be cruel and inhuman and get out of hand.

Just two quick actions by the White House show the point that I am trying to drive home. They failed to properly provide for the people of New Orleans, and large numbers have suffered needlessly. Large numbers have died needlessly. Large numbers were trapped in a situation which was quite inhuman. They were in a dome, a huge dome, a sports dome with 20,000, 30,000 people. Imagine being in a convention center, a huge convention center and to have the lights out for two or three nights. Remember, it is summertime and it is smoldering in the heat, plus the darkness. The fact that those people did not go mad, that more of them just did not go out of their minds is a miracle unto itself. They all deserve to be awarded medals as heroes. Anybody who could come out of there and just keep their sanity deserves to be saluted as a hero.

And if you doubt that, why not experiment at the next basketball game we go to. Ask the managers and those in charge of the arena to turn off the lights for 2 or 3 minutes and have a moment of silence to meditate on what it would feel like if you were in the dark with people you do not know, in large numbers, for a whole night, say for three or four nights. What would it feel like? I think we ought to experiment with that and let Americans across the country have the lights turned off at the next basketball game and just sit there. Of course, they would know there is no flood outside, that nature is not running wild, but that you are just in the dark. You are in the dark with strangers for 2 or 3 minutes. Now try to project that on spending two or three nights in the dark like that.

Those people, the fact they did not lose their minds shows that they were quite strong and deserve to be awarded medals and not be looked upon as some people have chosen now already to look upon them; that they are now problems; that they are unworthy; that they should have known how to get out of the city and out of the flood on their own.

□ 1530

They are now a burden on the government because they have nowhere to go. They have been housed in shelters, and now we need to find trailers and shelter for them.

Our leaders let them down because the flood should never have happened in New Orleans. The flood was not a natural disaster. The hurricane was over when the levees broke. The fact that those levees had not been taken care of is just one more example of how the leadership of this Nation, people on the top, are corrupted where they do not deal with problems as they should, and therefore they make the people on the bottom suffer unnecessarily.

As I have said on several occasions, the Netherlands, the Dutch, are a whole nation below sea level. As a nation, they have been contending with the same problem New Orleans has. They know how to hold the sea back; they know how to manage floods. They know how to deal with water. They have never been called upon to revamp the levees and deal with the situation in New Orleans.

It would have been easy to get that kind of expertise. If you cared about the people of Louisiana, they could have solved the problem. The technology and the know-how is there. They had scenarios in New Orleans which showed that terrible things would happen if the problem was not taken care of. Nevertheless, our leadership refused to appropriate the money. Our leadership refused to allow the engineers to deal with the problem or come up with people competent to deal with it. Or they could have called upon the Netherlands to provide experts. That is one solution. We lean on other nations when we need their technology in other areas, so why not call upon the people of the Netherlands to help New Orleans protect itself from the sea.

But getting back to the most outrageous actions by the White House, once we have gone through the problem of failing to protect the people of New Orleans from the flood, failing to protect a large portion of the population from unnecessary suffering and in some cases death, senior citizens dying in large numbers in hospitals and nursing homes, we have all heard the litany of personal disasters and family disasters that were suffered as a result of our failed leadership.

The Congress of the United States appropriates. It stands up and shows it is up to the task. It does not hesitate. It appropriates $60 billion to deal with the problem right away. We are into removing the rubbish, cleaning up the problem of the floods, providing the necessary temporary shelters, and preparing to reconstruct. All of that will require money and we are spending the money. It requires the money to be utilized to hire contractors. We have hired the contractors. The private sector will make some profits. That is the way it is in capitalism. We do not want to see anybody gouging and making unnecessary profits, but they probably will. That is a fact of the way the world operates.

In the meantime, work that has to be done, that work should be done by the people who need to earn an income rebuilding the place destroyed because of the failure of our leadership. But they

get right away a terrible blow from the White House. Right away the White House acts with great speed, and we know there was no great speed with respect to meeting the rescue needs of the people of New Orleans; but in the process of granting contracts and beginning the cleanup and the restoration, the White House orders that Davis-Bacon should be suspended. Davis-Bacon is a regulation in existence since 1933, which requires whenever Federal money is utilized in any project, that project must pay wages to the people who are carrying out that task, pay wages which are consistent with the wages of that area.

If you are in New Orleans, whatever they used to pay plumbers in New Orleans, pay the plumber that amount. Whatever they pay the electricians, the bricklayers, in the process of cleaning up and restoring, they should pay the same wages.

Having looked at the amounts, they were not high at all compared to average wages across the country. Electricians, bricklayers, plumbers, everybody in New Orleans is at the lower end of the scale in terms of prevailing wages. The average wage for most people in construction jobs is higher in the rest of the country than it is in the southern part of the country and in New Orleans.

So why the President rushed to remove Davis-Bacon cannot be explained rationally because they already had a situation where wages were very low. But once you remove the requirement of Davis-Bacon, then contractors can pay less than prevailing wages. If the wages are low already, where are you going to find people who will work for less than they do in the average situation across the country.

You find them among illegal immigrants; you find them among people who must have a job and cannot complain if the working and safety conditions are bad. You find them among people who are frightened, can be pushed around, not paid when they are supposed to be paid, and jilted out of part of their paycheck. People who will never have any vacation leave or fringe benefits, any health care. That is what the contractors will find once Davis-Bacon is removed, you do not have to pay prevailing wages; you can go under that scale and get the cheapest people and make the biggest possible profit off the misery of people who suffered in this natural disaster.

President Bush and key cabinet members were all excruciatingly slow in responding to Hurricane Katrina and its devastating effects. The televised images of thousands of African Americans marooned without food or water in the New Orleans Convention Center and Superdome shocked the world, yet the President was slow to return to Washington, D.C. and was slow to respond to take charge in response to the disaster.

The one fast action taken by President Bush was when he moved to suspend Davis-Bacon. In other words, the President acted as speedily as possible to cut workers' wages on all federally funded recovery and reconstruction projects throughout the gulf coast States. The President himself said in New Orleans that rebuilding the city of New Orleans alone will constitute the biggest reconstruction project in the history of the Nation. It will cost many billions of dollars. Congress has already appropriated some $60 billion towards this end.

And in the corrupt tradition exploited by the Bush administration already in the Iraq war, the President then proceeded to no-bid and cost-plus contracts for billions of dollars, and they have been granted to a favorite set of contractors, which includes Vice President CHENEY's former employer, Halliburton, and its branch subsidiaries such as Kellogg, Brown & Root. Halliburton has not been told to watch its spending carefully or restrain its profiteering because in a cost-plus contract, it is designed to give the contractor every leeway and maximizes opportunities for making extraordinary profits.

But the Bush administration, hiding behind a fig leaf, asserts they had to suspend Davis-Bacon, which provides a modicum of protection for workers on these Federal projects. They said they had to suspend it because it requires paperwork and that will cost the contractor money and waste time. But the people on the bottom, the people cleaning up the rubbish and the hard carriers and the bricklayers and those folks, their income and protection for them, the provision of decent wages for them was of no concern.

Now the prevailing wages in the Hurricane Katrina-affected regions are lower than ever before. They were never that high by national standards. Under Davis-Bacon, a pipe layer in Mississippi would earn $7.45 an hour. I cannot imagine, given what a pipe layer earns in New York City, how you could find anybody to do that job for $7.45. A pipe layer in Alabama would earn $8.21 an hour. A pipe layer in Louisiana would earn $9.84. All of those are very low wages for those jobs if you know anything about plumbing and the high cost of it across the Nation.

Such wage rates are hardly earth-shattering by anyone's standards; but under the Bush plan, skilled workers, many of whom lost their homes and all their belongings in Hurricane Katrina, will only be paid the Federal minimum wage of $5.15 an hour. We hope that they will be paid the Federal minimum wage, because as I said before, the only workers that you are going to get to work for such low salaries are usually illegal immigrants, people who cannot fight back, who cannot report you when you fail to live up to the requirements of the wage and hour act, and who are at your mercy. That is the pattern where we are finding large numbers of illegal immigrants are being used.

The question of illegal immigrants is certainly one that I do not want to be recorded as being backwards and not sympathetic on. I favor what was proposed by the AFL–CIO last year. Let us look at all of the immigrants who are in the country now who are undocumented and who have been here for a while, who pay their taxes and are working, and through an amnesty create a situation where they may begin the process of becoming citizens. They can then begin the process to become citizens. They can join unions or associations. Or if they want to stand as an individual, they know they have rights and cannot be intimidated or cowed by an employer. They will help to raise the standards by working for decent wages, wages consistent with the cost of living in this country.

I do not like the exploitation of illegal immigrants. I do not blame the illegal immigrants for being exploited, and we can get out of this situation and allow them the opportunity to work without being exploited if we will act on amnesty as soon as possible.

As we have discussed at length on this side of the aisle, certainly with Democrats' policies, the Federal minimum wage also at present will not allow anyone to climb out of poverty. That $5.15 an hour, assuming that the contractors will at least pay that and that they will not go below the national minimum wage, that Federal wage will not allow anyone to climb out of poverty.

A person working full time year-round at the rate of $5.15 an hour will merely earn $10,400 a year. If that is a parent with two children, he or she will earn $4,500 below the poverty line designated for a family of four. This suspension of Davis-Bacon protections, especially for those who have lost everything in the wake of Katrina, is an utter disgrace.

The White House is not through with the people on the bottom. They are not through with working families. They decided to go further; and through the Department of Labor, they also suspended the affirmative action guidelines. The affirmative action requirements are quite simple. They do not have much enforcement mechanism in terms of making employers or contractors hire a diverse group of workers. They do require that they report what efforts they make toward diversity.

There are a few pieces of papers that say in the process of hiring people, you should take certain steps. But even that, the Bush administration decided that should be thrown overboard. And as I mentioned earlier, in the process of doing that, large numbers of people who lived in New Orleans, 60 percent of whom were African American, were denied priority in seeking the jobs that would allow them to return and start rebuilding their lives since they, as minorities, would have had to have some consideration made by the contractors; they would have a greater possibility of getting a job if they returned to New Orleans and tried to work there.

□ 1545

The message that was sent by that affirmative action suspension was do not come home. Go somewhere else and look for a job because you do not even have the protection of the simple weak affirmative action laws of the Federal Government that we had before. It was a message that sets up a situation which I hope is not true. Many of us, a lot of people, fear that we may have what was called in the 1960s Negro removal on a massive scale and that New Orleans will never be the same. The black population, the African American population, will never be allowed to return to New Orleans. They are spread throughout the whole Nation now in shelters. Most soon will be out of shelters, but they will not be in one place anywhere. There are 2,500 in New York City. I think another 2,500 are coming in to be put up in hotels and various places. There are some in Utah, some in Idaho, lots in Texas. All over they are spread. They have been removed.

During the 1960s, there were accusations that the big developers, the people who wanted to make a lot of money in the middle of the cities would come in with plans to redevelop the city, and the oldest parts of the city, although they were centrally located, would be the poorest parts in terms of buildings, so they would have tenants in them who were very poor tenants. In many cases in many cities, these people were people who were minorities, and the process of removing them made great profits for the developers. If they got them out, the new buildings that they built would not be for them. It would be for people with high incomes who could afford the kind of higher priced housing that was being built.

Here we have a situation where an act of nature is the beginning of the process. I said the flood in New Orleans was not caused by nature, by the hurricane. It was caused by poor leadership which had not maintained the levees and the dikes and the pumping stations, and that is the problem there. But, anyway, by that act we have had massive removal of people and now with the policies of this administration suspending Davis-Bacon, suspending affirmative action, making it clear that people are not welcome back, we will have permanent removal of a whole population.

Unprecedented in the history of the Nation. Of about 400,000 people, at least 200,000 of those people lived in the section that was heavily flooded. They will be there no more. It will change the politics of New Orleans. It will change the culture of New Orleans. Some people say, well, Disney can move in and they do not want to rebuild houses in the places that were flooded before because there may be another flood, but if they built an amusement park and they built it high up off the ground, it would not matter if it was flooded or not. And some folks said that is probably what is going to happen, that Disney will come in and try to take over.

Well, Disney did not come in and try to take over. The Mayor of New Orleans announced that we have got to move our casinos off the river and move them inland. Where are they going to put the casinos? I guess they were going put them in the same places where the poor people lived before. It would not be Disney, but it would be ''casinoland.''

So it is not exaggerating to talk about massive Negro removal, black removal, African American removal, massive removal of a population that was considered undesirable in order to give the marketplace the opportunity to really make tremendous profits.

One can imagine how the ancient Israelites felt when the Romans decided to do one of the most brutal and cruel things ever done. That is, they took the whole nation and moved them out, spread them out over the world, and there were 12 tribes. They broke it up into 12 tribes and moved them off their homeland, massive removal. We have something similar to that taking place in New Orleans. A whole mass of people is now in a situation spread out over the entire United States and not ever likely to be back in their home unless we have different policies by a different kind of leadership.

I want to yield to the gentlewoman from California (Ms. WATSON) for her comments.

I want to point out, while she is taking the mike, that we had a massive earthquake in California during the Clinton administration. Nine billion dollars was appropriated by the Federal Government to rebuild the bridges and the highways that were destroyed by that earthquake. The President did not suspend Davis-Bacon. He did not suspend affirmative action, and the contractors completed that job 3 months ahead of time. We do not need to do those cruel things that have been done by this administration in order to guarantee that we are going to have the most effective production.

I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for yielding to me.

Mr. Speaker, I would like to address the health care crisis in America that relates to the presentation that the gentleman from New York (Mr. OWENS) is giving now.

The United States Census Bureau reports that in 2004, 45.8 million people were without health insurance coverage and several estimates double that amount to include the underinsured. Moreover, the percentage of people covered by employer-based insurance declined to 59.8 percent of the workforce. Shamefully, there are over 8 million uninsured children in this country who do not even have the opportunity for employer-based coverage.

On the other hand, health insurance premiums have increased astronomically since the beginning of the Bush administration. According to Families USA, workers' costs for health insurance have risen by 36 percent since the year 2000, far surpassing the miniscule 12.4 percent increase in earnings since the President took office. In 2005 it is unbelievable that over 50 percent of insured Americans spent more than 10 percent of their income on health care. Over 10 million insured Americans spent more than 25 percent of their income on health care. And embarrassingly, over 6 million Americans spent more than 33 percent of their income on health care.

According to the World Health Organization, the United States ranks 37th in the world in overall health care quality. Thirty-seventh. This administration and this Congress must pay attention to the health of our Nation in order to improve on the wealth of our Nation. And when we talk about homeland security, we are not talking about the land alone. We are talking about the people who live in this land. Rising health care costs are forcing American businesses to lose their competitive edge and to consider relocating overseas. It is time for Congress to pass universal health care legislation now.

American humanitarian outreach dictates that we consider health care programs around the world. According to the Institute of Medicine, 18,000 Americans die each year because of being uninsured. America is the only country among developed nations that still does not have universal health care.

In a related matter, minority groups often encounter major obstacles in obtaining health care. Minority groups are less likely to have health insurance and are less likely to receive appropriate health care services. In the year 2004, the uninsured rate was 19.7 percent for African Americans, 32.7 percent for Hispanics, and 11.3 percent for non-Hispanic whites.

The ''Healthcare Equality and Accountability Act of 2005'' would go far in lifting the shadow of health disparities that fall not only on minority communities but on all Americans. H.R. 3561, sponsored by the gentleman from California (Mr. HONDA), would make quality health care more affordable, providing coverage for parents and young adults who are currently uninsured.

Mr. Speaker, I urge my colleagues on both sides of the aisle to act in a responsible way, to look seriously at health care reform, and we must, for our own prosperity, insure all Americans and ensure quality health care for all of us.

Mr. OWENS. Mr. Speaker, reclaiming my time, I thank the gentlewoman from California for her comments.

The broad, overarching message today is the betrayal. We are protesting the betrayal of working families and poor people on the bottom by our leadership, and the health care crisis that was cited by the gentleman

from Michigan (Mr. CONYERS) and the gentlewoman from California (Ms. WATSON) is part of that whole process. I want to thank the gentleman from Michigan (Mr. CONYERS) for sharing this Special Order that he had reserved for a discussion of health care with me in making the broader case that working families, people on the bottom, are being betrayed.

At this very moment, as I said before, there is a meeting of the Pakistani Caucus of the House of Representatives to discuss the disaster in Pakistan, the earthquake there which killed more than 40,000 people already and millions have been left homeless, and they are homeless in the mountainous region where the snow and the ice is now beginning; so millions will die as a result of not having the equipment and the materials that they need as fast as possible.

One of the big fears there is that their leadership has let them down and they are not prepared for this. Another big problem, of course, is the rest of the world, nations like the United States of America, should rally to their defense and provide faster and more aid.

But disasters, natural disasters, are not quite as frequent in most years as they are this year. We have another hurricane on the Florida coast right now. They seem to have gotten suddenly stronger, the hurricanes and storms, earthquakes, tsunamis. This has been a very disastrous year. As I said previously on this floor, these disasters are not so great that we do not have the capacity to deal with them as the world. Certainly this Nation could do so much more to help. If they really care about the people who are suffering, if our leadership really cared, these disasters can be handled rapidly with minimum loss of life. We have $500 billion we spend on our military apparatus. That is without adding the extra money to fight the war in Iraq. A military of that size should be capable of dealing with disasters of any kind as well as fighting wars. The same is true of the army in Pakistan.

One of the things that some Pakistani citizens were complaining about was that army people arrived and were standing around doing nothing and, when they were questioned about why do they not help more, they said, We are waiting for our orders. They need specific orders how to help out in a disaster. They have been trained to aim, ready, fire, shoot and kill. Why can all the armies in the world not be trained to take care of these natural disasters as well as to provide defense for nations? Why can we not have leadership which ahead of time assumes that it is going to be our responsibility? It is the duty of a government, the duty of leadership, to take care of people in times of natural disasters. And our government apparatus in its entirety, including the military, should be available to do that.

Certainly, that did not happen in New Orleans, and we are very much aware of what the consequences can be when we have this huge rich nation with all of these possibilities and all the material and personnel available but we have no leadership at the top that can do the job. Our leadership let us down.

The gentlewoman from California, I said before she spoke, is from a State which suffered a huge earthquake a little more than 10 years ago, in 1994. The Northridge earthquake in Los Angeles caused a tremendous amount of damage. Congress appropriated money, and as I said before, there are some lessons to be learned from what happened in that disaster.

□ 1600

I am talking about a government in power, a regime in power, a White House leadership that seems to persecute those at the bottom at a time like this. Or, as this particular paper which is called: Lessons for Post Katrina Reconstruction, A high-road versus a low-road recovery, this paper talks about what happened in California at the time of the Northridge earthquake. It is written by Peter Philips and was published by the Economic Policy Institute.

Foremost among those lessons is that competitive bidding and enforcement of labor standards such as the Davis-Bacon prevailing wage law can help ensure that work is done expeditiously, safely, cost effectively, and with maximum benefit to the local population. That is one of the lessons that this study points out that we learned at the time of that huge earthquake in California.

President Bill Clinton refused to suspend the Davis-Bacon Act in 1994, yet the Los Angeles highways were rebuilt at lightning speed. In particular, the Santa Monica Freeway was rebuilt in only 66 days, less than half the time that had been stipulated by the State of California.

The need to rebuild quickly is no excuse for suspending the Davis-Bacon Act or affirmative action requirements as President Bush has done. The lessons we have already learned are not being applied by this White House regime, because this White House regime governs for a few and cares very little about those on the very bottom. The few at the top are the preoccupation of the present administration, and that leads to great cruel and inhuman treatment to the people at the bottom.

We had a resolution that we proposed in the House Education and Workforce Committee this morning. It was a resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction relating to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers. We want the President to explain why he suspended Davis-Bacon. One of the explanations that was given by people in the committee who supported the President was that it had been suspended before by other Presidents. President Roosevelt once suspended, I think it was for about 30 days that President Roosevelt suspended it on the conditions which are very different.

We are requesting that the President transmit to the House this information. And of course we had a lengthy discussion in the committee, and then the majority Republicans took a vote that they would report it to the House only with a recommendation that the House consider it unfavorably, and they voted to do that. So the report comes to the House with a recommendation that the majority, the Republican majority, the President's party considers the request that he provide information to Congress about why he suspended Davis-Bacon, they consider that report, that request to be a nuisance request.

It is most unfortunate that we cannot have information, simple information provided to the Members of Congress. After all, we are all elected under the same conditions and we come here. We want to do a job for our constituency. Why can we not at least have information?

We gather information from other sources. Immigrant workers exploited in the gulf coast are talking to newspapers. I have a report here which says that Gulfport, Mississippi you had a report from several immigrant workers that, first, of all, you have 32 immigrants housed in three mobile homes and they were being paid $8 an hour to tear sheet rock for 10 hours a day. They were among hundreds of illegal immigrants who entered the United States hoping to find work in the aftermath of the hurricane. One of the big complaints that they have is that they were promised $8 an hour, but they were not paid. They were not paid on time. And they were not paid in some cases at all, and other conditions in terms of they were told that they would get food and shelter but the food is quite sparse and, as I said before, shelter means they are putting 32 immigrants in three mobile homes in one case. And on and on it goes with respect to the kinds of conditions that contractors are taking advantage of in the gulf coast reconstruction.

Many of the same contractors in the gulf coast reconstruction are also the American contractors who operate in Iraq. In Iraq, they found that they could make high profits on the no-bid contracts, billions of dollars have been spent that we cannot even tell where it went. There is a $9 billion question around money that was appropriated to reconstruct, and nobody is even asking questions in this administration about where the money went. We know it is missing, but nobody wants to deal with a hearing or an investigation to tell us exactly where that money went. So they certainly have made a lot of money in Iraq, but even with the tremendous profits they were making the security question is such that they

made less than they perhaps wanted to, less than they agreed, told them they should be making. So the same contractors have come back, and in the domestic situation of the gulf coast, of course, they do not have to pay for security. They do not have to worry about contractors being shot, bombs blowing up. So now they are poised to make all the money they could not make in Iraq in the gulf coast area by taking the contracts, hiring illegal immigrants at the lowest possible rates, and making off with the taxpayers' money.

One of the side products of this process is that experience has shown and several studies have shown that when you do not use Davis-Bacon you get workers who are less skilled, you get workers who care less about what they are doing, and you get an inferior product. Buildings have collapsed that have been built by workers who were not workers who were Davis-Bacon workers because they were not the usual workers that did that kind of construction in that locale. Buildings have collapsed and all kinds of projects have suffered as a result of shoddy work done by people who were being exploited by the contractors.

We would like to see not only Davis-Bacon, the President should restore Davis-Bacon requirements so that we have prevailing wages throughout the gulf coast region. We would also like to see that the President say that: Look, even when you have Davis-Bacon, you have low wages which are very difficult for people to live on, and beyond that you have a minimum wage which is the Federal Government's minimum wage which is also almost impossible for people to live on.

So along with restoring Davis-Bacon, along with restoring affirmative action regulations, we would like to see the President allow us and encourage his party to let us bring to the floor of the House the proposal that we have to increase the minimum wage. We want to increase the minimum wage as a way of demonstrating to the people who are on the bottom, to the working families of America that they have a leadership that cares about them. This leadership does not hesitate to demand that the sons and daughters of working families leave their last full measure of devotion on the battlefields in Afghanistan, in Iraq, or wherever else they may be needed.

Next, we demand that they do that, and they are doing that, and yet we do not want to give them a piece of our prosperity in our economy, not even $5.15 an hour worth.

Despite huge improvements in the average educational level of our workforce, most American workers today still do not have jobs that pay decent wages and provide health care as we were talking about before and a pension. Only 25.2 percent of American workers have a job that pays at least $16 per hour and provides health insurance and a pension, according to a new study done by the Center for Economic and Policy Research. That is the level. $16 an hour is the level you need in order to have a decent wage, and you must have that accompanied by a health insurance benefits program and a pension if you want to be called a person of sharing in the American economy as would be appropriate.

So I close with my opening statement: We need leadership at the top, in the White House, in this Congress that cares about working families, leadership that cares about the people at the bottom. Disasters come as a result of a plan by God that none of us may understand, and we should not trying to spend time trying to figure out what God is doing. What we should do is do what man does best, and that is have the most competent and most caring and compassionate people that we can in the leadership to take care of the needs of the people who are suffering on the bottom.

IMMIGRATION

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, the Chair recognizes the gentleman from Texas (Mr. POE) for 60 minutes.

Mr. POE. Mr. Speaker, as a former judge and prosecutor in Texas, I spent most of my life enforcing the law. I know firsthand the cost of having laws on the books that are not enforced. To make law, whether it is on the State level or the Federal level, and then wink and ignore those who break the law is to live a lie. A government that tolerates law breaking surrenders its integrity, it surrenders its credibility, and it surrenders its self-respect. And right now, Mr. Speaker, America's immigration laws are not working. They are not even enforced.

We must secure the borders and reduce the number of people residing in the Nation illegally. And, of course, amnesty is not the answer to this. Those people here illegally have violated the law, and giving them amnesty is rewarding them for breaking the law. As a judge for 22 years, I never once gave a person amnesty because they got away with breaking the law for a long time. Those who have broken our laws must find themselves penalized, not rewarded, for the disregard for the rule of law.

Mr. Speaker, we have anywhere between 11 and 14 million people here in the United States that are here illegally, and we cannot reward them for breaking the law. Many of them are here because several years ago this country adopted a plan, a plan that has not worked, and that is the plan of amnesty: Tell those people that are here it is okay, you can stay. And now we have encouraged people from all over the world to come to the United States illegally.

Mr. Speaker, I want to make it clear that I am a supporter of immigration, a supporter of legal immigration. I am proud of the fact that my heritage is from Scotland and from Germany. But in this country we have now taken the policy of discriminating against people who want to come here legally to the benefit of lawless illegals. I will give you an example.

In my southeast district in Texas I represent numerous individuals who have come to the United States legally, obtained citizenship, and I recently talked to an individual who was from the nation of Mexico and became a citizen of the United States, and he has been trying to bring the rest of his family to the United States legally. He has a son that he has been trying to bring to this country legally for the last 15 years, Mr. Speaker. And yet because of bureaucracy, red tape, and incompetence, that has not been granted. He wants to do the things the right way, the legal way, and he has discouraged his son from just merely crossing the border illegally like 5,000 people a day do on the southern Texas border, come into the United States illegally by walking across our border.

We have developed a policy that is no policy. We expect our border agents to patrol the vast thousands of miles from Texas to California. And when they actually capture someone coming into the United States, here is what happens, Mr. Speaker: They are arrested, they are taken to a Federal magistrate, they are told that they are going to have a deportation hearing eventually. But the detention facilities are so crowded that over 90 percent of them are released on their word to show up for their deportation hearing 6 months away.

This defies common sense, the idea of this catch and release policy. Capture the people illegally coming into the United States, take them to court, and tell them: If you promise to come back for your deportation hearing, we will have a hearing in 6 months to determine whether you get to stay or you must leave. Are we not surprised that most of them do not come back for their hearings? This defies common sense, it wastes time, and it does not work to solve any problem with our immigration, or, shall I say, our lack of immigration policy.

And just so it is clear, Mr. Speaker, we now know that over 50 percent of the people illegally coming into the United States from the southern borders are not from Mexico. They are from all over the world. They are from China, they are from South America, they are from Europe, but they are not from Mexico. And the reason? Every country in the world knows the United States has open borders, that we do not protect our dignity, we do not protect our sovereignty. So people are coming into the United States illegally, over half of which are from other countries other than Mexico.

I will give you an example. Recently we had an individual arrested by the name of Samir Abdoun from Algeria. He was caught entering California from

Mexico with a French passport. He was released with that summons to appear in court for his deportation hearing, and of course he never showed up for that hearing. He, like many thousands of other people in the same situation, assimilated into the United States.

□ 1615

Three years later, he was arrested on September 22, 2001, when it was learned that he had met for coffee several times with two of the hijackers that took part in the attacks on our country on September 11. Finally, Somar was deported last year.

This catch-and-release policy, where we spend the time to catch those few people that come across illegally and release them on their word to come back to court, simply does not work. We obviously need detention facilities for these people. We obviously need quicker hearings. It should not take 6 months to have a deportation hearing. They should happen within that week.

Then, Mr. Speaker, we have other policies that defy common sense in our immigration lack of policy. One of those is the sanctuary policy where many cities in the United States have taken the position that they will not arrest people in their city that are there illegally. They will not help the Federal Government arrest those individuals. Let me give my colleagues an example.

Many police agencies cannot inquire as to the status, the legal status of an individual that they arrest. One of those cities unfortunately is the City of Houston. In the City of Houston, if a police officer arrests somebody for let us say jaywalking, that individual can be fined for jaywalking, but the police officer cannot inquire as to the legal status of that individual and turn them over to the Federal authorities if they are here illegally in the United States. Why do we enforce the jaywalking laws, why do we enforce the traffic laws around the Capitol with all of the cameras and the red lights, why do we enforce those laws, but yet we do not enforce the basic rule of law protecting the dignity of the United States? And we do not deport those individuals that police officers know are here illegally because they cannot even turn them over to the Federal authorities.

Mr. Speaker, there are ways to beat the United States and the United States system. What I mean by that is a policy apparently perpetrated on this country by the country of Mexico. I have here a pamphlet that is published by the government of Mexico that explains to people who want to come to the United States from Mexico illegally how to come to the United States. Part of this I have blown up on this chart. It explains, this pamphlet explains to Mexican nationals where to cross into Texas so they are not caught, what to do if they are confronted by a border agent, how to deal with coyotes, those are the people for money that illegally bring people into the United States; and where is the best place to cross into the United States. Mr. Speaker, the country of Mexico is exporting its problem and making it our problem, and this is something that ought not to be.

Of course, there are other ways to defy the law, the rule of law. Before a person illegally comes into the United States, before they cross the border, there are flea markets, places where an individual can obtain illegal, forged American Social Security cards, obtain other forged documents such as green cards to come into the United States, and assimilate among the rest of us.

We have to remember, by the way, Mr. Speaker, that Social Security cards are not identification. They serve the purpose of retirement. They do not serve the purpose of identification, but yet that is what it is used for.

The problem continues on the southern Texas border, the other borders that border Mexico, where individuals come across to receive health care, not at their expense, but we pay for it. One way is many individuals come across the border, the individual is pregnant, goes to one of our emergency hospitals, our emergency care is tremendous, and then grants that individual of course permission to come in. A baby is born, that baby becomes a United States citizen, and then the whole family then becomes the problem of the United States. Individuals come here to receive that free health care because we do not turn anybody away. So maybe the United States needs to start sending a bill back to those countries and expecting them to pay for the health care that we pay for that they refuse to pay for in their own country.

We have heard a lot, Mr. Speaker, today on this floor on both sides talking about two important issues that are expensive to Americans. One of those is health care. Oh, we heard on and on and on today about the costs of health care, what we are going to do about it. But one thing we do not want to talk about, Mr. Speaker, is part of the reason health care costs are going up in this country for Americans is because we have people that are receiving health care at the expense of the rest of us. And those are people who are in the United States illegally that go and receive at our hospitals that free health care; free to them, expensive to us. We now know that approximately $2,700 a year each American has to spend for the health care of people who are illegally in the United States. I will repeat that again. It costs each American taxpayer about $2,700 a year of their money to pay for the health care of somebody else that is illegally in the United States. Those Americans, as we heard tonight from that side and this side, may not even have health care benefits. This ought not to be.

Mr. Speaker, we also now know that on the southern border of Texas, that there are reports that individuals who wish to do us harm, we call those people terrorists, are assuming the identities of Hispanic individuals. They are learning Spanish, they sneak into the United States as the downtrodden, illegal immigrants, and they set up cells, networking cells to eventually do us harm. Because, you see, terrorists understand, like everybody else in the world, that we have open borders, that you can sneak into the United States and, once you are here, you can assimilate into the entire population.

So it is a cost factor for Americans, illegal immigration. It is also an illegal issue. But, more importantly, Mr. Speaker, it is an issue regarding homeland security. The next terrorist that does us harm is probably not going to fly into the United States, land over here at Reagan National Airport, and come do us harm. They are probably going to just walk across the border, either the Canadian-American border, or the Mexican-American border. We know that most of the 9/11 hijackers that did us harm, that is exactly what they did. They came across the Canadian border and assimilated into the United States.

Mr. Speaker, as the battle for Iraq races on, the battle for Laredo has begun. I say that because Laredo, Texas, the largest inland port in the United States, is across the Rio Grande River from Nuevo Laredo, a city of 400,000 individuals in Mexico. This weekend I plan on going down to the border of Texas, Laredo, Zapata County, I will be there with a Texas Ranger and some of the local sheriffs and eventually with the border agents to view that situation.

We know what is taking place in the battle for Laredo and Nuevo Laredo. We know this year that 135 people were murdered, 44 Americans were kidnapped in Nuevo Laredo; 7 policemen were murdered. The police chief, the new police chief that was recently made police chief, lasted about 6 hours after he was sworn in, and then he was gunned down with 35 bullets shot into his body. Nuevo Laredo has become a haven for drug traffickers, a haven for gun-running, and a haven for human trafficking into the United States. Because this is an example of where failure to protect the integrity of our borders encourages illegal conduct. That illegal conduct includes those people that wish to make money off the weaknesses of other individuals, and I am talking about those drug dealers. They are bringing that cocaine, that marijuana into the United States from our southern borders. It disseminates throughout the United States. We know that it is a location for gun-running, people who wish to bring firearms illegally into the United States. And we also know that that is where those coyotes, those individuals for money charge other individuals from other nations to come into the United States illegally.

Mr. Speaker, many times we hear from people who think they know about the problem of illegal immigration. Some of those people are, for lack

of a better phrase, those northeastern elites who think they have the answers to all the problems. I would like to invite those people who spend their time out on their yachts near Cape Cod to come down to Texas with me this weekend and go to Laredo and see the problem, the real problem of what illegal immigration does to our country.

The border security is an issue that affects all Americans. I have discussed with many of the property owners that live along our Texas border how illegal immigration affects it. One rancher in Zapata County told me that it was like Sherman's march to the sea, that Union general who invaded the South and burned everything in his path. He said, that is what it is like. They are coming onto my land, destroying all the land, all the property, stealing everything they can get their hands on, because this is the path into the United States.

Property rights are something that maybe we ought to talk more about, how our Federal Government has the responsibility to protect the dignity of property rights of all Americans. Recently, we had an individual by the name of Luis Posada Carriles, he was a Cuban anti-Castro militant who was taken into custody in my home State of Texas for immigrant violations. He is wanted in Venezuela for allegedly blowing up a Cuban plane and killing 70 people on that airplane. This alleged terrorist told American authorities he easily crossed the U.S.-Mexican border in the car of a smuggler, hopped the bus to Miami, and even evaded arrest by U.S. immigration agents by claiming he was a forgetful old man and lost his identification. This is typical, this is scary. It is also proof, Mr. Speaker, how easily it is for a terrorist with plans to harm others can get into the United States. This is a serious matter of homeland security, and it must be fixed.

Our borders are out of control, and securing our borders is the first step in any serious immigration reform policy. So what are we going to do? Well, just today, I have introduced a bill called the Passport Security bill. It is a simple bill that requires all persons entering the United States that try to come here legally to have a passport.

Mr. Speaker, if you come to the United States and you are from Canada or from Mexico or from one of the Caribbean islands, you do not have to have a passport to get in. You can use any type of document that is acceptable; everything from a birth certificate to a baptismal certificate. Some of our border agents have to be so versed in up to 500 documents from foreign countries before they can let a person come into the United States. It makes it very easy to forge those documents, to come in here illegally when you are trying and pretending to come in here in a legal manner.

So all nations in the world basically require passports to enter their country. We do not do so, with the exceptions that I mentioned. So it is time for us to require a passport. A passport does not discriminate. It is the same document used for every individual. I have talked to numerous individuals who are concerned about border security, and they tell me, let us go to passports. Passports do not discriminate. It has a bar code that is in a passport, and it is a universal form of entry into any country. It even could be used by our businesses who have to now become policemen to determine whether or not the person coming into their business that wants a job is here legally, and they check the Social Security card, they try to check their birth certificates, all the documents they have; they do not have to check any of that any more. All they have to have is a passport. If they enter the United States legally, they will have that passport when they go and seek employment as a person trying to legally come into the United States. A passport is the gold standard for entry into all countries, and it is time that we require passports.

Mr. Speaker, the 9/11 Commission, in its extensive report, stated that passports are necessary for entry into the United States. But here we are, we still do not have passport requirements. Why is that? It is because of bureaucracy at the Federal level that does not implement the 9/11 Commission's report. So that is why I have filed this bill, to require a person to show a passport when coming into the United States.

In some cases, Mr. Speaker, people who wish to come into the United States, for example, from Canada, do not even have to show documentation. All they have to do is profess that they are a citizen of that nation. The same is true of Americans who wish to reenter the United States. For example, one of my staff members recently went to Mexico over the August recess, and when she entered Mexico, she was waved through. She was not even asked for identification.

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But more importantly, when she reentered the United States, the border agent simply looked into the vehicle which had several passengers and asked, Well, are all of you all American citizens?

Someone replied yes and they were passed into the United States without any search, without any identification. So our borders at border crossings must be protected, and the border between border crossings must be protected. It is a homeland security issue.

Some people have discussed the issue of having a fence to protect the southern border. That is at least worthy of debate on this House floor. If we are going to get serious about protecting our borders, we should at least discuss the issue.

Earlier I mentioned one of the costs that is imposed upon Americans for illegal immigration, and that is health care. Some say that health care costs in the United States, 20 percent of health care costs are because people are in the system, illegally in the United States.

Now, let us go to the second topic most talked about on this House floor regarding costs, and that is education. Almost every day on this House floor we hear the talk about, oh, the expense of education in the United States. And it is expensive. It is expensive when your kids are in public school all the way through high school.

And you want to talk about expensive, wait until they try to go to college and see how expensive it is. I have four kids in college, and one of them is still in college. It is expensive, education is in the United States.

But all of the talk that we hear about the cost of education, no one wants to talk about the fact that there are people in the system getting an education and Americans are paying for it, once again the people who are illegally in the United States.

Some experts say it is up to 22 percent of education costs re because people are in the system that are benefiting from it, but not paying for it. You know, we have a policy in this country. If you are here, however you got here, legally or illegally, you are going to get an education at the expense of the rest of us. And not only that, you are going to be educated in your own language.

Now, think about that. If we went to a foreign country like France illegally, sneaked into the country, would we have the nerve to go to one of their public schools and demand to be educated not only for free, but in our own language? Of course not. That is absurd.

But yet we do this in our country because it is the policy of this country. Regardless of whether it should be or should not be, it is costing Americans; and Americans have to pay for this expensive education for those who are in the system and do not contribute to it.

Let me give you some examples of that that go to higher education. Let us say a person from Texas wants to go to Kansas to school. Well, Kansas charges that Texas student out-of-state tuition. Why? Because they are not from Kansas. Well, that is all right. Most States have that law.

Let us say a person from a foreign country legally comes to the United States, legally wants to go to Kansas and get an education. And they are admitted on an education visa. They go to Kansas. They pay out-of-state tuition because they are not from Kansas. Makes sense.

But take the third example of a person illegally in the United States in Kansas. They get admitted, first of all, to one of their universities and they pay in-state tuition. That ought not to be. We discriminate against American students. We discriminate against people legally coming into the United States to get an education, to the benefit of people who are illegally here;

and in some States people illegally in the state that go to colleges get admitted into colleges, receive State grants. Maybe those grants ought to go to American citizens.

And now with the competition of higher education so stiff, in some cases Americans are denied entry into a university to the benefit of someone who is admitted because they are illegally in the United States. Once again, this defies common sense. So the two examples, health care costs, education costs. Part of the reason is because there are people here who have benefited from it and not contributed to it.

And the third example that I would like to use is the cost of the criminal justice system. I was a judge for 22 years in Houston, Texas. Heard about 25,000 felony cases, that is serious crime, everything from stealing to killing.

About 20 percent of the people that I saw were in the United States illegally now. Think about that. First of all, they are here illegally. They commit another crime. When convicted, they are sent off to one of our State penitentiaries. Of course, Americans pay for that system. Americans pay for the criminal justice system. We pay for their incarceration. Then when the person serves their time for whatever, robbery or murder, you would think that the law in this country would say that person illegally in the United States that commits a felony and goes to the penitentiary, we would deport them back where they came from.

But that is not what we do. We bring them right back to the county in which they were convicted, and we release them. Why do we do that? Because there is no cooperation by law with the State authorities and Federal authorities on people illegally in the United States and whether they should be deported after they have served their criminal sentence.

So that costs us as well. And some likewise estimate is 18 to 19 percent of our criminal justice costs are because we have people in the United States illegally here committing crimes and having to serve their time. And we pay for that. So these are some examples of issues that the American public has to deal with and deal with immediately.

It is necessary that we as a people come to grips with the issue of illegal immigration and decide what position we are going to take, whether we are going to take a stand for the rule of law or whether we are going to ignore the law.

It would seem to me that the first duty of government is to protect the sovereignty of the Nation, protect the identity of the borders of our Nation. It just seems to me that is what most countries do.

But we have chosen not to do that, for whatever reason. I do not know the reason. But now the time has come for us to enforce the rule of law, enforce border security. It is the right thing to do. It is not the right thing to do to tell people who come here illegally, that is okay. That is the wrong thing to do.

Mr. Speaker, it is a national security issue. We know that there are terrorists among us. We know they wish to do us harm. Why do we encourage that conduct by having no national policy that enforces the rule of law on our borders? Everybody wants to come to the United States. I do not blame them for that.

I mean, everybody wants to come here, but everybody cannot come to the United States. Everybody cannot live in the United States. So what are we going to do about that? Well, let us have a policy. Let us have a plan. Let us have a plan that works. Let us have a plan that encourages people to come here legally so it does not take 15 years to come into the United States legally as in the example I mentioned to you.

And let us have also a plan that enforces the rule of law and does not encourage illegal conduct, but tells people if you want to come to the United States, do it the right way, do it the legal way or stay home.

You know, we all took oaths as public officials to uphold the Constitution, to protect this country from all enemies, foreign and domestic. And I think part of our obligation is to enforce the rule of law and the sovereignty of the United States.

We call this place the land of the free and the home of the brave, and rightfully so. This very day, we have some of our bravest Americans halfway across the world protecting another country called Iraq. It is important that we in this country care more about Americans than we do about people who are illegally from foreign countries who come into the United States.

So the line is drawn in the sand, Mr. Speaker. And as I mentioned, the battle for Laredo has begun. The battle for our sovereignty is upon us. We will either protect our country or we will not. We will either surrender or we will refuse to surrender. And we cannot surrender our borders to those people who invade our country illegally. It is an invasion. It is a colonization of the United States, and it is illegally being done right under our eyes.

That is just the way it is, Mr. Speaker.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. HERSETH, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Member (at the request of Mr. GARRETT of New Jersey) to revise and extend his remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies; to the Committee on Government Reform.

S. 1894. An act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies; to the Committee on Ways and Means.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 20, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 3765. A bill to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

H.R. 3971. Medicare Cost Sharing and Welfare Extension Act of 2005.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, October 24, 2005, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4624. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Collection of State Commodity Assessments (RIN: 0560-AH35) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4625. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Additions to Quarantined Areas in Arkansas and Tennessee [Docket No. 05-030-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4626. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Tomato Lycopene Extract and Tomato Lycopene Concentrate [Docket No. 2001C-0486] (formerly Docket No. 01C-0486) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4627. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Servcies, transmitting the Department's final rule — Change of Address; Technical Amendment— received July 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4628. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Definition of Primary Mode of Action of a Combination Product [Docket No. 2004-N-0194] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4629. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt from Certification; Mica-Based Pearlescent Pigments [Docket No. 1998C-0431] (formelry 98C-0431) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4630. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Name and Address; Technical Amendment [Docket No. 2005N-0201] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4631. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing, and Handling of Food [Docket No. 1999F-4372] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4632. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Ribonucleic Acid Preanalytical Systems [Docket No. 2005N-0263] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4633. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Dental Devices; Classification of Oral Rinse to Reduce the Adhesion of Dental Plaque [Docket No. 2005N-0338] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4634. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4635. A letter from the Director, Contract Policy Division, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-05; Introduction — received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4636. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmoshpheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #6 — Adjustment from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 050426117-5117-01; I.D. 082605A] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4637. 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; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 041126332-5039-02; I.D. 081605D] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4638. 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; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 072105A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4639. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area I Scallop Access Area to General Category Scallop Vessels [Docket No. 040809233-4363-03; I.D. 083105A] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4640. 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 Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090705D] received September 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4641. 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; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine [Docket No. 041130335-5154-02; I.D. 091305E] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4642. 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 #8 — Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington [Docket No. 050426117-5117-01; I.D. 091405H] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4643. 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 #7 — Closure of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 091405G] received September 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4644. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeastern Multispecies Fishery; Modification of Access to the Eastern U.S./Canada Area [Docket No. 040112010-4114-02; I.D. 063005A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4645. 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 Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072005B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4646. 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, ''Other Rockfish'' in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072905A] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4647. 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. 080305B] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4648. 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; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805B] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4649. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 080405B] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4650. 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; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Manamgement Area [Docket No. 041126332-5039-02; I.D. 080805D] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4651. 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 Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082905C] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4652. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 050719189-5231-05; I.D. 081105E] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4653. 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; Atka Mackeral in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 082305C] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4654. 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; Pollock in Stastical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090205A] received September 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4655. 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 Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 070805A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4656. 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 Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071305A] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4657. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing; Correction [Docket No. 050627169-5169-01; I.D. 051804C] received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4658. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmpspheric 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; Gulf Grouper Recreational Management Measures [Docket No. 050708183-5183-01; I.D. 070505D] (RIN: 0648-AT45) received August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4659. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Attestations Regarding H-1B1 Visas; — received October 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4660. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Certification for the Permanent Employment of Aliens in the United States; Backlog Reduction (RIN: 1205-AB37) received October 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4661. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Health Care Infrastructure Improvement Program; Selection Criteria of Loan Program for Qualifying Hospitals Engaged in Cancer-Related Health Care [CMS-1287-IFC] (RIN: 0938-AO03) received September 30,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4662. A letter from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B: Interpretation and Correction [CMS-1325-IFC2] (RIN: 0938-AN58) received September 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4663. A letter from the Regulations Coordinator, CBC, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Prescription Drug Discount Card; Revision of Marketing Rules for Endorsed Drug Card Sponsors [CMS-4063-F] (RIN: 0938-AN97) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. MELANCON, and Mr. JEFFERSON):

H.R. 4090. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMBO (for himself and Mr. GOODLATTE):

H.R. 4091. A bill to permit certain projects and activities to resume on National Forest System lands by ratifying part 215 of title 36, Code of Federal Regulations, relating to notice, comment, and appeal procedures for such projects and activities; to the Committee on Agriculture.

By Ms. BEAN (for herself and Ms. HART):

H.R. 4092. A bill to amend the Internal Revenue Code of 1986 to allow an additional credit against income tax for the adoption of an older child; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. SIMPSON):

H.R. 4093. A bill to provide for the appointment of additional Federal circuit and district judges, to improve the administration of justice, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 4094. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 4095. A bill to amend titles II and XVI of the Social Security Act to provide for equitable treatment of disability beneficiaries with waxing and waning medical conditions; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. SIMMONS, Mr. SHAW, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALDEN of Oregon, Mr. HUNTER, Mr. MCHUGH, Mr. KING of New York, Mr. MCCOTTER, Mr. KUHL of New York, Mr. PAUL, Mr. SESSIONS, Mr. FORTUÑO, Mrs. CAPITO, Mr. HOSTETTLER, Mr. MURPHY, Mrs. KELLY, Mr. BISHOP of Utah, Mr. GARY G. MILLER of California, Mr. GARRETT of New Jersey, and Mr. LINDER):

H.R. 4096. A bill to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. JINDAL, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. KLINE, Mrs. MUSGRAVE, Miss MCMORRIS, Mr. MARCHANT, Mr. FORTUÑO, Mr. BOUSTANY, Ms. FOXX, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mr. HOEKSTRA, Mr. WELDON of Florida, Mr. WICKER, Mr. BRADY of Texas, Mr. PITTS, Mr. SESSIONS, Mr. CULBERSON, Mr. BURGESS, Mr. COLE of Oklahoma, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. MCHENRY, Mr. POE, and Mr. DELAY):

H.R. 4097. A bill to direct the Secretary of Education to establish a Family Education Reimbursement Account Program to assist hurricane displaced students during the 2005-2006 school year, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RAMSTAD:

H.R. 4098. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL of Texas (for himself, Mr. BOREN, Mrs. DRAKE, Mr. SMITH of Texas, and Mr. CULBERSON):

H.R. 4099. A bill to amend the Homeland Security Act of 2002 to authorize the Citizen Corps and establish the Border Corps, and for other purposes; to the Committee on Homeland Security.

By Mr. BAKER:

H.R. 4100. A bill to establish the Louisiana Recovery Corporation for purposes of economic stabilization and redevelopment of devastated areas in Louisiana, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. ACKERMAN, Mrs. MCCARTHY, Mr. ISRAEL, Mr. MCNULTY, Mr. CROWLEY, Mr. ENGEL, Mr. KUHL of New York, Mr. SERRANO, Mr. BOEHLERT, Mr. KING of New York, Mr. FOSSELLA, Mr. HIGGINS, Mr. WALSH, Mr. HINCHEY, Mr. NADLER, Mr. WEINER, Mr. OWENS, Ms. VELÁZQUEZ, Mrs. MALONEY, Mrs. LOWEY, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. TOWNS, Mr. RANGEL, Mr. SWEENEY, Mr. MCHUGH, Mr. MEEKS of New York, and Mrs. KELLY):

H.R. 4101. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building''; to the Committee on Government Reform.

By Mr. BROWN of Ohio:

H.R. 4102. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. DINGELL, Mr. RANGEL, Mr. WAXMAN, Mr. STARK, and Ms. SCHAKOWSKY):

H.R. 4103. A bill to amend title XVIII of the Social Security Act to provide for improved accountability in the Medicare Advantage and prescription drug programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 4104. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified long-term care services in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. BUTTERFIELD:

H.R. 4105. A bill to amend the Wild and Scenic Rivers Act to designate the Perquimans River and its tributaries in Perquimans County, North Carolina, for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. CASTLE (for himself, Mr. PLATTS, Mr. BACHUS, Mr. WELDON of Pennsylvania, Mr. KIRK, and Mr. FITZPATRICK of Pennsylvania):

H.R. 4106. A bill to provide for the security and safety of rail transportation systems in the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. CUMMINGS (for himself, Mr. HOYER, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. VAN HOLLEN, and Mr. RUPPERSBERGER):

H.R. 4107. A bill to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the ''Maryland State Delegate Lena K. Lee Post Office Building''; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. WYNN, Mr. VAN HOLLEN, Mr. HOYER, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, and Mr. RUPPERSBERGER):

H.R. 4108. A bill to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the ''State Senator Verda Welcome and Dr. Henry Welcome Post Office Building''; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. HOYER, Mr. CARDIN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. VAN HOLLEN, and Mr. RUPPERSBERGER):

H.R. 4109. A bill to designate the facility of the United States Postal Service located at 6101 Liberty Road in Baltimore, Maryland, as the ''United States Representative Parren J. Mitchell Post Office''; to the Committee on Government Reform.

By Mr. EMANUEL (for himself, Mr. DEFAZIO, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. ALLEN, Mr. BOUCHER, Mr. CLAY, Mr. COSTELLO, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. KILDEE, Mr. LARSON of Connecticut, Ms. LEE, Mr. MCGOVERN, Mrs. MALONEY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Ms. MCCOLLUM of Minnesota, Mr. NADLER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, and Mr. WEXLER):

H.R. 4110. A bill to require grants to State and local governments for infrastructure and social services needs in the same amount as the amount of relief and reconstruction funds provided to Iraq; to the Committee on Government Reform.

By Mr. FORTUÑO:

H.R. 4111. A bill to redesignate the Caribbean National Forest in the Commonwealth of Puerto Rico as the El Yunque National Forest; to the Committee on Resources.

By Mr. HASTINGS of Florida (for himself, Mr. OWENS, and Ms. WASSERMAN SCHULTZ):

H.R. 4112. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 4113. A bill to provide for a reduction in pay for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mr. SMITH of New Jersey, and Mrs. EMERSON):

H.R. 4114. A bill to prohibit the sale of crude oil, gasoline, diesel fuel, natural gas, or petroleum distillates at an unjust or unreasonable price; to the Committee on Energy and Commerce.

By Mr. MARSHALL:

H.R. 4115. A bill to designate the facility of the United States Postal Service located at 118 East Hancock Street in Milledgeville, Georgia, as the ''Boddie Davis Simmons Post Office Building''; to the Committee on Government Reform.

By Mrs. MCCARTHY:

H.R. 4116. A bill to prohibit the Secretary of Transportation from requiring the sounding of a locomotive horn in suburban areas in nonpeak traffic hours; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON (for himself, Mr. JEFFERSON, Mr. JINDAL, Mr. BAKER, Mr. BOUSTANY, Mr. ALEXANDER, and Mrs. MALONEY):

H.R. 4117. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 4118. A bill to prohibit Federal payments to any individual, business, institution, or organization that engages in human cloning; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 4119. A bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development for first responder communications, and for other purposes; to the Committee on Energy and Commerce, 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. POE:

H.R. 4120. A bill to eliminate the Western Hemisphere travel exception by requiring a passport for all travel into and out of the United States and to require the Secretary of State to endeavor to persuade all countries to issue machine-readable passports that comply with a uniform document identifying standard; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SODREL:

H.R. 4121. A bill to amend title 10, United States Code, to extend military commissary and exchange store privileges to veterans with a compensable service-connected disability and to their dependents; to the Committee on Armed Services.

By Mr. TANNER:

H.R. 4122. A bill to establish the Comprehensive Entitlement Reform Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. WILSON of South Carolina, and Mr. BROWN of South Carolina):

H.R. 4123. A bill to amend section 44706 of title 49, United States Code, to require operating certificates for airports at which large cargo operations are conducted; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California:

H.J. Res. 69. A joint resolution relating to a national emergency declared by the President on September 8, 2005; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself, Mr. BURGESS, Mr. GONZALEZ, Mr. CONAWAY, Mr. CARTER, Mr. SESSIONS, Mr. RADANOVICH, Mr. WHITFIELD, Mr. UPTON, Mrs. CUBIN, Mr. BASS, Mr. SMITH of Texas, Mr. SHADEGG, Mr. BOUSTANY, Mr. PICKERING, Mr. TOWNS, Mr. LEWIS of California, Mr. BILIRAKIS, Mr. MARKEY, Mr. MCGOVERN, Mr. HENSARLING, Mr. ORTIZ, Ms. KILPATRICK of Michigan, Mr. LINCOLN DIAZ-BALART of Florida, Mr. OTTER, Mr. MARCHANT, Mr. GENE GREEN of Texas, Mr. EDWARDS, Mr. MCCAUL of Texas, Mr. HALL, Mr. CALVERT, Mr. SULLIVAN, Mrs. CAPPS, Mr. BACHUS, Mr. MURPHY, Mr. FITZPATRICK of Pennsylvania, Mr. CANTOR, Ms. JACKSON-LEE of Texas, Mr. NORWOOD, Mrs. BONO, Mr. WALDEN of Oregon, Mr. GILLMOR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. RUSH, Mr. BUYER, Mr. CASTLE, Mr. BOEHLERT, Mr. STEARNS, and Mr. TERRY):

H. Con. Res. 269. Concurrent resolution recognizing the 40th anniversary of the White House Fellows Program; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself and Mr. MEEKS of New York):

H. Con. Res. 270. Concurrent resolution expressing the sense of the Congress to honor those in Pakistan who lost their lives as a result of the earthquake that affected South Asia on October 8, 2005; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mr. RANGEL, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. WATT, Mr. ABERCROMBIE, Mr. SCOTT of Georgia, Mr. FILNER, Mr. MCDERMOTT, Mr. MCNULTY, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 271. Concurrent resolution honoring the life and accomplishments of Judge Constance Baker Motley and recognizing her as a symbol of hope and inspiration for all men and women; to the Committee on the Judiciary.

By Mr. WEXLER (for himself and Ms. HARRIS):

H. Con. Res. 272. Concurrent resolution expressing support for the current standards of the Federal mortgage interest tax deduction; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H. Res. 504. A resolution commending the people of the Republic of Iraq for holding a successful referendum on a new constitution for Iraq; to the Committee on International Relations.

By Mr. KUCINICH:

H. Res. 505. A resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to the White House Iraq Group; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. MATSUI.

H.R. 500: Mr. BONILLA.
H.R. 558: Ms. DELAURO.
H.R. 583: Mr. STARK.
H.R. 602: Mr. MEEKS of New York.
H.R. 759: Ms. SCHWARTZ of Pennsylvania.
H.R. 772: Mr. FORTUÑO, Mr. ENGLISH of Pennsylvania, Mr. HALL, and Mr. SIMMONS.
H.R. 809: Mr. GOODE.
H.R. 827: Mr. WELLER and Mr. ENGLISH of Pennsylvania.
H.R. 839: Ms. HOOLEY, Mr. RANGEL, and Mr. UDALL of New Mexico.
H.R. 896: Mr. FARR.
H.R. 923: Mr. RAHALL, Mr. MORAN of Virginia, Mr. BOEHLERT, Mr. BERRY, Ms. MILLENDER-MCDONALD, and Mr. REYNOLDS.
H.R. 952: Mr. JACKSON of Illinois.
H.R. 983: Mr. STARK.
H.R. 1130: Mrs. CAPPS and Mr. DOYLE.
H.R. 1131: Mr. FATTAH and Mr. JACKSON of Illinois.
H.R. 1241: Mr. MARCHANT.
H.R. 1243: Mr. BROWN of South Carolina.
H.R. 1246: Mrs. SCHMIDT.
H.R. 1249: Mr. MICHAUD.
H.R. 1262: Mr. ROTHMAN.
H.R. 1298: Mr. WHITFIELD.
H.R. 1366: Mrs. JO ANN DAVIS of Virginia.
H.R. 1431: Mrs. DAVIS of California and Mr. THOMPSON of California.
H.R. 1443: Mr. CUMMINGS.
H.R. 1471: Mr. LARSON of Connecticut and Mr. STARK.
H.R. 1510: Mrs. NORTHUP.
H.R. 1561: Mr. LARSEN of Washington, Mr. PETERSON of Minnesota, and Mr. SOUDER.
H.R. 1591: Mr. EVANS.
H.R. 1592: Mr. EVANS.
H.R. 1633: Mr. PLATTS.
H.R. 1723: Mr. CONYERS.
H.R. 1736: Mr. SHAYS.
H.R. 1973: Mr. HYDE.
H.R. 1994: Mr. MARKEY and Ms. CARSON.
H.R. 2012: Mr. SHIMKUS.
H.R. 2014: Mr. GARY G. MILLER of California, Ms. BERKLEY, and Mrs. BONO.
H.R. 2112: Mr. BURTON of Indiana and Mr. HULSHOF.
H.R. 2134: Mr. MCGOVERN, Mr. LARSEN of Washington, and Mr. THOMPSON of Mississippi.
H.R. 2177: Mr. Strickland, Mr. MICHAUD, and Mr. SWEENEY.
H.R. 2211: Mr. INGLIS of South Carolina and Mr. PITTS.
H.R. 2231: Mr. ALLEN, Mr. LYNCH, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, Mr. HEFLEY, Mr. HONDA, Mr. MICHAUD, Mr. BURTON of Indiana, Mr. HINOJOSA, Ms. LEE, and Mr. SIMMONS.
H.R. 2257: Mr. WEXLER and Mr. BRADY of Texas.
H.R. 2317: Mr. WELDON of Pennsylvania and Mrs. DAVIS of California.
H.R. 2327: Mr. ENGEL.
H.R. 2356: Mr. WALSH, Mr. NADLER, Mrs. NAPOLITANO, Mr. BROWN of South Carolina, and Mr. WILSON of South Carolina.
H.R. 2359: Mr. OWENS.
H.R. 2389: Ms. GRANGER.
H.R. 2412: Mr. CONYERS.
H.R. 2471: Mr. SIMPSON.
H.R. 2669: Mr. ALLEN, Mr. BRADY of Pennsylvania, Mr. CLYBURN, and Mr. RYAN of Ohio.
H.R. 2679: Mr. JINDAL.
H.R. 2727: Mr. BRADY of Pennsylvania.
H.R. 2835: Mr. THOMPSON of Mississippi and Mr. ALLEN.
H.R. 2861: Mr. DUNCAN.
H.R. 2872: Mr. CONYERS, Mr. SOUDER, Mr. DOYLE, Mr. FOSSELLA, Mr. ROSS, and Mr. LIPINSKI.
H.R. 2926: Mr. PRICE of North Carolina.
H.R. 2928: Mr. ETHERIDGE.
H.R. 3063: Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Ms. SCHWARTZ of Pennsylvania, Mr. BERMAN, and Mr. DOGGETT.
H.R. 3127: Mr. OWENS, Mr. TAYLOR of North Carolina, Mr. ROTHMAN, Mr. LYNCH, and Ms. ESHOO.
H.R. 3137: Mr. HALL, Mr. ROGERS of Alabama, Mr. FEENEY, Mr. GERLACH, Mr. THORNBERRY, and Mr. SOUDER.
H.R. 3151: Mr. STARK, Ms. WASSERMAN SCHULTZ, and Mr. RUPPERSBERGER.
H.R. 3157: Ms. KILPATRIK of Michigan.
H.R. 3296: Mr. FATTAH.
H.R. 3312: Mr. UDALL of Colorado.
H.R. 3334: Mr. PUTNAM, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, and Ms. ZOE LOFGREN of California.
H.R. 3369: Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, and Ms. SCHWARTZ of Pennsylvania.
H.R. 3373: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. THORNBERRY, Mr. CUMMINGS, and Mr. WYNN.
H.R. 3427: Mr. SHAYS.
H.R. 3436: Mr. CONAWAY.
H.R. 3459: Mr. MCINTYRE.
H.R. 3476: Mr. GILCHREST.
H.R. 3478: Mr. HOLT.
H.R. 3532: Mr. MCCOTTER.
H.R. 3546: Mr. WEXLER.
H.R. 3561: Mr. MEEK of Florida and Ms. DELAURO.
H.R. 3604: Mr. BERMAN.
H.R. 3617: Mr. SESSIONS.
H.R. 3638: Mr. KUHL of New York.
H.R. 3644: Mr. JOHNSON of Illinois.
H.R. 3662: Mr. OLVER.
H.R. 3698: Mr. BRADY of Pennsylvania and Mrs. JONES of Ohio.
H.R. 3758: Mr. CONYERS.
H.R. 3778: Mr. MILLER of Florida, Mr. GRIJALVA, Ms. HARRIS, and Mr. HONDA.
H.R. 3796: Mr. FATTAH and Mr. LYNCH.
H.R. 3810: Mr. SOUDER.
H.R. 3860: Mrs. MYRICK.
H.R. 3870: Mr. PAUL.
H.R. 3889: Mrs. WILSON of New Mexico and Mr. CAMP.
H.R. 3903: Mr. BEAUPREZ and Mr. AKIN.
H.R. 3904: Mr. BEAUPREZ and Mr. AKIN.
H.R. 3906: Mr. BEAUPREZ and Mr. AKIN.
H.R. 3922: Mr. JINDAL, Mr. SKELTON, Mr. ABERCROMBIE, and Mr. CLEAVER.
H.R. 3940: Mr. BRADY of Pennsylvania.
H.R. 3949: Mr. HALL, Mr. MCNULTY, and Mr. HEFLEY.
H.R. 3952: Mr. SCOTT of Georgia.
H.R. 3960: Mr. PUTNAM, Mr. BOEHNER, and Mr. HERGER.
H.R. 3966: Mr. MOORE of Kansas.
H.R. 4011: Mr. CLAY and Mr. LEWIS of Georgia.
H.R. 4015: Mr. PETERSON of Minnesota and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4032: Mr. CARTER, Mr. ADERHOLT, Mr. GARRETT of New Jersey, and Mr. GOODE.
H.R. 4033: Mrs. DAVIS of California and Mr. NORWOOD.
H.R. 4034: Mr. BURTON of Indiana and Mr. HOEKSTRA.
H.R. 4035: Mr. MILLER of Florida.
H.R. 4044: Mr. REYES.
H.R. 4047: Mr. LOBIONDO.
H.R. 4048: Mr. MENENDEZ.
H.R. 4062: Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. HONDA, Mr. LANTOS, Mr. RANGEL, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Ms. CARSON, Mr. HINCHEY, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Ms. KILPATRICK of Michigan, Mr. SERRANO, Mr. ABERCROMBIE, Mr. FILNER, and Mr. KENNEDY of Rhode Island.
H.R. 4063: Mrs. BLACKBURN, Mr. CLAY, Mr. VAN HOLLEN, Mr. COOPER, Mr. MCNULTY, Mr. ISRAEL, Mr. RANGEL, Mr. LAHOOD, Mr. PRICE of North Carolina, Mr. HIGGINS, Mr. BOSWELL, Mr. DUNCAN, Mr. MENENDEZ, Mr. KING of New York, and Mr. WHITFIELD.
H.R. 4079: Mr. BEAUPREZ and Mr. GINGREY.
H. Con. Res. 172: Mr. LEVIN.
H. Con. Res. 179: Mr. LIPINSKI.
H. Con. Res. 210: Mr. POMBO, Mr. BLUMENAUER, Mr. BOUCHER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PICKERING, Mr. RADANOVICH, Mr. GOHMERT, Ms. JACKSON-LEE of Texas, and Mrs. BLACKBURN.
H. Con. Res. 228: Mrs. JO ANN DAVIS of Virginia and Mr. HINOJOSA.
H. Con. Res. 230: Mr. HALL.
H. Con. Res. 231: Mr. LAHOOD.
H. Con. Res. 254: Mr. ROTHMAN and Ms. WASSERMAN SCHULTZ.
H. Con. Res. 260: Mr. SMITH of New Jersey, Mr. RANGEL, Mr. ISRAEL, Mr. SHERMAN, and Mr. WEXLER.
H. Con. Res. 265: Mr. KOLBE.
H. Res. 137: Mr. BEAUPREZ, Mr. BRADY of Texas, Mr. MCINTYRE, Mr. AKIN, and Mr. GOHMERT.
H. Res. 215: Mrs. MUSGRAVE.
H. Res. 458: Mr. HOLT and Mr. CASE.
H. Res. 479: Mr. BERMAN, Mr. CONYERS, Mr. ENGEL, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY, Mr. PALLONE, Mr. KIRK, and Mr. SMITH of New Jersey.
H. Res. 483: Mr. MCGOVERN.
H. Res. 485: Mr. LEVIN and Mr. BERRY.
H. Res. 488: Mr. SIMMONS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 551: Mr. FRANKS of Arizona.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, THURSDAY, OCTOBER 20, 2005 No. 134

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, most Holy, how precious and steadfast is Your love. We take refuge in the shadow of Your wings and find peace in the blessing of being Your children.

Your love has given us this day and the opportunities to serve. Your love has provided us with challenges that test us and make us stronger. Your love enables us to find freedom from guilt and hope for our future. Help us not to miss Your precious presence or forget to abide in Your peace.

Give the Members of this body strength for today's journey. May they approach challenges and opportunities with reverence and respect.

Help us all to comprehend more fully what it means to rest in Your love. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 20, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ENSIGN, a Senator from the State of Nevada, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a few minutes we will resume debate on the Transportation, Treasury, and HUD appropriations bill. We had a full day yesterday, with amendments being offered and voted on and, therefore, we made very good progress. I believe the two managers are looking to wrap up the bill soon, and it is possible we could complete action on the bill during today's session. I strongly believe we can do just that.

We have several Senators coming to the floor this morning to discuss their amendments, and I hope the two managers can work with the amendment sponsors or schedule those amendments for votes. Senators should expect votes throughout the course of the day. As I mentioned all week, if we cannot finish the bill today, we will be voting on the bill tomorrow. But I would encourage people to allow us to finish today.

We will have done, after we complete this bill, 11 appropriations bills. I thank once again Chairman THAD COCHRAN for his tremendous leadership, as well as his entire committee, in leading forth on these appropriations bills. We do have one remaining bill, the Labor-HHS appropriations bill, and I plan on going to that bill following the completion of the Transportation-Treasury bill. I thank my colleagues for the progress we have made over the course of the week, and on all these appropriations bills.

PRESIDENT MAHMOUD ABBAS

Mr. FRIST. Mr. President, on a separate issue, today, several of my Senate colleagues and I will be hosting Palestinian President Mahmoud Abbas and members of his Cabinet here in the United States Capitol.

I have met with President Abbas on several occasions, most recently during my trip to the Middle East in May and his visit to Washington later that month a few weeks after our visit there.

President Abbas is here to discuss ways to move the Middle East peace process forward, and how both sides can fulfill their obligations under the roadmap.

Less than 2 months ago, Israel completed its disengagement of settlers and soldiers from all 21 settlements in the Gaza Strip and four settlements in the northern West Bank. The disengagement was conducted in a smooth and generally peaceful manner. This was a bold and courageous move by Prime Minister Ariel Sharon.

Now President Abbas and the Palestinian Authority face the challenge of creating a secure and stable environment in Gaza. It is vital, it is critical that they succeed. The Palestinian people need to feel tangible improvements in their everyday lives, in their daily welfare, and they need to see that only peaceful dialog and negotiation can lead to a more prosperous future.

While coordination between the Israelis and Palestinians during the disengagement was not ideal, it did exist. Prior to the withdrawal, Israeli and Palestinian security officials worked to ensure a peaceful disengagement and to establish a basis for returning to the roadmap.

Recently, however, events in the West Bank and the Gaza Strip have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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taken a turn for the worse. Rocket attacks on Israel continued to be launched from the Gaza Strip. In the last 9 months, 219 Palestinians have died in internecine clashes. In the West Bank city of Ramallah, Hamas has claimed responsibility for abducting and killing an Israeli settler after issuing demands for the release of Palestinian prisoners. This past weekend, three Jewish settlers were killed and five were wounded in shootings in the West Bank. The Al Aqsa Martyr's Brigade has claimed responsibility for these attacks.

These events threaten to derail the peace process and to move both sides backward. We have reached a critical juncture in the Middle East peace process. The Israeli disengagement from Gaza offers a tremendous opportunity to get the peace process and the roadmap back on track. To succeed, both sides must fulfill their responsibilities, but this requires a secure environment in order to act.

For the Palestinians, this means ending incitement, dismantling the terrorist groups, and disarming the militias. This is what I will impress on President Abbas when I meet with him later today. The violence must be renounced, and it must end. Making progress on these issues can set the stage for Israel to move forward on the release of Palestinian prisoners and relieving restrictions on travel.

I commend President Abbas for his leadership. He has made measurable progress in advancing internal reforms in the Palestinian Authority. More is clearly needed, though, and more must be done.

For example, the PA security forces must be reformed, unified, and given the mandate to enforce the rule of law and establish order in the West Bank and Gaza. President Abbas needs and deserves our continued support, and the Congress has provided the funding to help the Palestinian people and make reform a reality.

The United States remains committed to President Bush's vision of two democratic states, Israel and Palestine, living side by side in peace and security. We will continue to work with both parties to fulfill their obligations under the roadmap toward a true and lasting peace.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Michigan.

SECURING OUR BORDERS

Mr. GREGG. Mr. President, I rise to speak briefly to highlight again the Homeland Security bill, which this body passed and the House passed and the President signed this week. I think it is important when we do something that is substantive and addresses what I see—and I think most people see—as a very significant issue for our Nation, which is controlling our borders, we should talk about it a little bit so the people understand what we did because in the activities that so dominate the daily news—whether it is a hurricane or the issues in relation to a Supreme Court nominee—things that are moving in the right direction tend to get lost. But what is moving in the right direction right now is our attempts as a nation, with the President's leadership and this Congress's aggressiveness, in the area of trying to control our borders.

The Homeland Security appropriations bill—and I have the good fortune to chair the Homeland Security Subcommittee and the ranking member is Senator BYRD—I do not think of him as the ranking member; quite honestly, I think of him as the senior member—is a bill that is structured around the theory that we should address threat.

It was a unique approach to an appropriations bill because it is a unique issue. Most appropriations bills take on a variety of different questions and the management of the Government and how the Government is functioning. But we decided to do the bill based on a theme, to be quite honest. The theme we tried to address was: What is the threat? And how can we best address it?

We concluded that the prime threats are, No. 1, the use of a weapon of mass destruction against our Nation. I intend to talk about that issue later on as we move into the new BioShield bill, which has been put together by Senator BURR from North Carolina. He has done such an extraordinary job. This bill did make major initiatives in the area of trying to fight the use of a weapon of mass destruction and getting prepared to deal with that type of a threat.

The second major threat we determined was the porousness of our borders. The simple fact is too many people are coming into this country today whom we don't know, and they are coming in illegally. Not only that, but we don't know, when people come across the border legally, who they are and what their purposes are and whether they may be wanting to cause us harm.

We have two major problems. We have the problem relative to people. In addition, we have the problem relative to cargo. The fact is, our ports of entry are basically open to allowing in cargo that may be a threat to us, cargo which might have in it a weapon which might be used against us.

So this bill reallocated resources, and we made some very difficult decisions. We took significant resources from other accounts, where it could arguably be claimed they were needed, but we decided, in the elements of priority, it was more important to move the funds into the border issues and move those dollars to the border.

We expanded—working in the context of a continuum because we had done a supplemental earlier which attempted to address the same issues as part of a package—working as a theme, the issue of protecting our borders and making them more secure. We did this by significantly expanding the number of feet on the ground because when you come right down to it, it is how many people you have on the borders looking for people who are trying to come across the borders illegally which determines whether you are going to be successful in stopping those people.

So we expanded by 15 percent, approximately, the number of Border Patrol agents. Now, this is only a step in the right direction, but it is a fairly significant step. Some would say: Why didn't you put even more Border Patrol agents into the system? Well, quite honestly, the system cannot handle it. We do not have the training capacity to train more than about 1,500 Border Patrol agents every year. Unfortunately, it is very hard to find people to do this job who meet the qualifications we have because the qualifications are very high and the people who do this job of serving in our Border Patrol agency are individuals who are highly sought after by other agencies and they are people who have other opportunities. To attract them into the Border Patrol agency is a challenge. Finding people is a challenge. But we have put in the pipeline now the dollars necessary to add 1,500 new agents.

In addition, we are expanding the training facilities so that as we move into the later years, we will be able to train more than 1,500 agents a year. My goal—and I believe the goal of other members of the committee, some of whom are in the Chamber today—is to be training approximately 2,000 new agents every year, until we get to 10,000 new agents from the baseline of about 10,000. So we will have essentially a force we have doubled.

But as you double the force of agents, you also have to double the infrastructure that supports them, or dramatically increase it, anyway. So this bill also addresses that. It builds new facilities. And especially it addresses the issue of detention, which is a critical issue for us because we simply know today that as we catch people who come into our country who are not Mexican and whose purposes we don't know but who we know are here illegally, we are not able to detain them.

We are not able to send them back to their country of origin because we do not have the capacity to do so. This bill, again, tries to address that issue and does so in a fairly aggressive way, adding, when coupled with the supplemental, approximately 2,000 new beds to detention capability, getting us over 20,000 beds in detention capability. Our goal—and we are on this path now—is

to be sure that we can detain everybody who comes into this country illegally and we catch who is not Mexican and be able to send those people back to where they came from because those people may be a significant threat to us as a nation.

We are making progress. The Congress and the President have made a commitment to significantly increase our capacity to protect our borders. We recognize that there is a porousness among our borders, and we have stepped up, in an attempt to try to address that, by dramatically expanding the resources we are putting on the borders and dramatically expanding the support facilities for those border agents who are there.

There are other issues that we still need to address: Specifically, our computer capability as to how we track legal people who come into the country and our capacity to have the various computer systems which are able to track people—the FBI system at IAFIS and the US–VISIT system set up by Customs and Immigration—be able to communicate in a way which makes it possible for us to identify somebody coming into this country who might have a criminal record or for purposes which we believe could harm our Nation or individuals in our Nation.

There is a long way to go in that area. We intend to continue to focus a great deal of energy and resources on that also. I intend to hold hearings specifically on that point because I am very concerned about it. This bill, which passed the Senate and passed the House and was signed by the President this week, called the Homeland Security appropriations bill, was a significant step in the right direction toward making our borders more secure. It is a step which should be acknowledged and, therefore, I wanted to come to the floor to note it again.

I thank the Chair and the Senator from Michigan for her courtesy.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, the leadership time is reserved.

TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3058, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Reed amendment No. 2077, to provide for appropriations for the Low-Income Home Energy Assistance Program.

Dorgan amendment No. 2133, to restrict enforcement of the Cuban Assets Control Regulations with respect to travel to Cuba.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, my colleague from Michigan has an amendment that is a good amendment. Let me say that my colleague from Washington, Senator MURRAY, and I are hoping to finish business today. I know there are a number of amendments out there that people wish to bring up. We have been able to accept a significant number of them. If you have an amendment pending, please come down this morning and talk to us. I hope we will stay around however long it takes to finish up all of these matters and have a final vote. This bill has to go to conference, if we are to provide 2006 appropriations for the very important agencies covered by this legislation. This is going to be a difficult bill to conference, and we must have this bill finished, ready for the floor, I would hope before the end of this month so that they can get out from under a continuing resolution. But we must get it finished before Thanksgiving. It is vitally important. I urge Members to come to the floor. If they don't want to act on all of their amendments, that will be fine with us. We need to get this bill finished.

CONGRATULATIONS TO THE HOUSTON ASTROS

On a personal note, I conclude by saying our congratulations to the Houston Astros, who are a magnificent team. They did well. We are looking forward to a great battle between them and the White Sox, a central time zone World Series which many of us in the heartland think is going to be good. The St. Louis Cardinals were magnificent for over 100 games. But Busch Stadium, twice now, has failed us in October. We are going forward today, blowing up the stadium, and I wish I were there to participate. But I wish my colleagues the best, and we are ready to go.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2149

Ms. STABENOW. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] proposes an amendment numbered 2149.

Ms. STABENOW. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide resources to the Administration so that the Administration can enforce existing trade agreements and obligations related to trade violations involving currency manipulation, counterfeiting of manufactured products, and pirating of intellectual property)

On page 277, line 18, strike ''activities;'' and insert the following: ''activities; pursuant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed $1,000,000 is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to Governments and trade violations involving currency manipulation and other trade violations;''.

Ms. STABENOW. Madam President, I rise to thank both our distinguished chairman of this subcommittee, Senator BOND, and distinguished ranking member, Senator MURRAY, for their leadership on this important bill and for their words of support for my amendment.

This amendment addresses the need to make sure that we are enforcing our trade laws so that we have a level playing field for businesses and workers in America with all of our trading partners. It designates and authorizes a specific amount of money that would allow us to do that.

In my home State of Michigan, this is absolutely critical for us right now, as we see all of the challenges in the international marketplace. We need to make sure that we are giving every business, every worker, a level playing field, and we are doing everything we can to enforce our trade laws so that we have the opportunity to be exporting our products and not our jobs.

That should be the goal of all of us. I appreciate the fact that there is a willingness to support my amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank my colleague from Michigan. We worked with her on her original amendment. I think this amendment is now a good amendment. Obviously, the objective is one that we all share, and I believe with this modification, the concept that my colleague has put forth is a good one. We are willing to accept it on this side.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment is acceptable on our side as well. We are ready to go forward at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2149.

The amendment (No. 2149) was agreed to.

Mr. BOND. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. STABENOW. Madam President, if there is not someone else wishing to speak, I will expand on what is happening as it relates to Michigan now and why this is so important as an amendment.

I thank colleagues for working with us and helping us to modify the amendment and to accept it today.

What is important for all of us, but particularly in Michigan now, as we are the heart and soul of manufacturing, is, as we see our President, our

Secretary of Treasury, moving forward in discussions with China and Japan—the President is going next month to China and Japan—that we send with him the strongest possible support, which this amendment does, for us saying we need to enforce all of our trade laws. We need to make sure we are leveling the playing field, and we are giving every possible fair advantage to American workers and to businesses.

Unfortunately, we have our trading partners—some of our trading partners right now—who are, in fact, violating our trade laws which is costing us jobs at home, especially in the great State of Michigan. This amendment will send a very important message that we want things like illegal trade practices regarding currency manipulation to stop.

The President's upcoming trip is a very important time. Currently, Chinese and Japanese trade policies are costing us jobs, including our middle-class families, because of the fact that they peg their currency in a way that means it costs us more to sell to them than it costs them to sell to us. In my State, I have heard from so many businesses saying that the cost differential has made a huge difference in their being able to successfully compete on bids for contracts or to sell their products. We know that has been happening, and we need to stop it. We need to enforce our trade laws.

We also need to crack down on the counterfeiting of American manufactured goods. We need to stop the pirating of intellectual property. We have the great brainpower. We are developing all the new ideas and the new patents. It is not right—in fact, it is illegal—for other countries to be able to take that information and make products that compete and undercut us and cost us jobs.

Last week, Delphi, which is our Nation's largest autoparts supplier, declared bankruptcy, threatening 15,000 jobs in Michigan and more than 33,000 across the country. In terms of assets, this bankruptcy is the largest ever in the United States, surpassing the reorganizations of Kmart and WorldCom. The Delphi bankruptcy should serve as a wake-up call to all of us in the Congress, in the administration, and in the country, to the fact that we can no longer tolerate unfair trade practices and that we need to tackle the cost of health care and what is happening on pensions and make sure our workers do not lose their pensions in the process of all of this happening.

Unless we put a stop to the unfair trade practices, our economy will continue to spiral downward, and I believe we are in jeopardy of losing our way of life. I don't say that lightly. I don't say that to be melodramatic. But when we have people working at Delphi being told that now in order to compete internationally, they have to take possibly a 63-percent pay cut—that has been in the news, possibly a 63-percent pay cut—we are not talking about just cutting back on wages. We are talking about changing one's entire way of life. In the great State of Michigan we make things and we grow things, and we do it very well. We have been at the forefront of the economic engine of our country, just as all manufacturing has been. But if we are going to say it is acceptable now for people to make $10 an hour and that somehow we can't help it, we are going to lose manufacturing in this country, and we are not looking at what we can do to save our way of life.

We have to say that every trade agreement is one that creates a race up, not a race down, and that we are going to enforce every trade agreement. We are going to make sure other countries are not stealing our patents, are not creating counterfeit parts, are not manipulating their currency or doing other things that cause us to have a disadvantage in the marketplace and to lose jobs.

I believe so strongly about what needs to happen as it relates to manufacturers. I have concerns when I hear comments such as: We are not going to be able to manufacture anymore. We will have to do something else.

An economy has to be based on making things, creating things, not just a service economy. We have to have a foundation based on manufacturing. Has manufacturing changed? Of course, it has. I invite any colleague to come join me on any plant floor, and they will see something that is clean and quiet and computerized, with highly skilled workers. Of course, it has changed. Of course, it is high tech. But it is still there, and it needs to be there. If we are not serious about enforcing our trade laws, creating the right kind of trade laws, we are going to lose it and our way of life. That is not acceptable. That is why there is nothing more important to me than fighting for our jobs and our manufacturers and making sure that we maintain the high standard of living that has created this great country. That is what this is all about.

Let me mention one area that is so important to Delphi. That is the area of counterfeit autoparts. We know that right now, according to our auto suppliers nationally, we are losing $12 billion every year to counterfeit autoparts. That equates to about 200,000 jobs. We need to say in the strongest possible terms that we expect that to stop. It is a jobs issue. It is a safety issue. It needs to stop. We can do that. We are not in a weak or hopeless situation. We have the ability to stand up, to say to our trading partners: It is not acceptable. We will use every tool possible to stop counterfeit autoparts. We will use every tool possible to stop currency manipulation, to stop the stealing of our patents.

That is what my amendment addresses, sending that word and—not just a word—creating an action. We are beyond just talk. We have to have action because every day we do not have action, the great people in my State are under the threat of losing their jobs, their pension, and their way of life.

I thank my colleagues again for supporting this amendment. We are at a place in time, in the history of the country where we have to take very seriously what is happening to our great industries that have created the ability for folks to have a good standard of living, to have the home and the car, in my great State the cottage up north, the boat, to send the kids to college, and pay into a pension all their life and know it is going to be there.

That is what is threatened today in our country by policies that don't get it. We have to have trade policies that work for American jobs and American workers. We have to have enforcement of those trade policies. We have to tackle the cost of health care and change the way we do it to get it off the backs of our businesses. And we have to make sure that people who have worked all their lives and pay into a pension will be able to have that when they retire.

I thank my colleagues, again, and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

GLOBAL WAR ON TERRORISM

Mr. BOND. Madam President, I will take a few minutes to talk about some events that are extremely important—not on this bill—but I think it is important to follow up some excellent remarks made by my colleagues from Colorado and South Carolina yesterday—I have a great professional and personal interest in it—and that is to recognize a milestone in a very significant event in the global war on terror, the war against Islamofascism.

This is extremely significant, and yet I do not believe the media has given it the attention it deserves. The milestone is an achievement that the world would not have thought possible 2 years ago, and it occurred this past Saturday, on October 15, as the people of a free Iraq voted in a national referendum on their national constitution.

This is a significant milestone no matter the outcome of the vote, the people of a free Iraq have voted on a framework of a nation. That is a significant milestone against tyranny in our time.

It is my hope that the constitution will pass, and years from now the people of Iraq and their children and grandchildren will know that this was a time when the nation was founded in freedom, similar to our forefathers, who were children in 1776, told their children and grandchildren after them.

The vote on the referendum occurred with surprisingly little violence. It drew an encouraging voter turnout. This proves that the Iraqi people and U.S. forces continue to make great strides toward peace and toward defeating both terrorists and insurgents in Iraq. I say terrorists and insurgents because both are active in Iraq, and

they are distinct groups. While there remains some Sunni Baathists who would like to bring back Saddam and who could generally be called insurgents, there is an ever-growing number of terrorists flooding into Iraq to fight what they see as the ultimate jihad, legitimated by their extremist interpretation of Islam. Iraq has become their Armageddon, as will become evident from my remarks in a few moments, and they are simply terrorists.

With regard to the referendum, I commend U.S. Ambassador Khalilzad for his tenacity and efforts in the constitutional process in his final days leading up to the referendum that enabled Sunni, Shi'a, and Kurds to come together for a vote. Early reporting indicates the constitution will pass, but we have to wait until all the votes are counted to make the final call. I believe the constitution's passage will deal a heavy blow to the Sunni Baathist insurgents who are waging an ''all or nothing'' fight to regain control of Iraq. It now seems more clear than ever that the insurgents have to join in the political process if they are going to have any hope of a future in mainstream Iraqi civil and political society.

While I am pleased to see some moderate Sunni elements joining the political process, we must be watchful of violent groups that may try to expand their sphere of influence by establishing political platforms in order to legitimize their sinister ideologies. We have seen this happen before in other areas of the world, such as Sinn Fein in the Irish Republican Army. As the saying goes: Fool me once, shame on you; fool me twice, shame on me.

Let us not be shamed by militants who momentarily trade in black handkerchiefs that hide their faces for fine suits simply to gain a stake in the political power of their nation.

Critics of this administration, along with other naysayers, are convinced that several of the constitution's provisions are politically divisive because they grant the Kurds and Shi'a unfair advantages over the Sunnis regarding Iraq's oil and other resources. I note that our very own United States operated under the Articles of Confederation for about 7 years, until we were able to draft and ratify a constitution, and that Constitution has been modified, and significantly so, over the years.

We are often too impatient in our fast-paced, modern world, but let us not forget that democracy takes time and requires patient, deliberate action. Until Iraq's liberation in April 2003, Iraq suffered under a ruthless dictator whose kleptocratic regime offered its people little more than fear and terror. Now, for the first time in over 30 years, we can say that the Iraqi people are courageously embarking on their own journey toward political self-determination and individual freedom, and for that I applaud them and am greatly satisfied.

On Tuesday of this week, the Wall Street Journal had an op-ed piece by Michael Rubin of the American Enterprise Institute. It is titled, ''With Freedom Comes Politics.''

> Iraqis now see the fruit of foreign investment. A year ago in Baghdad, Iraqis drank water and soft drinks imported from neighboring countries. Now they drink water bottled in plants scattered across Iraq. . . .
>
> Cameras and reporters do not lie, but they do not always give a full perspective. Political brinkmanship devoid of context breeds panic. Beheadings and blood sell copy, but do not accurately reflect Iraq. Political milestones give a glimpse of the often-unreported determination that Iraqis and longtime visitors see daily. Bombings and body bags are tragic. But they do not reflect failure. Rather, they represent the sacrifice that both Iraqis and Americans have made for security and democracy. The referendum, refugee return, real estate and investment show much more accurately—and objectively—Iraq's slow and steady progress.

Madam President, I will insert that article in the RECORD because that exactly reflects the views of the young men and women I know who are serving in Iraq. They see our national television too often focuses on ''if it bleeds, it leads.'' If there is a tragic loss of an American life, that is the only headline, nothing about the progress. But there is progress being made, and this election showed it.

My satisfaction with the progress in Iraq is not without reservation. I bring to my colleagues' attention a significant event with positive and negative implications. This is the intercept of a letter written on July 9 by Osama bin Laden's principal deputy, Ayman al-Zawahiri, to al-Qaida's foremost lieutenant on the ground in Iraq, Abu Mus'ab al-Zarqawi. The letter was obtained by U.S. forces in a raid in Iraq this summer but only released by the Government on October 11 in order to avoid the compromise of ongoing operations.

The letter provides a broad look at al-Qaida's global strategy and plans for operation Iraq. The letter underscores that al-Qaida will not relent in pursuing its Sunni extremist agenda and reveals that al-Qaida views its jihad in Iraq as the focal point in its efforts to create an extremist global ''caliphate.''

President Bush has rightly called this Islamofascism. This is a war that will go on even after Iraq is stable.

Zawahiri writes to Zarqawi:

> God has blessed you and your brothers, while many of the Muslim mujahedin have longed for that blessing . . . and that (blessing) is Jihad in the heart of the Islamic world . . . he has blessed you with the splendor of the spearhead of Jihad.

Zawahiri's recipe for creating this Sunni extremist state is in this order: evict the Americans from Iraq, create an Islamic extremist state in Iraq, swallow up Iraq's neighbors, and then destroy Israel. It goes on and on from there.

The letter reads like a Sunni extremist epistle written by a father figure to a young leader among the faithful. Zawahiri applauds Zarqawi's enthusiasm and acts of terror that have advanced their jihad. Yet he cautions Zarqawi to remember the power of world opinion and the subtleties of political influence and media persuasion. Similar to an expert teacher, Zawahiri commends Zarqawi for his enthusiasm and past deeds. Yet he gently persuades him to alter his tactics toward a better way.

Zawahiri asserts in his letter that while Zarqawi's violent tactics are justified, they do not play well in the media. And while he doesn't object to beheadings on any moral grounds, he notes ''a bullet to the head'' is more efficient and doesn't invite such negative press. He references Algerian brethren who are with him who worry that the war in Iraq could go the way of the Algerian jihad in the late nineties when the radicals lost their support among the general Muslim population due to their brutal acts of torture.

In addition, although Zawahiri describes the Shi'a as ''cooperating with the enemies of Islam,'' he criticizes Zarqawi for attacking the Iraqi Shi'a in ways that will hurt al-Qaida in the media, and he recommends Zarqawi avoid opening too many fronts in the jihad.

He also stresses that political warfare is needed in order to draw in the social elites to support their push for an Islamic extremist state.

In effect, Zawahiri recommends that the wolf put on sheep's clothing in order to mask the wolf's true brutality. To me this is troubling because it illustrates that we are at war with an enemy who is astute, deceptive, and wise in the ways of the world and the American media and its ability to influence American public opinion. It underscores that this enemy cannot be negotiated with and will never reform its way or be deterred from its path of violence. The only option we have with such an enemy, according to what we have seen, who want to slaughter American women, men, and children, is to eliminate it. There is no other choice. That is why we must flush the terrorists out and hunt them down.

There are some notable positives in Zawahiri's letter. The letter demonstrates that America's efforts in the war on terrorism have been effective in hurting al-Qaida and in disrupting its ability to attack the United States and its interests. Zawahiri's statements reveal that due to the pressure he feels in areas around him, he cannot depart his remote location, a location so remote that he complains of a lack of access to contemporary news reporting on Iraq. He also reveals that he is running out of funds and asked Zarqawi for $100,000 in order to open up new communications lines that have been shut down due to the apprehension of al-Qaida operatives this past summer.

Finally, he also expresses concern over Pakistani military operations in the tribal area and references the current Pakistani Army offensive in northern Waziristan.

Well, Allah be praised. We are at a crossroads in the war on terror because

we are at the point where our enemy believes we are about to tuck tail and run in Iraq. But we must press on. Al-Qaida is convinced that America will abandon Iraq. Zawahiri writes that al-Qaida must begin preparing now for what he likens to ''the collapse of American power in Vietnam—they ran and left their agents.''

Running is no option. We must fight on. So I ask today that we continue our support for our troops who are in harm's way, for the intelligence officials and aid workers deployed throughout the globe in the frontlines on the war on terror, and I ask that we forget not that our struggle is a fight to the death, for that is how our enemy sees it. And with every suicide bomber who takes more innocent life provides, they prove to us that they are prepared to die. May we recommit ourselves to this fight to show the world that we are prepared to fight so that we, our allies, and peace-loving peoples of the world may live.

Madam President, I ask unanimous consent that the article I referenced called ''With Freedom Comes Politics'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WITH FREEDOM COMES POLITICS

(By Michael Rubin)

[From the Wall Street Journal, Oct. 18, 2005.]

On Oct. 15, Iraqis demonstrated that their desire to determine the future through the ballot box was the rule rather than the exception. Arabs, Kurds and Turkmen; Sunnis, Shiites and Christians—all braved threats of violence to vote. The vast majority voted in favor of the constitution. But whatever their positions, Iraqis considered their decision carefully. The referendum campaign was active. Dueling commercials and newscasts sought to sway the Iraqi vote. Such is the nature of politics in a country no longer subject to state-controlled media.

Some read the constitution. They voted for or against federalism. Some marked their ballot on the basis of how closely they wished religion to be mixed with government. Others did not read the document but learned about it on television, in newspapers and even by text messaging, the latest medium employed by Iraqi politicians to reach constituents. Security, rather than content, was a determinant for some. They voted ''yes'' to avoid the chaos of failure and the prolongation of occupation.

The referendum capped a constitutional drafting process over which Western commentators and diplomats had been quick to panic. They misunderstand that with freedom comes politics. The same U.S. senators who debated the ''nuclear option'' for judicial nominees failed to recognize political brinkmanship among their Iraqi counterparts.

Many U.S. policy makers worry that disgruntled Sunnis may turn to violence if their demands aren't met. But there is no evidence to support the conventional wisdom that insurgent violence is tied to the political process. Insurgents have not put forward any platform. By denying the legitimacy of the state, pan-Islamic rhetoric is a greater affront to Iraqi nationalism than the presence of foreign troops on Iraqi soil. It is no accident that Iraqi Sunnis have started killing foreign jihadists.

Nevertheless, implying violence to be the result of demands not met is an old Middle East game. And in this game, Iraqi factions have played the Western media and policy makers like a fiddle. White House pressure, for example, led U.S. officials to amend the political process in order to augment the Sunni presence in the Constitutional Drafting Commission. Acceding to such demands is not without cost. Because Iraq's Sunni leaders are more Islamist than their Shiite counterparts, the increased Sunni presence eroded the rights of Iraqi women in the constitution's final draft.

Some critics still maintain that the ''yes'' vote may exacerbate conflict. What is needed is consensus, they say. On Sept. 26, for example, the International Crisis Group released a statement criticizing ''a rushed constitutional process [that] has deepened rifts and hardened feelings. Without a strong U.S.-led initiative to assuage Sunni Arab concerns, the constitution is likely to fuel rather than dampen the insurgency.'' This NGO bemoaned the referendum as little more than an opportunity for Iraqis ''to embrace a weak document that lacks consensus.''

But consensus is not always possible. Though Sunnis are perhaps 15% of Iraq's population, they believe themselves to be 50%. Any agreement acceding to their inflated sense of power would automatically disenfranchise the remainder of the population. With the collapse of apartheid in 1994, white South Africans had to confront their minority status. Iraqi Sunnis must face the same reality. The process may be painful, but justice, democracy and long-term stability demand it continue.

Even without consensus, the constitution represents the type of social and political compromise lacking through the Arab world. Members of the Constitutional Drafting Commission and Iraqi power brokers spent months debating and canvassing constituents. Any politician living outside the U.S.-controlled Green Zone—Jalal Talabani, Abdul Aziz Hakim and Ahmad Chalabi, for example—had his parlor filled with Iraqis from different cities and of various ethnic and sectarian backgrounds until the early hours of morning. These Iraqi petitioners voiced interests and demands diametrically opposed to each other. Consensus was not always possible, but compromise was. As with the constitution, the nature of compromise is a result ideal to none but fair to all.

The referendum result again demonstrates that American policy- and opinion-makers are more pessimistic than are Iraqis. Part of the problem is that Pentagon officials and journalists alike chart Iraq's success through misguided metrics. Counting car bombs does not demonstrate progress or lack thereof in Iraq. Objective indicators show that Iraqis have confidence that did not exist prior to liberation.

According to an Aug. 16, 2002, commentary in the Guardian—a British newspaper that often opposes U.S. foreign policy—one in six Iraqis had fled their country under Saddam. Millions left because of war, dictatorship and sanctions. Today, several hundred thousand have returned; only the Christians still leave. If Iraq were as chaotic as the media implies, it would export refugees, not resettle them.

Other indicators suggest Iraqis have confidence in their future. The Iraqi dinar, freely traded in international currency markets, is stable.

When people fear for their future, they invest in gold; jewelry and coins can be sewn into clothes and smuggled out of the country. When people feel confident about the future, they buy real estate. Property prices have skyrocketed across Iraq. Decrepit houses in Sadr City, a Shiite slum on the outskirts of Baghdad, can easily cost $45,000. Houses in upper-middle-class districts of Mansour and Karrada can cost more than 20 times that. Restaurant owners spend $50,000 on top-of-the-line generators to keep open despite the frequent blackouts. In September 2005, there were 40 buildings nine stories or higher under construction in the Kurdish city of Sulaymani. Five years ago, there were none. Iraqis would not spend hundreds of thousands of dollars on real estate if they weren't confident that the law would protect their investment.

Iraqis now see the fruit of foreign investment. A year ago in Baghdad, Iraqis drank water and soft drinks imported from neighboring countries. Now they drink water bottled in plants scattered across Iraq. When I visited a Baghdad computer shop last spring, my hosts handed me a can of Pepsi. An Arabic banner across the can announced, ''The only soft drink manufactured in Iraq.'' In August, a Coca-Cola executive in Istanbul told me their Baghdad operation is not far behind. Turkish investors in partnership with local Iraqis have built modern hotels in Basra.

Cameras and reporters do not lie, but they do not always give a full perspective. Political brinkmanship devoid of context breeds panic. Beheadings and blood sell copy, but do not accurately reflect Iraq. Political milestones give a glimpse of the often-unreported determination that Iraqis and longtime visitors see daily. Bombings and body bags are tragic. But they do not reflect failure. Rather, they represent the sacrifice that both Iraqis and Americans have made for security and democracy. The referendum, refugee return, real estate and investment show much more accurately—and objectively—Iraq's slow but steady progress.

Mr. BOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. I would like recognition to speak.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. First of all, let me align my words with the words from the Senator from Missouri on the war on terror. He is absolutely right. This is a war for our survival. It is focused in three or four areas in the world today, but if we don't win, it will be in many more areas throughout the rest of the world.

The sacrifices are great for our men and women who are serving our country and those in ancillary roles, but that is what our country has been made of—of sacrifice to preserve freedom.

I wish to speak first before I offer some amendments to this bill about something that has been troubling me and the people from Oklahoma and many of the people across this country for a long time. The question is, Why should we be troubled? Because all change starts with a distant rumble, a rumble at the grassroots level, and if you stop and listen today, you will hear such a rumble right now. That rumble is the sound of hard-working

Americans who are getting increasingly angry with out-of-control Government spending, waste, fraud, and abuse. It is the sound of growing disillusionment and frustration of the American people. It is the sense of increasing disgust about blatant overspending and our ability to make the tough choices people on budgets have to make each and every day, our inability to make priorities the No. 1 priority rather than spending our children and grandchildren's future. That is a rumble of frustration that is getting louder. In fact, I hear it right now. That is because I am listening for it. We should all listen for it. If we don't, the voters will decide the changes that will come. And I can't say that I blame them.

Politicians have been trying to buy reelection by sanctioning more and more spending for years. Since 2000, discretionary spending in this country outside of defense and outside of homeland security has grown by 33 percent, and that does not include any of the $400 billion in emergency designations that have been passed by the Congress and signed by this President. We have the very great prospect that the spending over the last 5 years and the next 3 years will be the greatest growth in Federal spending ever in our history in terms of percentage increase and speed and velocity of spending increases. And we will have made it possible when we should have been fighting it every step of the way.

I am not here to remind us about the Alaska bridge to nowhere, although I will have an amendment on that later, or the countless earmarks and pork projects that sail through this Chamber every year. Everybody knows about that. Many of them are great projects, they are needed, they are necessary. They just may not be in the best priority for our Nation at this time.

That is what I am hearing. What I am here to tell you is that the rumble against spending is getting louder. People are fed up. All across the country, Americans are rising up against Government overspending. They are tired of hearing about perpetual budget crises when tax revenues keep rising faster and faster. They are tired of the dishonesty of the budget process where we say we have a $320 billion deficit, and yet the debt to our children and grandchildren rises by $600 billion because everything is done in an emergency and does not follow the appropriations and budget process.

They know that for every dollar of increasing tax revenues, we have, both Republicans and Democrats, found a way to spend another $1.25. That is the crisis. It is a spending crisis. It is a lack of oversight crisis. It is a crisis of our will. Do we have the willpower to stop overspending, to make the hard choices about priorities that the American people expect of us? If we don't, the people certainly do. That is why there is a rumble building across this country. The people are tired of waiting for us to do the right thing. They know it will not happen, so they are working at the grassroots level to get the job done themselves.

People are working to change the rules in States all across this country. A group called Americans for Limited Government is one of the groups leading that charge. In my home State, they are working with the local group called Oklahomans in Action to put the stop overspending initiative on the ballot. There are similar efforts in the works in Nebraska, Nevada, Maine, Michigan, and dozens of other States. And committees full of outraged citizens are forming as we speak because of our inability to control the ever-growing appetite of the Federal Government and the State governments. The stop overspending initiative is simple but powerful. It puts a cap on how fast governments can grow. It holds the elected representatives accountable to the same budgeting standards that work in the real world, the standards that families, businesses, and individuals have to live by every day. And most importantly, the stop overspending initiative is a tool for American citizens to regain control of their State governments. I personally applaud this initiative.

In the coming year, millions of people in a dozen States will be using these initiatives to change the rules of their State government and to show their State representatives and State senators and assembly men and women who is really in charge. These groups are getting an incredible response, and the reason why is simple: The American people are absolutely furious at the waste, fraud, abuse, and out-of-control spending they see every day, not just here in Washington but in their own State government.

We need to wake up. I say let us change first. Let us find our will. No more low-priority projects in the face of half-trillion-dollar deficits, no more exorbitant bridges to nowhere. Speaking of bridges, that is where this Congress will be, on a bridge to nowhere if we do not gain control of ourselves. And if the voters finally rise up and reject us as the Congress that spends too much, we will have gotten what we deserve. You don't need to take my word for it. Just take a minute and listen to the voices of the people we represent. They are ready to rumble. They are getting louder. Are we listening?

AMENDMENT NO. 2084

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

Madam President, I call up amendment No. 2084.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2084.

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3058 shall also be included in the conference report or joint statement accompanying H.R. 3058 in order to be considered as having been approved by both Houses of Congress.

Mr. COBURN. Madam President, this amendment has been voted on twice in the Senate. It has been accepted by two other subcommittee chairmen. It is a very simple amendment that the American people want. It says we ought to know what we are voting on. When a bill comes from the House, it has certain earmarks and special things in it. The Senate produces a bill based on that bill that goes to conference, and earmarks and additional things are placed in that bill as well as the House original earmarks.

It comes back out in a conference report for us to vote on, but there is no clarity to list in that conference report where the earmarks, the actual items that have been directed by Members of Congress, are going.They are in there. Can you dig them out? It takes about 4 days to dig them out.

This is a very simple amendment. All it says is we ought to know what we are voting on. It is not to say the earmarks are bad or good, it is to say they ought to be out there so we can discuss them. If somebody has an earmark, that Senator ought to be proud enough to stand up and defend it if there is criticism of it. It is about good government, about shining a light on government so we know in fact what we are voting on when we vote on a conference report on an appropriations bill.

I have been told by the chairman that this is probably acceptable. I await his response. At the last vote on this amendment it passed by 55 to 39 on the Agriculture appropriations bill. It was accepted by unanimous consent to the Military Construction bill, as well as the Department of Defense appropriations bill. This amendment has been endorsed by several outside groups, and it is included in ratings of Congress by the American Taxpayers Union.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, we would like to consider this amendment. I ask it be set aside until we see how the operations work with the rest of the amendments. This may be relevant to the others. I ask unanimous consent we set this amendment aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 2087

(Purpose: To limit the Department of Housing and Urban Development's funding for conferences)

Mr. COBURN. I call up amendment No. 2087 and ask the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2087.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. LIMITATION ON FUNDING FOR CONFERENCES.

Of the funds made available for the Department of Housing and Development under the heading ''Management and Administration, Salaries and Expenses'' in this title, not to exceed $3,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

Mr. COBURN. Madam President, this is a very simple amendment. In the history of HUD, in 2001 they spent $3 million on conferencing. Last year they spent $13.9 million on conferences around the country.

I ask unanimous consent to have printed in the RECORD a table showing the dollar amounts spent on HUD conferences from 2002–2006.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, DC, September 29, 2005.

Hon. TOM A. COBURN, MD,
Chairman, Subcommittee on Federal Financial Management, Government Information, and International Security, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of Secretary Jackson, thank you for your letter requesting information on conferences sponsored by the Department of Housing and Urban Development and other conferences in which HUD has participated.

Enclosed is a report providing the amount of funding HUD has spent on conferences; a listing of conferences HUD has participated in; and an estimate of what the Department expects to be expended on conferences in Fiscal Year 2006.

The Department appreciates the opportunity to provide this material to you. Thank you for your interest in HUD.

Sincerely,

STEVEN B. NESMITH,
Assistant Secretary for Congressional and Intergovernmental Relations.

HUD SPONSORED AND PAID CONFERENCES

[Dollars in millions]

Categories	Estimate	Actual				
	2005	2005	2004	2003	2002	2001
Salaries & Overtime (1100)	$6,360,929	$6,855,877	$6,329,342	$5,517,003	$1,892,353	$837,878
Travel (2100)	1,465,925	829,800	1,082,860	849,493	707,924	371,972
Rent & Communication (2300)	23,930	12,819	27,007	4,340	107	4,073
Printing (2400)	177,250	58,577	164,466	36,320	45,040	13,464
Contractual Services (2500)	2,092,211	1,786,362	2,361,454	2,223,791	1,852,935	198,213
Office Supplies (2600)	34,479	3,430	65,712	1,528	3,818	826
Equipment (3100)	5,000	3,750	3,000	.....	.....	4,045
S&E Totals	10,159,724	9,550,615	10,034,141	8,632,475	4,502,177	1,430,471
Program Funds	2,200,286	4,357,678	2,636,826	292,077	1,201,532	1,730,274
Total	12,360,010	13,908,293	12,670,967	8,924,967	5,703,709	3,160,745

Mr. COBURN. I also note, with the advent of modern technology and video conferencing, 90 percent of these conferences could have occurred without travel costs, without hotel costs, without face-to-face meetings. In fact, we didn't use the technology available. We spent tons of money traveling around the country holding conferences, not necessarily that were bad in their content or their intent but which were wasteful in the way they were arranged. Also, I suggest that a 400-percent increase in conferences in one area, one agency of the Federal Government, shows that either they were doing a very poor job in 2001, or it is out of control.

This is a very simple, straightforward amendment. Before Hurricanes Katrina and Rita struck, 737,000 Americans were identified as being homeless as reported by HUD. Earlier this month, the Acting Director of FEMA told the Senate committee that between 400,000 and 600,000 displaced households in Louisiana and Mississippi alone will need long-term housing.

With the problems before us today, certainly we can use the latest technology and trim back the excessive growth in conferencing that is used by the Housing and Urban Development Department.

I urge the adoption of the amendment by unanimous consent.

Mr. BOND. Madam President, we share the concerns of the Senator from Oklahoma. I think there are more efficient ways for HUD to conduct its conferences. Therefore, on our side we accept the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, we are able to accept this amendment on our side as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2087) was agreed to.

Mr. BOND. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COBURN. I thank the ranking member, the Senator from Washington, for that.

AMENDMENT NO. 2091

(Purpose: To prohibit any funds under the Act from being used for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park)

I have an amendment numbered 2091. I know this is important to the Senator from Washington. I call it up and ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2091.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. SEATTLE ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

Mr. COBURN. Madam President, in our country today we face the largest natural disaster we have ever seen. We have already allocated $62 billion for that—which we did not pay for. It is totally going to be paid for by our children and our grandchildren. We will not pay a penny of that.

We have a war going on for which we are going to have to provide additional supplemental spending, of which we will pay for none in terms of the supplemental, which debt we will transfer to our children.

This is probably a very worthwhile project, but this is about priorities. I think it is probably a great project. In the State of Washington alone there are 17,590 homeless people, and we are going to take money from Housing and Urban Development and we are going to build a sculpture park. I think that is not the right priority. It may be a good idea, but the priority is certainly out of line with what the fiscal needs are, and certainly out of line with the expectations of the American people on how we are spending their money.

A little background: The Seattle Art Museum just received a $300,000 grant from the Getty Museum in Los Angeles. It is a well-established museum, well-funded, with good assets. The question is not whether we should be building a sculpture park. The question

is, Is the time to do it today? In a time of war, in a time of deep, true budget crisis, $600 billion—that is what our real increase in Federal debt was ending September 30. It increased $600 billion—should we spend half a million dollars on a sculpture park? I think not. I think most Americans would say not. I think some people who are very closely aligned with this museum, the Seattle Art Museum, would agree with that, but I think the vast number of Americans would say now is not the time to do that.

I also remind our fellow Members that if you read the Constitution, there are great difficulties—regardless of what our history has been—justifying, looking at the Constitution and saying this is a role for the Federal Government. That rumble I spoke about—these are the types of things the American people see that we do not need to spend money on, when we are asking them and their children and their grandchildren to have a lower standard of living in the future because we are not responsible today.

It is probably a great project, but not now, not at this time, and not with Federal money. When we have so many people hurting in Mississippi, so many people hurting in Louisiana, so many people hurting in Alabama, we are going to take funds from them? That is where it is going to come from. It is going to come from them because we are going to spend more to pay for those problems that we are encountering in those three States from Hurricanes Katrina and Rita, and we are going to take it away and say we are going to charge it to our grandchildren.

We have a credit card going right now. We need to stand up and say certain things we cannot do right now. They are not bad ideas. It is just that now is not the time.

I ask unanimous consent this amendment be agreed to. If not, I ask for a vote on this amendment at the proper time.

One other thing I would like to say. Seattle, WA, is ranked No. 2 in the Nation for food insecurity. What is more important, feeding people and housing people, or building a sculpture park? It is hard to figure out how in the world we can say that is a more important priority and take a half million dollars out of HUD and spend it on something that is such a low priority.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I see the Senator from Oklahoma has essentially proposed five amendments which all seek to do the same thing, amendments Nos. 2089, 2090, 2091, 2092, 2093. These essentially are targeted at economic development initiatives.

I wonder if we might have a full debate on all of them and combine them into one amendment so we could spare our colleagues having to have rollcall votes on five? Through the Chair, I ask if the Senator from Oklahoma would voluntarily agree to that.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri does have the floor at this time.

Mr. BOND. Madam President, I will be happy to talk with the Senator later about that. Let me continue with some of the comments that I have in general, that are applicable to all these amendments.

Within this budget, in our committee and other committees, we have identified at the request of many Senators in the States, including the State of Oklahoma, including the States of Alaska, Washington, Missouri—priorities in the report to be eligible for funds under the Economic Development Initiatives Account, subject to Department review. My colleague, who is the author of this amendment, proposes that these are necessarily bad. I suspect, if we looked State by State, we would have 100 different definitions of how precisely to prioritize these initiatives.

The suggestion here is that Senators should not have any say in what is important in their States. My profession is serving the people of Missouri. I have been doing it for 27 years now. I do not have the skills or the expertise that the author of this amendment does. He, as I understand it, is a fine obstetrician. His commitment is to a high humanitarian calling, serving people in the obstetrics field. Certainly that is a fine profession.

I envy his ability to deliver assistance and deliver babies. We need professionals of this type. That is his profession. My profession is very different. I don't have the skills of a physician or an engineer or a physical scientist. My job, my profession, is serving the people of Missouri. And as I have said, I do it proudly, this being my 27th year, I believe. In that time, I have found that if you listen to the people of Missouri you learn a lot. You learn about the needs of veterans. We have done things nationwide to serve veterans. I have been honored to be recognized by the Veterans of Foreign Wars.

We have found out how important children's hospitals are, and we have worked to help children's hospitals. I am very grateful for the recognition from children's hospitals, and from in-home health care, which is very important, and from early childhood education, for which my initiatives have won national acclaim.

In addition to these matters that affect the entire Nation, I have committed myself to trying to build strong communities throughout Missouri.

I know the distinguished Senator from Oklahoma practices medicine, which is a wonderful practice, and does so with skill and provides a tremendous benefit. But do you know what I do when we have time off? I travel around the State. I meet with community leaders, local elected officials, concerned citizens, people who are trying to build a stronger community. Do they need a community health center? I have helped them get community health centers. Do they need something to help create jobs? Do they have projects which are properly supported by Federal funds that we make available through the Economic Development Initiative? Yes, in many instances they are. Do they have projects which require ground transportation which are properly funded by the rail transportation funds we have in this bill? Do they need water and sewers? I have been through many small communities. I hate to tell you that you can in the summer tell by the smell that they do not have an effective wastewater treatment system. They have waited in long lines for public health treatment, and we have helped them get the water treatment systems they need. This, I believe, is a legitimate function of the Federal Government—deciding where the highest priorities are.

When I am up here working, I have a dedicated staff back home who visits every county in the State at least once, and many others several times a year. I visit every county in my State and every city in my State every term I serve in office. I hear from them—leaders in the community, the people who are concerned about the particular problems and how best to solve those.

That is where I come back and say that from the EDI funds, from a portion roughly about 5 percent of the community development block grants, we will designate some of these high-priority needs which must be met for the good of the community and where we can help meet them through the addition of Federal funds targeted to those areas.

I believe it has been successful. The people of Missouri think it is successful. I know the Senator from Washington does the same thing. The Senator from Washington listens to her people. She knows how to build a strong community in the State of Washington. I believe that is her job. I wouldn't propose to go in and tell her what is a good use of the Economic Development Initiative or community development block grants in Washington. She has to answer to the people of Washington. Far be it for me to tell her what is good for the State of Washington.

When the Senator from Oklahoma asked me for something that is a high-priority project in his State, if it fits within the guidelines, I am happy to help that Senator determine what is best in Oklahoma. But I don't need a Senator from Oklahoma telling me what is good in Missouri or telling the Senator from Washington what is good for the State of Washington. We believe our job is to serve and represent and listen to the people of our States. I believe a vast majority of the Senators in this body know their job is to

serve their States, whether it is a vote on national legislation, whether it is a vote on something that is very important to their people, whether it is national, or whether it has to do with a specific activity within their State that they want to support. I think that is our job. That is our profession. We stand for reelection based on how well we serve our people. I am grateful for the tremendous honor and privilege I have been given by the people of Missouri. They know I am not a physician; they know I am not a physical scientist, but they know I am here to serve and represent them.

The suggestion appears to be that none of us as Members, those of us who work through our State and who listen to the people of our State, should have any say in what their priorities are. That suggests that the Senators are not in touch with the priorities of their own State. I don't believe that is true generally. I know it is not true in Missouri. I believe it is not true in Washington. My colleague can speak to that.

It might be that some Senators are too busy to understand or consult with their communities. But I understand what my State's needs are. I aggressively consult with leaders in my State. It might be some Senators believe that maybe the bureaucrats at the agencies understand their States better than the Senators themselves. I do not believe that should be the case because I spend more time in the State than I do here. I travel as many miles as I can squeeze into a schedule.

The amendments from the Senator from Oklahoma don't save money. They just say that a Senator shall not be able to determine what is a priority need in his or her State. Do you know something? I happen to think a Senator who is doing his or her job probably has as good an idea and should have a better idea of what is an important priority than some bureaucrat in HUD who will otherwise be spending that money.

Mr. COBURN. Madam President, will the Senator yield?

Mr. BOND. I will finish shortly and then I will be happy to answer questions.

Again, I am not afraid to say that I know more about the needs of my State than the ''U.S. Department of Anything.'' I will be happy to be judged on that.

I know we ought to be reducing budget spending. According to the Budget Committee, we have defeated attempts to waive the Budget Act and have achieved reductions and savings of some $170 billion this year alone. I have provided recommendations to our Budget chairman for making significant reductions. We are waiting for the leadership and the reconciliation bill to decide how we save money.

But this amendment and the others like it makes excellent headlines and they will be welcomed by some newspaper editorials, some talk radio show hosts, but it would be a better headline if the Senator were actually attacking a project in his State. If he thinks that appropriations for museums is so bad, what about the money in there for the Ponca City Indian Museum? Does he feel that is an appropriate priority for the State of Oklahoma? He can answer that. I think that would make an even better headline.

But I am not interested in getting headlines for something that doesn't save money in the budget. I am more interested in what people say, what the Cape Giradeaux Southeast Missourian or the Joplin Globe or the St. Joe News Press say about what the needs are in their State—not what somebody in New York or in California says about the projects. I know my colleague from Washington surely will have something to say about that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask the Senator from Missouri a couple of questions.

Has he or any of his staff ever received requests from me for any earmark or any project whatsoever?

Mr. BOND. No.

Mr. COBURN. Has any other appropriations chairman ever received an appropriations request or earmark from me from any other area?

Mr. BOND. I have no knowledge.

Mr. COBURN. The answer to that is no.

The Senator said earlier to me privately that this is a battle about philosophy. I agree; it is. The oath we take has no mention of our State. The oath we take is to defend the Constitution and do what is in the best interests of the country as a whole. It is a philosophical difference.

I am somewhat hurt by the inference that I don't listen and I don't travel. I traveled 4,500 miles, I have done 67 townhall meetings, and the biggest criticism anybody ever has of me is that I work too much—not too little. I listen to the people of Oklahoma. The campaign promise I made to the people of Oklahoma who sent me here by a 12-point advantage was that I will bring nothing home to Oklahoma until the budget is balanced. That is the philosophy the American people are looking for. There is no priority if we continue to steal the future of our children.

I had no idea the Ponca City Indian Museum was in there. You will get an amendment quickly to get that out. I had no knowledge it was there. My senior Senator must have put that in there. I have no problems with the same standard being applied to Oklahoma as it is to everyone else.

This isn't a water treatment program. This is a sculpture park. All I am saying is it may be a good idea. There are hundreds of other things I would love to take the time to discuss on the Senate floor—and I will if you all insist on having a debate about every earmark in the appropriations bill. I will be happy to afford the Senator that courtesy, and we will spend a lot more time on appropriations bills. But what we need to talk about is the priorities in this country of how we get out of the financial mess we are in.

Mr. BOND. Will the Senator yield?

Mr. COBURN. I will be happy to yield in a moment.

I understand the importance of Senators directing the bureaucracy. The problem is the bureaucracy is too big. Instead of us doing the oversight we need to be doing to control the bureaucracy so they have a priority, we supersede it because we don't want to do the hard work of oversight, of holding them accountable. We need to be doing oversight. We need to be looking at every individual.

I will match my service as Senator, both for my constituency and my service in terms of my field representatives and the work they do. I will match my service in terms of traveling and listening in Oklahoma. I have been in every area of Oklahoma the first 9 months of this year—every area. I have missed four counties.

The implication that I don't listen, the implication that I don't work in my Senate position I take offense to. I will tell that to the Senator from Missouri. Nobody will outwork me in my job; nobody. I will do what is necessary to do what I believe the people of Oklahoma sent me here to do, which is to help turn around the ship that is going to drown our grandchildren financially.

We can try to relate the sculpture park to a water treatment plant, but everybody in the country knows there is no connection between those two. There are necessities of life, there are priorities, and actually the debate is about priorities. It is not about whether a Senator should be directing things. I haven't said don't direct anything. I said there are earmarks that should not be in this bill because they are not proper at a time when we have such financial difficulties. If we were in surplus, I wouldn't be here mentioning even one of these projects, not one. But we are not in surplus.

We can deny the fact that the true add to the debt was $.6 trillion—$600 billion. That is $2,000 per man, woman, and child this year that we added to their debt; $2,000 for every little baby I might deliver, or every grandmother I might care for.

To correct the Senator, I am an obstetrician but I am also an old-time GP. I care for Medicare, I care for little kids, I care for old people, nursing home people, and I listen. I tell you that when I practice medicine on Monday mornings before I come up here, I get an earful. What I am hearing is, shape up, start doing the priorities we want you to do. Make the tough decisions.

It is easy for me to earmark something in Oklahoma, isn't it? If I come to the Senator—maybe not after this discussion this morning, but normally—this may have something to do

with the St. Louis Cardinals last night. I don't know. My condolences. They are the best team in baseball. I give my condolences to the Senator. I am sorry the Cardinals aren't there. I hope that will impact his collegiality today as we go through all these amendments.

However, the American people expect Congress to start doing a better job about priorities. I didn't say anything about cutting out all community development block grants. I haven't said anything about that.

The amendments I will have today are very specific amendments. I try to run from the press. I am not trying to get in the press. What I am trying to do is start down a road that says if we want to be here and govern, we ought to start listening to the overall trend of the American people and our oath of office. What is that oath? That oath is to follow the Constitution and follow that Constitution to represent this country in its best long-term—not short-term, not for me to get reelected, but what is in the best long-term interest of our country.

How can anyone say today, with $600 billion added to our grandchildren in terms of debt, with a war going on, with Katrina going on, with a hurricane coming to Florida, that we ought to spend half a million building a sculpture park in Washington State? I can't see that anybody would agree to that. It is a wonderful idea, but not now. There are other ways to build this—contributions, State funds. There is a potential that this will still get built even if we do not send money, but that ought to be a priority the people of Washington State make, not that we make, to take the Federal taxpayer dollars from the rest of the country and say we are going to do that.

I yield to the Senator from Missouri.

Mr. BOND. Madam President, before I turn it over to the Senator from Washington, as I said to the Senator, we have a difference in philosophy. I commended him publicly for his tremendous service to Oklahoma—specifically the fact that he continues his practice of obstetrics. However, we have very different philosophies on how we serve our people.

If he has told the people of Oklahoma how he is going to serve Oklahoma, that is fine. I have told the people of Missouri how I am going to serve Missouri. I believe I am living up to that. Now, I don't say that he isn't living up in any stretch of the imagination to the pledge he made to the people of Oklahoma. What I am saying is, I am not going to tell the people of Oklahoma how their Senator should behave. I expect the Senator from Oklahoma would not be telling the Senator from Missouri how to behave.

If he is talking about saving money, this does not cut the budget. The CDBG pot is 8 percent lower. The Senator may or may not have been in private sessions when I proposed a major means of reducing the budget to be considered by the Committee on the Budget. We are staying in line with what the Committee on the Budget has proposed. The Committee on the Budget may come back with a recommendation, which I will be for if it cuts everything fairly.

We are talking about how money is actually spent, economic development initiatives. Yes, they can go to things like parks if they have them in communities. And the question is, Who makes those decisions? Well, for those decisions in Missouri, I spend enough time and my people spend enough time that I want a say in how funds are spent because I talk to and listen to those people. I hear what their requests are. It is a small fraction of the Federal money that goes to the State.

But I am proud of the progress we have been able to make by supporting local initiatives through EDI funds. HUD bureaucrats make some good decisions. If we cut all these out, they will make all the decisions. They may make some good ones, they may make some bad ones, but in Missouri, I can make those better than a bureaucrat. That is what we are talking about. We are not going to save a nickel. If any of these are agreed to, we will distinguish between the philosophies of service.

The Senator from Oklahoma has eloquently stated his philosophy. He believes we ought to restrain spending. And I agree: we ought to restrain spending. The question is, How do you prioritize the spending in the budget? That is where we have a disagreement.

We will have an opportunity for our colleagues to determine which philosophy they agree with. Do you want the bureaucrats solely to make the decisions, or should Senators be able to influence a small portion of those? That is the question, quite simply. It is not about saving money it is about who makes those decisions. We have two very different philosophies.

I have great respect for my colleague from Oklahoma. He has offered a different philosophy to his people in being elected than I have offered to my people in Missouri who have elected me.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I agree with the Senator that we ought to be involved in where the money is spent. As a matter of fact, we ought to be so involved that we ought to write the bills much more specifically, all the way down to the job and the title. One of the things we do not do—we leave too much open to bureaucrats.

In contrast for a minute, I agree this will not reduce the spending. But $500,000 that is going to go for a sculpture park means $500,000 that will not go for a water treatment plant or will not go for housing for somebody who has a need for housing. It will not accomplish the positive benefits the HUD bill is designed to accomplish in the first place.

I thank the Senator from Missouri for his debate. I again request a vote on this amendment. I am willing to allow the Senator from Washington to debate this with me as well, and after that, I will suggest the absence of a quorum so we can discuss the other amendments.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise today to join Senator BOND in strongly opposing the Coburn amendment and the numerous other amendments he has filed with the same type of philosophy, as he calls it, in the Senate.

I join with my colleague from Missouri, the chairman of this committee. I, like him, go home every single weekend to Washington State, which is 2,500 miles away from the Nation's Capital. I, like the Senator from Missouri, do not believe the bureaucrats sitting in Washington, DC, know what is happening on the ground in my home State 2,500 miles away from here. I am out there. I am out in every community, talking to people, listening to them, knowing what their concerns are, knowing what they are developing within their own communities, within their own cities, within their own capabilities, to help stimulate the economy and to do good things. It is my job to be their partner in that. I tell them that all the time. You get it going on the ground here, you develop the projects, you get the consensus within your own communities, and I will do what I can to get some small part of help from the Federal Government. That is how I, like most Senators in the Senate, am sent projects.

Last year, I was in Yakima Valley and talked to our farmers out there. This is a remote community. They are struggling with putting together a clinic. I talked to them. They developed the ideas at the local level and put together a building, a job training center, to assist our State's large farmworker community to help further their education and acquire some critical new skills. This was an important project for them. I was able to come back here and partner with $500,000 from the Federal Government to help stimulate that project to make sure it was going to succeed.

Another time, I was traveling in King County, talking to community leaders there who were working to fund a Greenbridge community center in the heart of an exciting Hope VI project that is bringing affordable housing and economic development to one of the poorest communities in King County. I came back here. It is my job to represent a State that is thousands of miles away from here, and I flew back and said I will do my part to help with this important project. And we were able to get $500,000.

Today, the Senator from Oklahoma has targeted another project that I sat down and discussed with local community leaders. I didn't come up with this. This came from the heart of my local community because they are working very hard in an urban core in the city of Seattle to turn a brownfield into a hub of activity. It is a project

that is stimulating jobs and investments. That is exactly what this EDI program is intended to do. We didn't need to cut investments to clean up brownfields to produce jobs. We need more projects like this.

If the Senator from Oklahoma wants to look for a culprit for the fiscal situation in this country, he should look into the billions and billions of dollars in tax cuts that have been granted to multimillionaires in this country, and he should look at additional tax cuts his party wants to implement in future years if he wants to find incredible savings.

To take apart a Senator's projects, who worked very hard, as I have and as the Senator from Missouri has, the Senator from Rhode Island, the Senator from Mississippi, and the Senator from Nebraska have done with their projects and numerous other Senators who have gone home like we have, listened to the leadership in their communities, heard their projects, filtered through them as we have had to because we do not have a lot of money in these accounts, and said these are the ones we will partner with you at the Federal level and put into this bill.

The Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, under the leadership of my capable colleague from Missouri, Senator BOND, has been respectful and responsive to requests of Senators who have come up with projects. Contrary to the representation that some Members have made in the Senate, these EDI projects we are talking about are not the centerpiece of our efforts of community development in this bill. In fact, they are far from it. The funding for these EDI projects that the Senator from Oklahoma is targeting amounts to less than 8 percent of the overall funding we provide in this bill for HUD's community development fund.

In fact, my colleagues should remember that President Bush's budget looked to take the Community Development Block Grant Program out of this bill and fund it in the Department of Commerce while cutting its funding by more than a third. Senator BOND and I fought to continue the funding for the CDBG Program in our bill because we all heard from our local communities how important these funds were for development across the country.

The Senator from Oklahoma now comes to the Senate with a series of amendments targeting a few States to pick out individually named projects and eliminate those projects' funding. We are not going to go down that road. There are criteria that pertain to the funding for the project that I have, for the project the Senator from Oklahoma has, the project from Nebraska, the project from Missouri, the project from Mississippi, the project from Rhode Island, and the other projects on which he has amendments. There are criteria for these. They are not random. These funds have to be used for capital expenses rather than operating costs. None of the funds are dedicated to for-profit entities. The vast majority are dedicated to projects in underprivileged communities.

I don't care if it is my project, Senator BOND's project, Senator NELSON's project, Senator CHAFEE's project, or the other projects that the Senator from Oklahoma has randomly picked to target, the Senators that have EDI projects in this bill—and that, by the way, is almost every Senator in this Senate—are going to have to stand together. We are not going to watch the Senator pick out one project and make it into a whipping boy.

Now, it is true that Senator BOND and I allow Senators to allocate EDI funds to those projects in their States that they think make best use of the funds. We do not make any apology for that practice.

As the Senator from Missouri has said—which I agree with, I do not think the bureaucrats at the Department of Housing and Urban Development know better than I do—a Senator from a State thousands of miles away from here, who goes home every single weekend and is on the ground talking to community leaders in every county and every city in my State, and hearing from them what they think is important.

We do not choose these projects randomly sitting on high from back here. We go out and talk to our community leaders. They tell us this project, the one the Senator has decided to target, is a project, as I said, that is turning a brownfield into a hub of an urban center, into a center of activity, and it is critical for their economic development.

When the community leaders come together, and they have a consensus for it, and they have built the funding for it in the State, it is my job, I believe, to represent my State, which is thousands of miles away from here, and to come back and be an advocate for them.

I don't know that the bureaucrats at the Department of Housing and Urban Development ever take the opportunity to go out and sit on the ground in my State. It is my job to do that. I take it seriously. And I am happy to come back here and fight for them, such as most of the other Senators have done who have given us EDI projects in this bill this year—next year or the following year.

There is not a lot of money in these accounts. We allocate them correctly. I sat across the table from the Senator from Missouri in the Budget Committee for many years, and I can vouch for him that he is not someone who spends money randomly. He and I have disagreed, in fact, on budgets and spending over the years, but I do know that he takes his job seriously, to make sure we spend the taxpayers' dollars wisely. He votes, every time, for a budget where most of the time I say I am willing to spend more than he does. He cuts those budgets. And we have done so this year.

It is a very tight budget year. Our committee is operating within the confines of that budget. I commend my colleague from Missouri for doing so because I know how many requests we got for funding within this bill. It was a tough year. I watched him work his way through a bill, telling Members of the Senate that he could not fund all their projects. But he has moved this bill forward under the confines of that budget.

It is our job to make sure that every Senator has the ability we have to go home to their States, listen to their community leaders, and then be their partner in the Senate for this small amount of EDI funding that is available. These projects in this bill have to fall under the criteria that the EDI funds do so, and we make sure they do.

I hope the Senate will not go down the road of cherry-picking individual projects that Senators have come to us and have championed on behalf of their constituents who do not live here in Washington, DC. I hope we do not go down the road deciding we know better than home State Senators about the merits of the projects they bring to us.

As the old saying goes: What is good for the goose is good for the gander. And I tell my colleagues, if we start cutting funding for individual projects, your project may be next.

So, Mr. President, when Members come down to the floor to vote on this amendment, they need to know if they support stripping out this project, Senator BOND and I are likely to be taking a long, serious look at their projects to determine whether they should be preserved during our upcoming conference negotiations.

We must not and we will not go down the road of picking on one Senator or another on the floor of the Senate. I urge a no vote on this amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what we heard was a cultural difference. What we heard is: If you vote for this amendment, anything that you have in this bill may not be preserved in conference. Now think about that. I want the American people to hear that. If we tend to think that a sculpture park is not as high a priority as housing people who are homeless, and we vote to take that out, the threat has now been made that if you vote that way, then you will not be able to do something that may be a higher or lower priority.

I have the greatest respect for the Senator from Washington. I know she travels hard. I know she works well into the night to represent the constituency of the State of Washington.

This is a start to forcing us to make priorities. I am happy she is here to defend this. She believes it is more important than housing. I think that is fine. She does not believe the guidelines of the CDBG are appropriate to

give the State of Washington what it needs.

But I believe it is important we start putting in front of the American people what we are doing. I believe, with a $600 billion addition to the debt for this last year alone—being passed on to our grandchildren—which is $2,000 per man, woman, and child, it is time we changed. There is nothing personal about it. There is nothing about anything intended toward the Senator from Washington. It is about a real assessment the American people need to know. Is this more important than housing the 17,590 people who are homeless in the State of Washington? That is the kind of priority I think we need to make.

The other thing I would say is, if we have a problem with the bureaucracy, we have all the power in the world to change that. We have the power right here to change that. So we can either change the bureaucracy so it reflects the views of the people of this country or we can go about it the wrong way and have to control it by taking a very small percentage of the budget. We get two bad results from that. We get poor priorities. And, No. 2, we are not doing our job in controlling the bureaucracy.

So I am prepared to ask that this amendment be set aside and continue with another amendment in a moment. But at this time, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, we have spoken with the parties, and we believe we have come to an agreement to have a vote at 12:20, with the time equally divided between the Senator from Oklahoma and—how much time does the Senator from Oklahoma want?

Mr. COBURN. Ten minutes.

Mr. BOND. Ten minutes for the Senator from Oklahoma, 10 minutes for the Senator from Nebraska, and I will reserve 5 minutes for the Senator from Rhode Island. I will take that time on his behalf if he is not able to make it. So that will make a vote at 12:15 in relation to the amendment or the amendment, as modified.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I thank my colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2093

(Purpose: To prohibit any funds under the Act from being used for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska)

Mr. COBURN. Mr. President, I call up amendment No. 2093 and ask that it be considered and read.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2093.

On page 348, between lines 5 and 6, insert the following:

SEC. 321. JOSLYN ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.

Mr. COBURN. Mr. President, again, this is not an amendment about this being a bad idea. I am sure this is a parking lot that is needed. The purpose of this amendment is to talk about priorities.

The number of homeless people in Nebraska is 3,268. This is an amendment that spends, I believe, $950,000 to build assets for a private museum that was started in 1931. Again, no doubt this is needed. In this time of $600 billion that we added this last year to our grandchildren's debt, in this time of war, in this time of hurricanes times two in the gulf and one coming to Florida again, the fact that we would spend close to $1 million on a parking facility instead of putting that to the area where we meet more human needs, to me, seems to be the wrong priority.

Fiscal year 2004 reports by the Joslyn Art Museum showed they had a net surplus that year alone of $1,998,000. They have assets of $66 million and working capital of $6.5 million.

The question I am raising with this amendment is, Is this the right priority at this time? It is not whether this is a legitimate effort on the part of those who are associated with the Joslyn Art Museum master plan in Omaha, NE, to expand. They spent $3.5 million purchasing an additional football field so they would have additional expansion. But at a time when we are at war, at a time when we have the greatest natural catastrophe that has ever hit this country, and at a time when we have fiscal deficits that are as far as we can see, and an oil crisis, an energy crisis affecting us, the question is whether this is the right place to spend our money.

I understand if this money is not spent on this, it will be spent on something else. And I know this does not cut the money from the overall appropriations bill. But there is a grant process for this. We control the grant process. We control the requirements for the grant process. We can, as a legislative body, direct that the grant process is open, competitive, and fair.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NELSON of Nebraska. Mr. President, apparently the Nebraska-Oklahoma game, which is to be played later this month, is occurring today.

I have a great deal of respect for my colleague from Oklahoma and his desire to watch the Treasury and to establish priorities, but I will put up my credentials for watching the priorities and for watching the spending as well.

The Community Development Fund Program has been put in place to deal with this priority. In Washington, DC, there can be many priorities. The business of the Senate, the business of government runs on numerous tracks, not a single priority. There are many priorities, and it is up to us to balance those priorities. But in balancing the priorities, we must keep in mind that the community development funds are designed so that Members of the Senate can go home and listen to the communities as to what they need and what will work best for their development, for their particular needs. It is an opportunity to get away from what happens in Washington so very often: nameless, faceless, hired bureaucrats who make a decision about what a community needs rather than the elected officials who, in consultation with the communities, are then able to help establish those priorities.

There are many priorities, and this is a priority as well, a priority for one of the crown jewels of the plains, the Jocelyn Museum, an art museum that is largely funded by private funds, as my colleague has suggested. But I think that partnerships between public and private entities are not only commonplace but necessary in order to continue to have the fabric of life that this represents.

This is not choosing against other priorities. I think my colleague knows that the Katrina victims will be taken care of. I think he knows that other priorities will be met, but that we must, in fact, balance all the priorities that we are faced with in deciding here in Washington, DC.

In assisting communities with their development, these funds were made available for projects just like this one and the other ones that are in question in Washington and Rhode Island. So to suggest there is something inappropriate about this in terms of priorities is unfortunate. It is unfortunate for a number of reasons.

No. 1, we are not here challenging decisions made for grants that might be established by the bureaucracy which, on their face, seem to have more credibility even though, in my opinion, they have less credibility.

In addition, we have to recognize that this priority has met the test of what is necessary to help this private institution in dealing with a public school to make available for that public school athletic facilities and an exchange—once again, a public-private partnership that was created.

That public-private partnership preceded this public-private partnership, and this is an opportunity to continue those kinds of relationships.

I go to Nebraska and I listen to my communities. I listen to the leaders. And based on what they tell me their needs are, I am able to come back and

try to establish these kinds of funds available, then make them available for those needs.

I object to singling out one or two or three of these projects as though there is something inappropriate about their priority. There is nothing inappropriate about their priority.

I reserve what remains of my time.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have the greatest respect for my colleague from Nebraska. As a matter of fact, I am worried about his football team hurting the Oklahoma football team this year. But I will say, we view priorities differently. What about the priority of our grandchildren? I will say it again. This last year, through our leadership, $2,000 per man, woman, and child was added to the debt of this country. That is a loadstone around a 2-year-old child. Last year we added $1,700.

The reason for these amendments is to get us to start thinking about choosing priorities. The Senator from Nebraska was not here when I gave my opening statement. I am not trying to pick on Nebraska. I am trying to pick on our process. The fact is we can change every aspect of how the grant-writing process goes if we want to and we can make it work.

The reason we do not trust bureaucrats is we do not hold them accountable because we do not do the work we need to do to create the change in the bureaucracy. So first I would offer no personal offense to my friend from Nebraska. He does have my respect. But when a private institution is worth $66 million, has a cash working capital of $6.5 million and has $1.998 million in the bank, we are going to take a priority that says this money we are going to spend here rather than on something that has a better priority. That is all I am saying. I am not saying this is bad. I am saying there should be a better priority for our spending.

My hope is by going through this process we will all start looking. I believe this is a sincere effort on the part of the Senator from Nebraska to do what he thinks is great for Nebraska. My feeling is—and there is lots I would like to challenge in the spending that goes through our earmarks—and I have said before the Senator came on the floor, if we were in surplus I would not be talking about any of these. I think the difference is we are not. So when we direct programs for institutions that have the assets to pay for it themselves, our grandchildren do not get great value. That is my only point.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. Point of inquiry: How much time remains?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. NELSON of Nebraska. Mr. President, I rise again to deal with the question about priorities. There are many priorities we must face as a country. We do have priorities to deal with Katrina. We have priorities to deal with the cost of the war. We also have to deal with the priorities that deal with the fabric of life for Americans wherever we live and whatever we do.

One of the ways in which we try to establish those priorities is by talking to the people who send us here, the people who pay the taxes that are sometimes redistributed in ways that will raise questions about priorities.

I do not think there is any question but what the priority this raises is an important priority as part of the community development funds. It has been a long-established practice to set aside these funds for similar situations as the ones that are called into question today by my colleague from Oklahoma.

There is nothing wrong with calling these priorities into question, but to single them out with respect to all the other priorities he may have in mind is unfortunate because it only draws attention to one, two, or three of these projects as though these are all by themselves the priorities that are being dealt with.

These community development funds are broad based. They apply to virtually every State. I have not checked to see what Oklahoma might get or what my other colleagues might get, but I do believe it is far better for the Members of the Senate to go home and listen to their communities and listen to their leaders and come back with this type of an approach, rather than continuing to see the grant process that the bureaucracy continues to provide and is not held accountable in the same way this is being held accountable. I will be held accountable and my colleagues will be held accountable for trying to do the right things for our States, for the people and for the fabric of life in those communities and in those States.

I say today that I hope our colleagues will recognize the importance of these community development funds and the grants they represent because a good part of why we are here is to take care of responsibilities back home. That is why we go home on weekends, to find out what is necessary in those communities.

Others will always have some question about whether it is this priority or that priority. We have to make those choices. In my opinion, this has been a good choice.

I yield back the time.

The PRESIDING OFFICER. Who seeks time?

The Senator from Oklahoma.

AMENDMENT NO. 2093, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to modify my EDI amendment to include the three projects, Washington, Nebraska, and Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2093), as modified, is as follows:

At the appropriate place insert the following:

JOSLYN ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.

STAND UP FOR ANIMALS.

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for Stand Up for Animals in Westerly, Rhode Island for building construction.

SEATTLE ART MUSEUM.

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

Mr. COBURN. Mr. President, I will spend a few moments talking about the last of these three that are going to be considered. This is another project where we are spending $200,000 for the construction of an animal shelter when we cannot even shelter the people properly in Louisiana, Alabama, and Mississippi.

Now, $200,000 could go a long way to provide temporary housing right now for the people in Louisiana, Mississippi, and Alabama. This is $200,000 toward a $2.2 million facility to house 120 cats and 45 dogs, with a dog obedience school and classroom settings for youth.

If one looks at HUD's Web site, the mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. It does not say anything about animals in it and, at best, it is a satirical exaggeration of the goal.

This funding has been proposed for this organization despite the fact that this is a 501(c)(3) organization that has already received $900,000 in charitable contributions.

I remind the Senate there are 7,814 people in Rhode Island who do not have homes at this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri.

Mr. BOND. Unfortunately, Senator CHAFEE is tied up. We are expecting momentarily to get a full explanation. Our debate has focused on the difference in philosophy. The Senator from Nebraska, the Senator from Washington, the Senator from Rhode Island, and I all have the ability to establish priorities in the economic development initiatives. They are important initiatives and important priorities that can be set by Senators.

In the case of the provision for the Senator from Rhode Island, this happens to be construction of a building that is very important for the quality of life in the town of Westerly, RI.

Many people have different needs and one of the beauties of that is the people from those communities can talk directly to their Senator and tell their Senator what is important.

In this instance, the Senator from Rhode Island listened to the people. He listened to his constituents. He determined this was a priority. There is going to be a lot of other money that is going to be handed out by HUD bureaucrats under the economic development initiative for construction. What is wrong with the Senator from Rhode Island saying here is one pressing need that is very important for the Senator from Rhode Island because it is important to his constituents?

I reserve the balance of the time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be charged equally to all sides.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2158 TO AMENDMENT NO. 2133

Mr. ENSIGN. I ask unanimous consent that we return to the consideration of Dorgan amendment No. 2133 for a moment.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mr. ENSIGN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2158 to amendment No. 2133.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions)

Strike all after the first word and insert the following:

(a) SHORT TITLE.—This section may be cited as the ''Child Custody Protection Act''.

(b) TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec

''2431. Transportation of minors in circumvention of certain laws relating to abortion

''§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

''(b) EXCEPTIONS.—

''(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

''(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(2) 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 117 the following new item:

''117A. Transportation of minors in circumvention of certain laws related to abortion ..... 2431''.

Mr. ENSIGN. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2093, AS MODIFIED

Mr. BOND. Mr. President, I understand the distinguished Senator from Oklahoma has modified his amendment to include the provisions dealing with the States of Washington, Nebraska, and Rhode Island. Is this correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. Mr. President, on behalf of the Senator from Washington and myself, I move to table the amendment as modified and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—86

Akaka	Dole	McConnell
Alexander	Domenici	Mikulski
Allard	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Frist	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Harkin	Reid
Brownback	Hatch	Roberts
Bunning	Hutchison	Rockefeller
Burns	Inhofe	Salazar
Byrd	Inouye	Santorum
Cantwell	Isakson	Sarbanes
Carper	Jeffords	Schumer
Chafee	Johnson	Shelby
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Cochran	Kohl	Specter
Coleman	Landrieu	Stabenow
Collins	Lautenberg	Stevens
Conrad	Leahy	Thomas
Cornyn	Levin	Thune
Craig	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	

NAYS—13

Allen	Feingold	Sessions
Burr	Graham	Sununu
Coburn	Hagel	Talent
DeMint	Kyl	
Ensign	McCain	

NOT VOTING—1

Corzine

The motion was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we thank our colleagues.

Mr. President, as far as procedure, there are a number of issues that will be debated. There may be additional amendments offered, but for the convenience of our colleagues, there are not going to be any votes until 2:30. I propound a unanimous consent request that at 2 p.m. there be 30 minutes equally divided in relation to Reed amendment No. 2077; provided further that the Senate then proceed to a vote in relation to the amendment, with no second degrees in order to it prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I thank the Chair. The floor is now open for debate and further amendment as requested.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2077

Mr. KENNEDY. Mr. President, I take a moment of the Senate's time to reiterate my very strong support for the amendment offered by my colleague and friend, Senator REED of Rhode Island, and my colleague, Senator KERRY, and myself on increasing emergency funding for the LIHEAP program. This program is a lifeline to many poor individuals on fixed incomes in my state of Massachusetts and across the nation. It is the help and assistance that is provided to low-income, elderly and disabled households to defray the steep costs of home heating. The average LIHEAP household has an income of less than $10 thousand. These individuals are trying to make ends meet.

According to the Energy Information Administration of the Energy Department, this year natural gas prices for heating one's home will increase by almost 50 percent over last year, home heating oil will increase 32 percent, electricity will increase 5 percent. In Massachusetts, the current average price per gallon of heating oil is $2.51. This is an increase of 30 percent over the average price per gallon last October.

These aren't just abstract numbers. They represent huge burdens on real people. Just last week, Mayor Menino and I met with low-income seniors at the Curtis Hall Community Center in Massachusetts. These families are caught between a rock and a hard place about how they are going to pay their heating bills. Are they going to cut back on food? Are they going to cut back on prescription drugs which are so necessary? Are they going to try and continue to put the temperature level down to such a low degree that it threatens their health and well-being? Those are the cruel choices they are faced with today.

So many senior citizens are looking into the future, they are looking at the impact of sky-rocketing heating bills over the course of the winter, and they are frightened and scared. They are wondering who is going to give them some help and assistance.

Our amendment increases emergency funding for the LIHEAP program by $3.1 billion. This funding on top of the President's budget request for $2 billion would bring the program to $5.1 billion -the level authorized in the Energy Policy Act of 2005.

Funding for LIHEAP has been stagnant for more than a decade. It has seen significant loss in terms of purchasing power. We have a program that has been stagnant for over 10 years, the program has lost purchasing power, and absolutely dramatic increases in heating bills. We need to provide help and assistance to low income families. This amendment provides that much needed assistance.

I hope we have broad support. This is an essential amendment. We can talk about food; we can talk about medicines. We ought to put heat right in that same category.

I will mention some of the low income individuals struggling to survive: Wilhelmina Mathis of Dorchester. Wilhelmina is 71 years old and lives alone. She keeps her thermostat set at 60 degrees to save money. She hopes the Federal Government will come through with more LIHEAP money before she runs out of a way to pay her heating bill. She says:

> I turn down the thermostat as low as I can and sometimes I turn it off and put on extra sweaters. I don't know now much longer I can keep doing this.''

Jacqueline Arroyo of Roxbury, MA, is a single mom who lives in Roxbury with her baby daughter Jessica. She is a nurse who lost her job in August 2004 and has been working temporary jobs ever since. Her salary has not been enough to cover all of her bills. Her electricity bill is now $4,000, and she worries about how she will pay off the debt before this winter.

Emory Baily has MS, and it is hard for him to get around. Now the comfort of his home is in jeopardy. Any day the heating oil will run out. The assistance he receives from LIHEAP has run out as temperatures begin to fall.

In Boston, a 79-year-old man lives with a sick wife. He worked hard on a loading dock most of his life and retired with a pension, but he has a hard time paying all the bills. He receives LIHEAP benefits, but the fuel oil assistance has been exhausted. We are not even halfway through the winter.

In Haverhill, MA, a single mother lives with her 18-year-old son, who is handicapped, her 19-year-old daughter, and her daughter's child, who has a medical condition. Both mother and daughter are employed as school bus monitors. They have little or no income over the summer. Their rent is $950 a month. Their last gas bill was $1,729. Because they could not pay their gas bill, their gas was shut off. Even if they qualify for $600 in LIHEAP assistance, the gas company may refuse to reconnect the service unless the family comes up with another $400 to $800 toward the back pay.

These are typical families. This is the issue we have before the Senate. It is truly a life-and-death situation. It certainly deserves the support of our colleagues in the Senate. I hope that will be reflected in the vote at 2:30.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The pending amendment is Coburn amendment No. 2091.

AMENDMENT NO. 2065

Mr. BINGAMAN. Mr. President, I ask unanimous consent that amendment be set aside and that I be allowed to call up amendment No. 2065.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. NELSON of Nebraska, Mr. LEVIN, Ms. STABENOW, Mr. SPECTER, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. HARKIN, Mr. DURBIN, Mr. HAGEL, and Mr. SANTORUM, proposes an amendment numbered 2065.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend certain apportionments to primary airports)

> On page 229, between lines 12 and 13, insert the following:
>
> (c) Section 47114(c)(1)(F) of title 49, United States Code, is amended by striking ''and 2005'' each place it appears in the text and in the heading and inserting '', 2005, and 2006''.

Mr. BINGAMAN. Mr. President, this is an amendment I offer on behalf of myself, Senator SPECTER, Senator NELSON of Nebraska, Senator LEVIN, Senator STABENOW, Senator BROWNBACK, Senator ROCKEFELLER, Senator HARKIN, Senator DURBIN, Senator HAGEL, and Senator SANTORUM. This is a bipartisan amendment which tries to assist many of our smaller airports around the country.

Under the current formula in the statute, airports that have at least 10,000 boardings each year are called primary airports. Those airports receive entitlement of $1 million per year from the FAA's Airport Improvement Program. The nonprimary airports—those that do not have the 10,000 annual boardings—receive only $150,000.

In the wake of September 11, many airports saw their annual boardings plummet. There were a number of these smaller primary airports, many in rural areas, that faced the temporary loss of their $1 million annual entitlement.

Vision 100, which is Public Law 108–176, gave certain primary airports 2 years—fiscal year 2004 and 2005—to regain that minimum 10,000 boarding level. During that time, they retained the annual $1 million entitlement they had been receiving. These airports are designated as virtual primary airports in the statute. The 2-year grace period in Vision 100 for the virtual primary airports expired on September 30, just a few weeks ago.

The amendment I am offering today to the legislation before the Senate gives the virtual primary airports 1 additional year—fiscal year 2006—to regain a level of 10,000 boarding. Many of the virtual primary airports saw substantial increases in their boardings in fiscal year 2004. There are 10 fewer airports that need this extension for fiscal year 2006 than would have needed it or that did need it in fiscal year 2005.

This is the right thing to do. This is important to many of our States. I have a list of all the airports that will be adversely affected if we do not agree to this provision. One of those airports is in my home State in Roswell, NM, that is in danger of losing this funding if we do not extend this for 1 additional year.

This is a bipartisan bill. We have 11 cosponsors of the legislation. It is good legislation. The policy is good. We have gone to the Congressional Budget Office and they have indicated there is no score attached to this bill. This is not a money issue. There is not going to be an increased burden on the taxpayer. I very much urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Jersey.

AMENDMENT NO. 2077

Mr. LAUTENBERG. Mr. President, I want to take a couple minutes to talk about the amendment to fully fund the Low Income Home Energy Assistance Program, what we call LIHEAP.

Americans have already been slammed by outrageously high gas prices. The average price for a gallon of regular unleaded gas in New Jersey is now $2.65. That is 37 percent higher than a year ago.

For an average New Jersey motorist, a tank of gas now costs about $46, which is $12.50 more than a year ago. That extra $12.50 for every tank of gas adds up to a cost of more than $400 a year for the average motorist—a new cost for their transportation needs with their cars.

It is affecting our quality of life. Driving to work or taking your children to school is not a luxury, nor is a visit to the doctor, nor is a visit to a shop. These things are all necessities. That is a terrible mistake because we have to make sure we do not misunderstand or misquote the importance of this extra cost to the average family. It is particularly onerous for those who do not have the choice of using transit.

Families have sacrificed substantially. They have cut back on lots of things. According to a new survey by AARP, almost 40 percent of Americans over the age of 50 have had to reduce their visits with family and friends because of high gas prices.

I have even spoken to people who run businesses that are not on a transit route or a bus route of any kind. They tell me their business has fallen off substantially. And people who work there—a lot of people with very modest jobs—have been very seriously affected.

Forty-one percent of the people the AARP was talking about have cut back on spending. That includes food and medicine.

Gas price increases have been a heavy blow, and now we are about to get hit again by higher home heating costs. According to all predictions, heating oil and natural gas prices will increase more than gasoline prices have increased.

Now, some people can lower their thermostats by a few degrees; and those who can, should. But heating a family home is not a luxury. It is a necessity, like putting food on the table. It is a level of comfort that is required to be met that cannot be ignored. That is why we have to support LIHEAP.

Last week, Energy Secretary Samuel Bodman said increasing the support for LIHEAP is ''not on the agenda.'' Not on the agenda? That is hard to understand. Maybe someone with a lofty position such as the Secretary can discard it as a noncritical situation. But if a child shivers at home while he or she tries to study or while they sit there with their families to have some conversation—maybe what this Government of ours ought to do is ship out blankets to everybody, or shawls they can wrap around their shoulders. You tell the senior citizen who has to choose between buying medicine or paying the heating bill that the Government is not going to help them through this crisis.

Helping families heat their homes should be near the top of our agenda. The Secretary's statement is outrageous. It is a sad commentary on the priorities of this administration. I don't think any Member of this body would walk into a modest-income family home and turn off their heat in the middle of winter. But voting against this amendment is going to have the same effect for thousands of low-income families.

We cannot leave American families out in the cold. We have to support the Reed-Collins LIHEAP amendment and give families a helping hand through what some suggest is going to be a fairly cold winter. With weather as erratic as it is, we cannot tell what is going to happen.

So, Mr. President, I hope we will be able to adopt this amendment.

With that, 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.

Mr. CONRAD. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL CONDITION OF THE COUNTRY

Mr. CONRAD. Mr. President, I come to the floor today to talk about a recent report in the Washington Post about the fiscal condition of the country. This was an article that appeared Saturday in the Washington Post, reporting on the budget deficit. It had this very hopeful headline: ''Federal Deficit Fell in Past Year.'' While that is true, I think it is largely misleading as to the financial condition of the country.

When I went into the article, I read this paragraph:

> The 2005 deficit was the third-largest ever. But it was not only markedly smaller than the record $412.85 billion [deficit] for 2004, it was also well below the forecasts for the year issued in February. As a proportion of the economy—it equaled about 2.6 percent of gross domestic product—the deficit was within bounds that most economists consider manageable, and far from the levels of the 1980s, when the deficit reached nearly 6 percent of GDP.

I think if the average person were to read that, they would think: Gee, things are headed in the right direction. The deficit is down. The deficit is, as a share of GDP, gross domestic product, well below where it was in the 1980s.

The problem with this report is, I think it is completely misleading to the American people as to our true fiscal condition. Why? Well, first, because the deficit calculation that is used so broadly by the press—and I am not singling out the Washington Post here. I would also point the finger at almost all of the mainstream media that continually refer to the deficit and never talk about the debt.

Here is the difference. While it is true the deficit last year was $319 billion, that is not the amount by which the debt increased. This is a critically important difference people need to understand. The debt last year did not increase by $319 billion, the advertised deficit. The debt increased by $551 billion.

I find repeatedly, when I go around my home State of North Dakota, there is great confusion about the deficit and the debt. Most people believe the increase in the deficit matches the increase in the debt. But that is not the case. The debt is increasing by much more than the reported deficit.

Here is the biggest reason why: Social Security funds that are being used to pay for other things. In effect, the Social Security trust funds are being raided consistently, repeatedly, in order to pay other bills. If any private sector entity tried to do what is being

done here, they would be on their way to a Federal institution, but it would not be the Congress. It would not be the White House. They would be on their way to a Federal penitentiary because it is a violation of Federal law to take the retirement funds of employees and use them to pay operating expenses. That is exactly what is going on here.

It happened last year to the tune of $173 billion. It is not included in the deficit calculation. Why not? Because that is borrowing of one Government entity from another Government entity. So they don't include it in the deficit, but it is included in the increase in the debt. Every penny of this has to be paid back.

What is happening is, the general fund of the United States is, in effect, borrowing money from the Social Security trust fund. It is using that money to pay other bills—not using it to pay down debt, not using it to prepay the liability, it is using it to pay other bills. It is adding to the debt. So last year the debt increased not by $319 billion, which we read in every press report. You didn't read in any press report that I can find, not one, that the debt increased by $551 billion last year.

When you then correct for what has been left out, instead of an operating deficit of 2.6 percent of GDP, which was reported in the story by the Washington Post on Saturday, which is, they say, within acceptable bounds of most economists—most economists say about 2.5 percent of GDP is the danger point—when you make an adjustment for what the debt increased by, what you see is an operating hole in the United States of 4.5 percent of GDP, far beyond what most economists say is acceptable. In fact, in the European Union, to become a member, you have to have an operating deficit of 3 percent of GDP or less. The United States wouldn't qualify under that standard because in truth our operating deficit is now well in excess of 4 percent of GDP.

The other thing that is important to understand, the article referenced the deficit as a share of GDP was higher back in the 1980s, not much higher, and in most years not higher when you put in the calculation of the money being taken from Social Security. Here is the pattern of Social Security surpluses that are being used. You can see back in the 1980s there was almost no money being used from the Social Security trust fund. Back in those days, you can see we were running very small surpluses. In fact, until 1983, we weren't running any surpluses in Social Security. Then they were very modest, but most of this time well below $50 billion. Look at where we are now. We are up here now, $170 billion a year. That is a profound difference in the calculation. Nobody seems to pay any attention to it. This gives you a very different look at the true fiscal condition of the country.

In addition to that, back in the 1980s, you had time to get well because the baby boomers were not going to retire for over 20 years. Now there is no time to get well because the baby boomers are poised to retire. That is not a projection. The baby boomers are alive today. They have been born. They are living. They are going to retire. They are going to be eligible for Social Security and Medicare. We are headed for a train wreck.

What we get from the mainstream media are these happy talk reports that the deficit is down. No attention is paid to the increase in the debt. No attention is paid to where this is all headed. This is serious business.

This chart shows, going back to 1980, the relationship between spending and revenue. The red line is the spending line as a percent of GDP in the United States. The green line is the revenue line as a percent of GDP. Let's stop there and ask, Why do we use that calculation? Why aren't we showing in dollar terms the relationship between spending and revenue over a long period of time? The reason is very simple: Economists tell us, if you use gross domestic product, you then take out the effects of inflation and real growth, so you are comparing apples to apples. That is what we are trying to do here, get a sense of what is happening to our spending, what has happened to our revenue over an extended period of time.

This chart shows that the spending level of the United States, back in the 1980s and for much of the 1990s, was significantly higher than it is today. You can see the spending line back here. This goes back to 1980. Through the 1980s, the spending line—and much of the 1990s—was well above where it is today, even though in the 1990s spending came down each and every year as a share of gross domestic product. Now we have had this uptick in spending, quite a substantial increase as a share of gross domestic product, but still we are well below where spending was in the 1980s and for much of the 1990s.

Ninety-one percent of the increase in discretionary spending was from three factors: Defense, homeland security, and rebuilding New York. So the spending line has had a substantial increase but still well below where Federal spending was as a share of our national income going back to the 1980s and 1990s.

Look at the revenue line. The revenue line back in the 1980s was approaching 20 percent of GDP. Then there were the tax cuts, and it went down to just over 17 percent of GDP. Then it kind of jiggled and jagged around here. And then in the 1990s, as the spending line came down each and every year, the revenue line went up each and every year. So that in the year 2000, revenue was at a historic high, about 20.9 percent of GDP.

Look what has happened to the revenue line since 2000. The revenue line has collapsed. Revenue last year was the lowest as a share of gross domestic product since 1959. Anybody who is serious about doing something about the deficit has to address both the spending line and the revenue line. Very often our colleagues on the other side of the aisle only want to talk about the spending line. They vote for all the spending, but they don't want to address the revenue side of the equation. They don't want to cut the spending to meet the revenue line, and they don't want to raise the revenue to meet the spending line.

What we have here is a complete lack of responsibility. There are a lot of speeches about fiscal responsibility, but there is no reality of responsibility. Our Republican friends want to focus on the spending side, and indeed we need to focus on the spending side, although they voted for this increase in spending. These have not been Democratic budgets. These are not Democratic spending bills. Our Republican friends are in charge of the Senate and the House and the White House. They are responsible for every dollar of increase in spending. Every dollar they voted for. But they don't want to be responsible to match their spending with revenue. They don't want to cut the spending to match the revenue line, and they sure don't want to raise the revenue to match the spending line. They are happy passing it off to our kids, just tack it on to the debt. They say they are fiscally responsible. No. This is not fiscal responsibility.

What is most alarming is where all this heads. While it is true we have had an uptick in revenue in the last year—very welcome—we see that we are still way below the spending line. This is before the baby boomers retire.

Somebody may be listening and will say: Well, Senator CONRAD is giving a passionate speech to raise taxes. No, don't misunderstand me. I am giving a speech about making this all add up. We either have to cut the spending down to the revenue line or we have to raise the revenue line to our spending appetite or some combination. That means we either have to cut spending down to the revenue that we are willing to levy or we have to be willing to raise the revenue line or some combination.

By the way, the first thing we ought to do on revenue is not a tax increase on anybody. The first thing we ought to do is focus on the tax gap. That is the difference between what is owed and what is being paid. That tax gap now is over $350 billion a year. The fact is, the vast majority of Americans pay what they owe. But increasingly, individuals and companies aren't paying what they owe. The Revenue Service says that has now reached $350 billion a year, money that is owed that is not being paid. There has been precious little being done about it.

The hard reality, what is so different from the 1980s and now, is this demographic tsunami that is coming at us. This is a representation of the increase of people eligible for Social Security

and Medicare. We are under 40 million now eligible for Social Security and Medicare. We are headed for 81 million. It profoundly changes everything. The President's budget that claims it is going to reduce the deficit over the next 5 years misses the point. The only way he gets to cutting the deficit in half is he leaves out some items—war costs past September 30, the cost to fix the alternative minimum tax. A 5-year budget hides the larger truth. The larger truth is the President's long-term plan makes this whole situation much worse. Why? Because the President's tax cuts absolutely explode right beyond the 5-year budget window.

We used to do 10-year budgets. Then the President changed to a 5-year budget. I believe the key reason for that change was he knows what these numbers show, just as I do. He and his people know exactly what is going to happen beyond the 5-year budget window. The cost of his tax cuts explode. This is going to happen. The 10-year cost of the President's tax cuts are $1.8 trillion. Here is what happens right beyond—the dotted line is the end of the 5-year budget window. Here is what happens to the President's tax cut proposal right beyond the 5 years. It explodes. It is not just that cost that explodes; it is also the cost to fix the alternative minimum tax which, by the way, there is not a penny in the President's budget to deal with. The alternative minimum tax, the old millionaire's tax, now is becoming very rapidly a middle class tax trap. Three million people were affected last year. It is going to be 30 million people affected 10 years from now, if we don't do something.

It costs $774 billion to fix, and not a penny of it is in the President's budget. Again, the same pattern, right beyond the 5-year budget window, this dotted line, the cost of fixing the alternative minimum tax skyrockets.

What is the answer that we get on the budget? We get what is called reconciliation, and we are told this is a deficit reduction plan. No, it is not. There is no deficit reduction in this plan.

This increases the deficit. Why? Because while it is true it has $35 billion of spending cuts, it also has $70 billion of tax cuts. And so the combined effect is to actually increase the deficit. What sense does this make when we have a debt crisis looming? The debt increased $551 billion last year. The forecasters are telling us it is going to increase $600 billion this year—or more. And the answer is a reconciliation package cloaked as deficit reduction that actually increases the deficit.

I don't know how anybody can, with a straight face, claim this is what the country needs.

This is the increase in the debt over the next 5 years of the President's budget plan. You take the President's budget plan. You adjust it for the war costs he has left out—not Kent Conrad's projection of the war costs, the projection of the Congressional Budget Office—you put in the cost to fix the alternative minimum tax and the President's budget policy, the debt of the country is going to go up $3.4 trillion over the next 5 years. And our colleagues are out here talking about cutting spending $35 billion. It is farcical. It is farcical.

They talk about fiscal responsibility. They are sending off a plan to increase the debt $3 trillion, and they run out here with a plan to cut $35 billion of spending. And by the way, that is not deficit reduction because they are also going to cut taxes $70 billion, so they are actually going to make the deficit worse, in the face of $3 trillion of additional debt before the baby boomers retire. Come on. This is what is happening to the debt under this plan—this budget plan that was passed in the Senate before Katrina. This is what it is going to do to the debt. These are not Kent Conrad's numbers. This is what's going to happen to the debt. It is going to go up $600 billion a year each and every year for the next 5 years—more than $600 billion. It went up $550 billion last year. You talk about building a wall of debt—and all at the worst possible time before the baby boomers retire.

Now, the Comptroller General of the United States has come to us and said, You have an utterly unsustainable situation on your hands. You are running these massive deficits, huge explosion of debt before the baby boomers retire and guess what. You have a shortfall in Medicare alone of $29.6 trillion. You have a Social Security shortfall that is projected at $4 trillion. In those two alone, that is $33 trillion of unfunded liabilities.

Is anybody paying attention? Does anybody understand where this is all headed? This is a train wreck. That is where we are headed—a train wreck. And what is the answer? To come out here with a package that increases the deficit some more? They have got to be kidding. They have got to be kidding.

Mr. President, I do not believe this $4 trillion of shortfall in Social Security. I think that is a very bad estimate. I think the shortfall in Social Security is much less. Why? Because the assumption behind this projection is that the economy is only going to grow 1.9 percent a year for the next 75 years. Over the previous 75 years, the economy grew at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of the Social Security shortfall would disappear. Eighty percent would disappear. If the economy grows in the future as it has in the past, 80 percent of the Social Security projected shortfall would disappear. So I think it is a very pessimistic forecast.

On the other hand, the shortfall in Medicare that is seven times, more than seven times the projected shortfall in Social Security, I think that is, unfortunately, realistic because it is based on two basic assumptions. No. 1, the retirement of the baby boom generation. And that is no projection. They have been born. They are alive today. They are going to retire. They are going to be eligible. And No. 2, medical inflation is running well ahead of the underlying rate of inflation, and all of us know that is true. So the Medicare shortfall is much more likely to come true than the Social Security shortfall. And the hard reality is we already can't pay our bills. The hard reality is we are already mushrooming the debt in a way that is utterly unsustainable. Senator, when you say the increase in the debt is unsustainable, what do you mean? Here is what I mean. Foreign holdings of our debt have gone up 104 percent in the last 4 years.

It took over 200 years of American history to run up an external debt of $1 trillion. In the last 4 years, we have managed to more than double it.

Is anybody listening? Is anybody paying attention? Is there anybody who is writing these news columns who is connecting the dots? Is anybody paying attention to what is going on here with the fiscal condition of the country? Does anybody care? And what do we get from the mainstream media? Happy talk; the deficit went down. Debt went up, the deficit went down.

Yes, it went down to the third biggest ever. And the size of the deficit completely masks the true seriousness of our fiscal condition because it misses how much the debt increased. The debt increased by $551 billion. The result is—here it is—we are borrowing more and more from abroad—more than a 100-percent increase in the foreign holdings of our debt in 4 years.

Does anybody believe that is a sustainable course? I do not. And here it is. Here is the result. We owe Japan $684 billion. We owe China almost $250 billion. We owe the United Kingdom over $170 billion. And here is my favorite, the Caribbean Banking Centers—the Caribbean Banking Centers. We owe them over $100 billion. Where do they get their money? We owe them over $100 billion. We owe South Korea almost $60 billion.

Mr. President, it is an utterly unsustainable course. The Comptroller General of the United States has told us it is unsustainable. The head of the Congressional Budget Office has told us it is unsustainable. Alan Greenspan, chairman of the Federal Reserve, has told us it is unsustainable. We are building up massive debt before the baby boomers retire, and the mainstream media run their stories saying the deficits have improved.

There is no attention to what has happened to debt, no attention to the train wreck that is coming. It is really a disconnection from reality that does not serve our country well. The American people deserve better. The American people deserve to be told honestly how deep this ditch is and how much it is going to take to fill it in because we cannot continue to run around the

world with a tin cup asking more and more countries to loan us more and more money. To have foreign countries increase their holdings of our debt by over 100 percent in 4 years is utterly unsustainable. It is reckless and it is wrong. It has to be stopped. To have our colleagues come out on this floor with a reconciliation package that makes it all worse is profoundly irresponsible, profoundly.

I thank the Chair and yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under ''Morning Business.'')

Mr. DURBIN. Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. HARKIN. 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. HARKIN. Mr. President, are we under a time limit right now?

The PRESIDING OFFICER. The debate will begin at 2 o'clock on the Reed amendment.

Mr. HARKIN. Mr. President, I am going to speak on the Reed amendment, and I ask to be recognized to speak at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2077

Mr. HARKIN. Mr. President, I rise to speak in support of the amendment offered by Senators COLLINS and REED to add $3.1 billion in emergency funding for the Low-Income Home Energy Assistance Program. I emphasize this is, indeed, emergency funding, not to come out of something else but emergency funding because it really is a crisis.

During the cold winter months, LIHEAP is indispensable for low-income families, people with disabilities, and seniors on fixed incomes. Last Friday, I held a roundtable discussion in Hiawatha, IA, to hear firsthand from some of these citizens. They are not just concerned about high home heating costs this winter, they are right now almost in a state of panic. They told me they face a choice between staying warm and cutting back on necessities, such as medical care and prescription drugs.

Their testimony is backed up by hard data. According to a statewide Iowa survey, more than 20 percent of households receiving LIHEAP report going without medical care or prescription drugs. More than 10 percent reported going without food in order to pay their heating bills, and those numbers are going to skyrocket this winter.

Last winter, about 86,000 Iowa households received an average of $317 in LIHEAP assistance. Most years, everyone who applies gets some level of assistance, but this year we are headed for big problems. As I learned in Hiawatha, the applications for home heating assistance have jumped by 50 to 70 percent this year. The director of the local Community Assistance Program that administers LIHEAP in that part of Iowa told me that LIHEAP funds are likely to be exhausted by mid-January, right in the dead of winter. Community services agencies all across America are being deluged with calls from panicked senior citizens and others who don't know how they are going to pay their bills or heating bills. Many have had their utilities cut off and cannot make past-due payments to get them turned back on. Others are being threatened with cutoffs just as we head into winter. This is something I learned in Hiawatha, but not too many people here know. The Catch-22 situation is this: If your gas or electricity has been cut off, then you do not qualify for LIHEAP. Let's say you are someone who has a past bill that you have not paid; they say, We are not going to deliver your home heating oil, you cannot qualify for LIHEAP.

So we are facing a real crisis. We know what the price of fuel oil has done and what the price of natural gas has done. In Iowa, I heard that heating oil has doubled since last year, and natural gas has gone up by almost 50 percent. It will not be unusual to have a $400 or $500 increase in an average heating bill this winter. For an elderly person, a low-income family, and people with disabilities, that is not a problem, it is a catastrophe. It boggles my mind that in the face of this overwhelming need, President Bush's budget proposed to cut LIHEAP funding by nearly 10 percent.

We have been given abundant warning that local LIHEAP funding will be running out, as I said, as early as the middle of January. But earlier this month, we voted down an amendment to provide a boost in emergency funding. Last week, a reporter asked the Secretary of Energy, Mr. Bodman, if the administration plans to ask Congress for more funding for LIHEAP, given the big runup in energy costs. Secretary Bodman answered:

> At least at this point in time, that's not on the agenda.

LIHEAP may not be on Secretary Bodman's agenda, and it may not be on the President's agenda, but it is on the Senate's agenda. We have an obligation to do the right thing, to make sure our senior citizens and those with disabilities are not left out in the cold.

Again, we have to do the right thing. We have to do what is fair. We know what has happened to the price of heating oil and natural gas and electricity. We know from the past how many people use LIHEAP and depend on it. It does not take a genius to calculate that we have to come up with more money this year or people are going to get cut off. What are we going to do? Are we going to wait until January when all of a sudden we get reports about people being cut off? And we will not even be here; we will be out of session. I suppose we will come back the third week of January.

We can do better than this. We have to do better. America can do better than this. We are a better people than that. We need to support this amendment to provide this emergency funding so those who need the help the most are not left out in the cold. People are concerned. They are worried. They don't know what they are going to do. The least we can do today is say: Don't worry, we are going to put the money in for LIHEAP; you are going to be able to buy your gas, pay your electricity bills, and stay warm this winter.

Mr. President, I yield the floor.

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided on the Reed amendment.

The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Iowa for his eloquent and, to me, very persuasive remarks about the need for supporting this amendment. This is something we know is going to happen. Everyone understands energy prices are soaring out of sight. Last year, we did not have sufficient resources for LIHEAP with prices that were much cheaper. This year we know we are not going to have sufficient resources.

So we have come together on a bipartisan basis. Senator COLLINS, Senator SNOWE, Senator SMITH, Senator COLEMAN—many of my Democratic colleagues have come together to do what should be obvious to all of us: raise the level of LIHEAP funding to accommodate these huge increases in prices. It is very simple, I think—I hope.

I hope we are in a process of beginning to understand all of the demands that are being placed on low-income Americans, and particularly seniors. They received the Social Security increase of about $65 a month. Most of that was taken up automatically by increased payments to their Medicare Program, and whatever little is left is going to be swallowed up by these rising energy prices.

The Low-Income Home Energy Assistance Program needs $5.1 billion just to maintain the status quo. The appropriation to date, what the President supports, is $2 billion. Now, $2 billion was inadequate last year; it is grossly inadequate this year.

I understand our colleague, the Senator from Missouri, has indicated in terms of concept of the program he supports it, and I appreciate those remarks. We might have a debate about whether this is the appropriate vehicle to place this amendment, but, frankly, time is running out; floor time is running out, and unless we are able to appropriate these funds immediately, we are going to have a real issue of getting

them to deserving people throughout this country.

Last winter Congress provided $2.2 billion. Again this year they have already cut that in the budget to $2 billion. That is the administration's request. It was insufficient last year. In Rhode Island, 12,146 households, including the elderly, received utility termination notices. The average balance of those who were disconnected was over $1,000.

Today, my State and other States are struggling to get these people reconnected using LIHEAP funds to get them back on the utility grid. That is even before we have had the first cold days of winter.

A Rhode Islander receiving $400 from LIHEAP last year could buy approximately 235 gallons of heating oil, almost a full tank, but at $2.60 a gallon, which is the price that is being paid today—in fact, in many cases that is a pretty good price; in fact, it is much higher—$400 will only buy 150 gallons of oil. That is a little over half a tank and may last in a very cold New England winter about 2½ weeks.

This year, with even higher energy prices facing Americans and more Americans living in poverty, the administration and the House have simply come forward with $2 billion. It is absolutely inadequate. We know it. We have an opportunity today to make it so that at least it will buy as much this year as it did last winter.

The average price for heating oil is $2.65 per gallon. That is 65 cents higher than it was last year this time. The average price of propane is $1.95 per gallon. That is 32 cents higher than last year. The average price for natural gas is $15.25 per million cubic feet. That is $2.32 higher than last year.

What we have seen consistently, what we all recognize, what we see every day when we pass the gasoline station, is extraordinarily high energy prices. How can we reasonably fund this program with less dollars than we did last year with these soaring prices? We are just trying to maintain what we have.

Frankly, last year a significant number of households that would qualify because of income could not receive assistance because those funds were insufficient.

I believe we have to increase the LIHEAP funding to its fully authorized level of $5.1 billion. This bipartisan amendment would do that by increasing the appropriation by the sum of $3.1 billion. I hope my colleagues will join us and support this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

The time will be deducted equally from each side.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the Reed amendment for the purposes of my offering an amendment, and I will speak for about 6 or 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, who would that time be charged to?

The PRESIDING OFFICER. That time will be charged to the majority side.

Mr. REED. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

AMENDMENT NO. 2160

Mr. GRASSLEY. Mr. President, I am going to offer an amendment to this bill regarding the report of the independent counsel on Mr. Cisneros. I know there has been much talk about the need to bring to a close the independent counsel's work, and I agree.

I tell my colleagues, as a radio announcer would say, about the rest of the story. The independent counsel completed his investigative activities February 2003. The counsel completed and filed his report under seal to the Special Division August 2004. That is very important for every one of us to understand as we consider this amendment. The investigative work is completed. The report is completed.

So what is the holdup in getting this report out to the Congress and to the public? It is not the independent counsel; rather it is the lawyers of the individuals named in the report who have been engaged in one sole pursuit: to foot-drag every inch of the way filing every motion they can to delay, delay, delay. This foot-dragging by the lawyers has been going on for months. It is because of this foot-dragging that the independent counsel has had to continue its work. It has to respond to the mountains of pleas and motions that are filed by these lawyers.

I would like to make another point, and that is that the amendment does two things: It provides that the report will be released and published in 60 days, and by extension that the independent counsel will close up and wind down his office within 90 days of publication of the report and can only be extended by a finding of the court and the publication by that court of an exact time of when it will be shut down.

In addition, under my amendment it makes it clear that the independent counsel shall not perform any investigative or prosecutorial task in the remaining time period after the report is published.

I have had some discussions with my friend, Senator DORGAN from North Dakota, on this subject on the side as I was preparing this amendment, and he has also spoken very eloquently on this subject in a previous day's debate a few weeks back. I want him to know I agree with the concerns that he has that we must see the end of the independent counsel.

My first amendment reflected the same sentiment for closing the office once the report is published. But, unfortunately, as I was looking into the matter more closely, it is not straightforward to just shut down the independent counsel's office. The independent counsel, after publication, needs a short period of time to evaluate claims for attorney's fees, transfer records to the archivist, respond to congressional inquiries and possible litigation.

My hope, and I believe the hope of the independent counsel, is that barring the unforeseen, this all can be accomplished within the 90 days I have within my amendment.

So I want to assure my friend from North Dakota I share his concerns about runaway and unnecessary spending, and would join him in watching this matter closely and will be with him if we are not moving forward at a reasonable pace to bring this operation to an end.

Setting aside the matter of closure, I want to focus on one last point: The contents of this report and why they are so vital. I hope I have a good reputation among my colleagues for doing the constitutional job of oversight that each one of us has been assigned, to make sure that the laws are faithfully executed. I hope I have a reputation of doing oversight work regardless of what political party might be in charge of the executive branch of Government.

While Mr. Cisneros' name is there, and it is natural to see this through a partisan lens, let me assure my colleagues that is not the case. The media reports are giving very credible commentary that the independent counsel's report discusses problems at the Office of Criminal Investigation in the Internal Revenue Service and the Department of Justice. These matters do not involve Mr. Cisneros but raise extremely important questions about the administration of the Tax Code.

As chairman of the Senate Finance Committee, I take with great seriousness accusations of inappropriate activity at the Internal Revenue Service, and also as a senior member of the Judiciary Committee, similar accusations at the Department of Justice. However, as my colleagues know, I cannot legislate or conduct oversight based on whispers or rumors. I need the final report. The American taxpayers have a lot of money in this report. We are talking about millions of dollars. They deserve a right to see this investigation and what their tax money was spent for. More importantly, they deserve for there to be sunshine exposing problems in our Government and for legislators to be informed so that we can take appropriate action, in my case, within the Senate Finance Committee that I chair, or within the Judiciary Committee on which I serve.

In conclusion, this is a vitally important amendment. It will give Congress a report that will provide tremendous insight into problems in the administration of the Tax Code and other governmental misconduct. The amendment will also bring closure to the work of the independent counsel, a

matter of concern to many and expressed eloquently, as I have said before, by the Senator from North Dakota. I think we provide a reasonable timeframe of 90 days after the report is published to wind down this office, with only the court allowed to continue the office. Further, the amendment also limits the work of the independent counsel to the clerical work of closing the office. My amendment, then, prohibits those things that tend to make things go on and on and never stop—investigations and prosecution.

This may not be a perfect solution to getting this report out that has cost millions of dollars, but it is a fair compromise and one that I think will get the job done. Ideally, the report would just be released, but there are people who maybe do not want this report released—consequently all the legal action that has been holding it up for the last several—now, let's say at least 14 months.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2160.

Mr. GRASSLEY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 90 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

Mr. GRASSLEY. I yield the floor. I suggest the absence of a quorum.

Mr. REED. Mr. President, I ask the time be charged to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask how much remains of my time.

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. REED. Mr. President, I will make a few additional comments in the remaining time with respect to the LIHEAP program and this legislation.

This is a very simple amendment. It adds $3.1 billion. It would bring it up to the level that was authorized in the Energy bill which we considered on this floor several weeks ago, recognizing the authorization levels had to be raised given the increase in prices, given the need for more Americans to access the LIHEAP program.

The energy costs to the average family using heating oil this winter are estimated to hit about $1,500, and that is a significant increase, about $400 over last year. Natural gas could hit over $1,000, an increase of $350. Propane prices are projected to hit $1,400 for the average prices for the whole year of heating, an increase of about $325.

This is particularly burdensome for low-income families and families in poverty. In fact, families who live in poverty spend over 20 percent of their income on heat. That is in contrast to other families, middle- and upper-income families who spend about 5 percent during a heating season. So this is a huge impact, in fact, a more aggravated impact, on low-income Americans.

Frankly, the choice for many seniors is very stark: to heat or to eat. A RAND study pointed out that low-income households reduce their food expenditures by roughly the same amount as their increases in fuel expenditures. They cut back on eating to heat their homes. It doesn't take a RAND study to suggest why that is the case. It is hard for a senior or for anyone who lives in a home where the temperature is 50 or 45 degrees. You can put on sweaters and extra blankets but at some point you have to keep the energy flowing as best you can. They will, in fact, as the studies indicate, avoid eating to heat their homes.

Our LIHEAP program in Rhode Island, as so many programs across the country, is under tremendous stress and strain. Last year they served 26,000 families, but if the President's proposal goes through with $2 billion, they will only be able to service about 21,000 families. So 5,000 families will not get anything; 21,000 families lucky enough to qualify will receive resources, but it will be not as adequate as it was last year to buy heating oil, particularly because the price has gone up so much. So it is again a situation I find difficult to understand, why we cannot summon the will to do something which is so obviously necessary.

This is no innovative program. This is no controversial program. I dare say everyone on this floor would say it is a good program, it makes sense, it helps people who need help, particularly at a time when prices are surging as they are. Yet I hope we can come together and recognize we need something more than words. We actually need the appropriations to help keep these people whole, keep them, literally, warm this winter.

We have all been out to our communities. We have all visited with seniors. I visited with a senior from Rhode Island, a veteran of the U.S. military who is 88 years old—part of that great generation of World War II. He receives LIHEAP support. Frankly, this year even if he receives the same amount of money, it will not buy the same amount of fuel oil and it will be colder in his home. As has been said so often on this floor, and it has to be repeated, we can do much better. We could do much better for an 88-year-old veteran of the U.S. military forces who last year got a little help and this year will get less help. We can do better and we should do better.

We need to fully fund LIHEAP up to the authorized level of $5.1 billion. I think we have to do more, going forward on other energy projects. But let's at least begin with adequately funding the LIHEAP Program.

I hope my colleagues will join my cosponsors, Senator COLLINS, Senator SNOWE, Senator SMITH, Senator COLEMAN on the Republican side, and many others on the Democratic side to ensure that this amendment is passed and we can at least guarantee minimum warmth for our seniors and low-income families across this country.

With that, I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum. I ask unanimous consent the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I understand that the Senator from Missouri made a motion under the Congressional Budget Act 1974. I move to waive the applicable sections of the act, for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is sufficient second.

The question is on agreeing to the motion to waive section 402(b)(5) of the House Concurrent Resolution No. 95 with respect to the Reed amendment No. 2077.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—53

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Jeffords	Reid
Boxer	Johnson	Rockefeller
Byrd	Kennedy	Salazar
Cantwell	Kerry	Santorum
Chafee	Kohl	Sarbanes
Clinton	Landrieu	Schumer
Coleman	Lautenberg	Smith
Collins	Leahy	Snowe
Conrad	Levin	Specter
Dayton	Lieberman	Stabenow
DeWine	Lincoln	Sununu
Dodd	Lugar	Talent
Dorgan	Mikulski	Wyden
Durbin	Murray	

NAYS—46

Alexander	DeMint	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Frist	Roberts
Bunning	Graham	Sessions
Burns	Grassley	Shelby
Burr	Gregg	Stevens
Carper	Hagel	Thomas
Chambliss	Hatch	Thune
Coburn	Hutchison	Vitter
Cochran	Inhofe	Voinovich
Cornyn	Isakson	Warner
Craig	Kyl	
Crapo	Lott	

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46. 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. The emergency designation is removed.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I formally raise a point of order that the amendment violates section 302(f) of the Congressional Budget Act.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. BOND. Mr. President, I would inquire if the Senator from North Dakota is prepared to move forward with his amendment?

Seeing no other Senators seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 2133

Mr. DORGAN. Mr. President, I take the floor to withdraw an amendment, but I will not withdraw it for the moment. I will say a few words and then ask that the amendment be withdrawn. I do not need consent to do that as sponsor of the amendment because the yeas and nays have not yet been ordered.

If there were a high school or college student listening, I think it would be a good lesson for them, particularly if they are interested in political science, to understand where we are at this moment from a parliamentary standpoint and why I am withdrawing the amendment I offered yesterday.

Incidentally, this will not be the last my colleagues see of this amendment. We have had it on the floor before. It has been passed by the Senate before, as a matter of fact, dropped in conference. We will not have an opportunity to vote on it now because of the parliamentary circumstances.

So let me describe what it is. First of all, the amendment is germane and relevant to this appropriations bill. I have the right and did offer an amendment yesterday that prohibits the expenditure of funds in this appropriations bill by an organization called OFAC, the Office of Foreign Assets Control, which is a relatively small Federal office deep in the bowels of the catacombs of the Treasury Department. The job of the Office of Foreign Assets Control is to try to track down and intercept the money that supports terrorism, to go find the money that supports Osama bin Laden, to go find the money that supports terrorism.

Well, the Office of Foreign Assets Control does more than that now. In fact, my understanding is they have more people in the Office of Foreign Assets Control tracking Americans who travel to Cuba to take a vacation than they do tracking the money that goes to support terrorism for Osama bin Laden's network.

So let me describe what they do because, as you know, in this country's zeal to punish Fidel Castro—we are going to slap around Fidel Castro; we don't like him; it is a communist country; he is a communist leader; we don't like him; he sticks his finger in our eye repeatedly—we have slapped an embargo for 40 years on Cuba. We also decided if American people travel to Cuba, they shall be fined. So we have restricted the freedom of the American people to travel in order to slap around Fidel Castro.

If you get on a plane today someplace and travel to Cuba, and you do not have a license, here is what is going to happen to you. By the way, you won't be able to get a license because they are offered down at the Office of Foreign Asset Control and over at the State Department, and if you apply for a license to travel to Cuba, they will say no.

But I will give you an example. Kurt Foster went to Cuba. He was under suspicion of having taken a vacation in Cuba. And be darned if he didn't take a vacation in Cuba. He didn't know it was illegal. But he got back to this country and, boy, they tracked him down.

Those folks at the Office of Foreign Assets Control, they have that magnifying glass and the cap with brims on both sides, and they scour around to figure out if there is an American who has gone to Cuba.

They found this guy, Kurt Foster. All right. He purchased an airline ticket to Cuba and failed to declare Cuba as a country visited, and they fined him $7,500. Then he used a credit card while in Cuba, and they fined him $1,000. Then he paid for lodging, food, and drinks while in Cuba—he spent $175 there—and they fined him $10,000 for that. Then he brought back a box of cigars and 27 other Cuban goods at $10 each, and that was a $520 fine.

So Mr. Kurt Foster was fined $19,020 by our U.S. Government. Why? What was the transgression? He visited Cuba. God forbid this man should visit Cuba. But Kurt Foster, that is a man without a face.

Let me just put a face on this issue, as I did yesterday. This is a picture of Joni Scott. I met Joni Scott. She came to my office. She is a wonderful young woman, a missionary, someone with great zeal in her faith.

She went to Cuba to distribute free Bibles on the streets of Havana, Cuba. This wonderful young American woman wanted to distribute free Bibles in Cuba. She did not know you had to have a license. She came back. Our Government tracked her down. They are going to slap a big fine on her for distributing free Bibles in Cuba. That is Joni Scott.

Here is Mrs. Slote. I have also met Mrs. Slote. As you can see, she is about 76, 77 years old in this picture. She is a senior Olympian. She is wearing a bicycling outfit because she likes to bicycle. Joan Slote actually answered an advertisement in a Canadian cycling magazine. So she joined a Canadian cycling group on a tour of Cuba on bicycles. She didn't know it was illegal for an American to travel to Cuba. She came back. Her son had brain cancer, was dying, and she was attending to her son.

In the meantime, our sleuths down at the Treasury Department tracked her down. They were going to slap a $10,000 fine on her, but she didn't get it because she was not home. She was attending to her son who was dying of brain cancer.

So then, the next effort by the U.S. Government was to attach her Social Security. They were going to take her Social Security away. Why? Because she bicycled in Cuba.

These folks in this picture are disabled marathoners, folks in wheelchairs, folks with lost limbs. They are people with the kind of spirit that is in the Special Olympics, who are disabled marathoners. Their big deal was going to be done in Havana, Cuba, the international event. They raised the money. They trained. They looked forward, with great hope, to go to this international event. Guess what. This country denied the opportunity for them to travel to their international event. Why? Because it was in Cuba.

I have no brief for the Castro government. That is not my purpose.

This man, as shown in this picture, by the way, is a Cuban. He came to this country legally. He is an American citizen. He joined the Marines. He went to Iraq and is a hero. This man has a Bronze Star for serving this country. Both his sons are still in Cuba. One of them was desperately ill. He came back from fighting in Iraq, where he earned a Bronze Star because of his heroism. Then he wanted to visit his sick son in Cuba, and his Government said: You don't have the freedom to do that. You can't see your son.

That is what his Government said. You fought for freedom in Iraq, but you don't have the freedom here to travel to Cuba to see your son.

I offered a bipartisan amendment yesterday for myself, Senators CRAIG, BAUCUS, and ENZI, two Democrats, two Republicans. That amendment has passed the Senate previously. The amendment simply said: No funds may be used in this appropriations bill to enforce the travel limitations on the American people traveling to Cuba. Once again, what we have done is, we have decided to restrict the freedom of the American people in order to slap around Fidel Castro—not much of a bargain in a democracy.

Senator MURRAY is from the State of Washington. I know a man from the State of Washington who, after his father was cremated, took his father's ashes to Cuba because his father wanted his ashes dispersed on the grass in the church where he had ministered in Cuba before coming to this country. When his father died, his compliant son did what he was requested to do. He went to Cuba to distribute his father's ashes.

Our Government—God bless those folks in OFAC with those tiny little glasses and that magnifying glass tracking American citizens—tracked him down and levied a fine for taking his father's ashes to Cuba.

Now I offer the amendment. The Senate has previously agreed to the amendment. Sufficient votes exist in the Senate to agree to the amendment. Yesterday a colleague, following the rules of the Senate, came and offered a second-degree amendment. What is the second-degree? It is about abortion. So the reason I say this is an interesting lesson for people involved in political science is, we now have an amendment that deals with the issue of the freedom of the American people to travel to Cuba second-degreed with an amendment dealing with abortion.

My colleague Senator ENSIGN offered this second-degree amendment, the Child Custody Protection Act, related to the transportation of minors and circumvention of certain laws relating to abortion. It is an interesting lesson in how our system works around here.

We will offer this again. One of my colleagues was intending to offer a second-degree so we wouldn't have this mischief, but that second-degree didn't get offered. So the result is, another colleague comes over and offers an abortion amendment on a very simple, germane, and relevant amendment dealing with the subject of travel to Cuba.

One of the things that makes the American people a little less than ecstatic about the way we work here is things that ought not use any brainpower at all, such as deciding to penalize Americans, taking away the freedom of the American people to travel because we don't like the Cuban government. We don't do that with China. China is a communist government. We say the best way to move people toward better human rights and democracy is through trade and travel. So we encourage people to go to China. Vietnam is a Communist country. We do the same—engagement, trade, and travel. But we say with respect to Cuba, what we have to do is restrict the freedom of the American people. That is unbelievably ignorant as a public policy.

We will change it one day, and there are sufficient votes in the Senate to change it. But because there is now a second-degree amendment dealing with abortion attached to the amendment, I will withdraw the amendment this afternoon and simply tell my colleague who offered this that he will have delayed this a bit. But inevitably, I and my colleagues will come to the floor. We will have a sufficient opportunity to prohibit this kind of legitimate but certainly strange mischief with a second-degree amendment on abortion attached to a Cuba travel amendment. It is going to happen. We are going to vote on this and we will, as we have in the past, vote to eliminate the restriction of the American people's right to travel.

I know why this is happening. This is all about politics. It is about politics in Florida and politics in New Jersey and perhaps a couple other areas, but mostly Florida and New Jersey. It is reaching out to those people who block the vote because the tougher you sound on Cuba, the better for them. So the President, about 3 years ago, decided to tighten it up even further, shut it down. Family vacations, family opportunities to interact, to send money home, he has tightened it all down.

Incidentally, there is an amendment that was passed that is now law offered by myself and then-Senator John Ashcroft. Talk about odd fellows; Senator Ashcroft and I together offered an amendment that became law that finally opened up a bit the ability of our country to sell food into Cuba. We had been unable to even move food into Cuba. Senator Ashcroft and I offered the amendment. It is now law. We can do that. The administration is now trying to shut that down. I fixed that in this subcommittee at the subcommittee level. I have a provision in this bill that shuts down the administration's opportunity to play mischief with the opportunity for our farmers to sell food into Cuba. It is immoral to use food as a weapon. We know that. This isn't rocket science.

I wanted to explain as I withdraw this amendment for the moment why I am forced to withdraw it: because the majority slaps an abortion amendment on an amendment dealing with the American people's right to travel. It is unbelievable. It is within the rules, but still unbelievable.

Those who have gained a few days respite on this will not apparently have to vote today when I withdraw the amendment, but they will vote. When they vote, the Senate will approve the underlying amendment that I, Senator CRAIG, Senator ENZI, and Senator BAUCUS have offered.

AMENDMENT NO. 2133, WITHDRAWN

With that, I withdraw the amendment No. 2133.

The PRESIDING OFFICER. The amendment is withdrawn.

Mrs. MURRAY. 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. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2165 TO AMENDMENT NO. 2065

Mr. COBURN. Mr. President, I call for the regular order with respect to amendment No. 2065, and I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The amendment is now pending.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2165 to amendment No. 2065.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a perfecting amendment)

At the appropriate place, add the following:

Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking ''for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska'' and inserting ''for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana'';

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) Item number 14 of the table contained in section 1302 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking ''AK'' and inserting ''LA''; and

(2) by striking ''Planning, design, and construction of Knik Arm Bridge'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''.

(c) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 406—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana'';

(2) in item number 2465—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Planning, design, and construction of Knik Arm Bridge'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana'';

(3) in item number 3323—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Earthwork and roadway construction Gravina Access Project'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''; and

(4) in item number 3677—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Planning, design, and construction of Knik Arm Bridge'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''.

(d) Item number 2 of the table contained in section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking ''AK'' and inserting ''LA''; and

(2) by striking ''Improvements to the Knik Arm Bridge'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''.

(e) Sections 1949, 4410, and 4411 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) are repealed.

(f) No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or

(2) a bridge joining the Island of Gravina to the community of Ketchikan.

(g) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

Mr. COBURN. 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. COBURN. 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. COBURN. Mr. President, I have offered a second-degree amendment that deals with a subject that has been on everyone's mind. It has been in every newspaper in the country. It is about almost $500 million for bridges in the State of Alaska that, although they may be needed, are priorities, as we have discussed today, that are very low on the totem pole in terms of the needs of the country.

I would also state, as I have earlier today, that we find ourselves in a significant difficulty as a nation. We had the worst natural disaster to hit our country we have ever experienced. We are in a war. We added $600 billion to our national debt this last year. That is not our national debt. That is our children's and our grandchildren's national debt. That is over $2,000 per man, woman, and child. In this country this year we added to what they are going to have to pay back, compounded at 6 percent over the next 30 years, $30,000 to $40,000.

I think it is important for us to look back at history a little bit to help us get redirected in terms of our priorities. There was a President who faced tremendous difficulties in our Nation. His name was Franklin Delano Roosevelt. He made a lot of great decisions for our country—enabled us to win World War II through his leadership. But less well known is FDR's decision to slash nondefense spending by over 40 percent between 1942 and 1944. Among the programs that were eliminated entirely were FDR's own prized creations. By 1944, such pillars of the New Deal as the Civilian Conservation Corps, the National Youth Administration, and the Work Projects Administration had been abolished. In 1939, those three programs had represented one-eighth of the Federal budget. Roosevelt and the Congress of his day knew what to do in an emergency. Indeed, he chose to begin the reordering of budget priorities long before Pearl Harbor.

In October 1939, 1 month after Hitler invaded Poland, Roosevelt wrote Harold Smith, his budget director, ordering him to hold budgets for all Government programs at the present level and below if at all possible. The next month he told him the administration would not undertake any new projects, even laudable ones. He told reporters that the next year his policy would be to cut nonmilitary programs to the bone. He kept his word. Between 1939 and 1942 spending for nondefense programs was cut by 22 percent. Everyone realized that no matter how popular or deeply entrenched the program, the Nation's priorities had to change.

I believe we find ourselves as a nation at that point in time again. With the catastrophe we have seen to our gulf coast, with the war in Iraq, with the energy crisis, and with the budget deficit, it is time for us to change our priorities.

The second-degree amendment does not save the amount of money I wanted it to save, but it does save $75 million, and it takes that $75 million and sends it to the Lake Pontchartrain Bridge. It eliminates two bridges that should be very low priority in terms of the infrastructure of this country. All the money that is not taken from those bridges can be reprogrammed, portions of it can be reprogrammed to the State of Alaska for things they and their elected representatives would deem might be more important.

I think it is important also to know what the people of Alaska think. I ask unanimous consent to submit for the RECORD quotes from letters to the editor and editorial opinions from the major newspaper in Alaska on the status of these two bridges.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS TO THE EDITOR FROM ALASKANS—ALASKANS CALL TO GIVE BRIDGES MONEY TO HURRICANE VICTIMS

''Thinking about the immense disaster in the Gulf states, it occurred to me that the most effective thing that Ketchikan residents could do to help would be to return the money earmarked for our Gravina Bridge.''—Dave Person, Ketchikan, Stories in the News, Sept. 3, 2005.

''We must all seriously demand that our Alaska congressional delegation take immediate steps to recall and to redistribute the millions of dollars now earmarked for nonessential and highly questionable and controversial new Alaska bridges, which include a Lynn Canal road.''—Alan Munro, Juneau, Juneau Empire Letters, Sept. 7, 2005.

There is no free federal money; what we Alaskans get is money that some other state—and its people—don't get. Even those many of us who've recognized that our congressional delegation has brought in more than our fair share have found it easy to turn our heads and let it be. But now we have a vivid picture of the devastation that can come to others when we ''win'' the funds for nonessential and even controversial projects that others desperately needed for survival.''—Doreen Ransom, Anchorage, Anchorage Daily News Letters, Sept. 25, 2005.

''I'm embarrassed to see the town of Ketchikan become synonymous with a $300 million bridge,'' . . . Troll said he believes that, if there were an election right now on using the money for the bridge or for building up the New Orleans levees, almost everyone in town would say no to the bridge.—Ketchikan artist Ray Troll, in ''Bridge to Nowhere? National spotlight has Ketchikan uncomfortable'', Sean Cockerham, Anchorage Daily News, Sept. 18, 2005.

''The decent thing—that is, the American thing—for Alaskans and our congressional delegation to do would be to send these ill-gotten half-billion dollars south to address the real needs of millions, rather than squandering them here on corporate welfare ''legacy'' projects that line the pockets of a few.''—John Doyle, Anchorage, Anchorage Daily News, October 7, 2005.

''This money, a gift from the people of Alaska, will represent more than just material aid; it will be a symbol for our beleaguered democracy.''—Art Weirner, Anchorage Daily News Letter, Sept. 13, 2005.

''Alaska's lone congressman can take some gut satisfaction in telling critics of his transportation bill plums for Alaska to ''kiss my ear.'' But he'd be wise to lend an ear to what the rest of the country is grumbling about Alaska.

A touch of grace may do more for Alaska than a crude invitation. After all, the state just announced that Permanent Fund dividend checks of $845.76 will be going to every Alaskan this fall. That's $510 million, about $60 million more than the federal money assigned to the Knik Arm Crossing and the Ketchikan Bridge to Gravina Island.''—''Kiss what? Did he mean, kiss my earmark,'', Anchorage Daily News Editorial, Sept. 24, 2005. ''Amen . . . send our bridge money to New Orleans.''—Bobbie McCreary, Ketchikan, Stories in the News, Sept. 6, 2005.

[From the Anchorage Daily News]

ALASKANS WHO SENT DELEGATION TO D.C. OWE HURRICANE SURVIVORS AN APOLOGY

As Alaskans view from afar the physical destruction and social devastation caused by Hurricane Katrina, we should be mindful of the distorted priorities promoted by Rep. Don Young and Sen. Ted Stevens. While they pork-barreled hundreds of millions of dollars to build boondoggle bridges in Anchorage and Ketchikan to benefit their friends and political contributors, they and their partners in the Bush administration repeatedly cut the funds requested by the Army Corps of Engineers, Federal Emergency Management Agency and state and local governments for projects that could have prevented the New Orleans disaster.

Sen. Stevens and Congressman Young should be ashamed of their greed and corruption that has harmed so many and brought disgrace on our nation. Our entire congressional delegation has also argued on behalf of their energy-industry friends against overwhelming scientific evidence of the human-caused global warming that is exacerbating the destructiveness of storms and destroying our fragile Alaska ecosystems.

Alaskans owe an apology to the people of New Orleans, to Alaska Native people and to the nation for their selfish shortsightedness in sending these scoundrels to Washington and voting to keep them there.

LET'S DONATE A BRIDGE TO VICTIMS OF KATRINA

SEPTEMBER 3, 2005.

Thinking about the immense disaster in the Gulf states, it occurred to me that the most effective thing that Ketchikan residents could do to help would be to return the money earmarked for our Gravina bridge. I would assume that most Ketchikan residents would agree that thousands of suffering fellow citizens and billions of dollars of destroyed economic and social infrastructure are of higher priority than our ability to drive to the airport.

DAVE PERSON,
Ketchikan, AK—USA.

[From the Anchorage Daily News, Sept. 13, 2005]

JUST SAY NO TO PORK, ALASKA—VOTE TED STEVENS, HIS PALS OUT OF OFFICE

If we are to control federal spending, we must get a handle on local, parochial interests. People keep telling me that Alaska is a very conservative place as far as fiscal issues go. Well, to me that means keeping governmental spending under control.

Do your part, Alaska, and vote Ted Stevens and his pigsty of friends out, and say no to pork. Quit being selfish and expecting your politicians to bring home the bacon.

JOE HARDIN.

Mr. COBURN. I will quote a few of those, if I might. The first is from Dave Person, Ketchikan, the very place where 50 people live and a $230 million-plus bridge is going to go to service them. So you can get perspective on this, $230 million for 50 people, where there is a ferry service already running every 15 to 20 minutes that takes 7 minutes to cross, is enough money to buy each one of them a Learjet. Think about that for a minute—a bridge longer than the Golden Gate for 50 people to a small area in Alaska. That is enough money to buy every one of the inhabitants a speedboat to cross any time they wanted. They could cross and leave the speedboat for somebody else to pick up and buy a new one the very next day and still not spend this much money.

So the fact is, it is the priorities we have in our country that are askew today. The priority of spending almost one-half billion dollars on bridges to a very small section of the population needs to be addressed.

What this amendment does is prohibit and directs no money to be spent on these bridges. That does not mean Alaska will not get the same amount of money. It will get the same amount of money less $75 million, and it directs $75 million to go to the twin span bridges of I–10 that were knocked out during Hurricane Katrina.

My hope was that I could move all the money, but under the technical ways we run bills and under the formula of the Transportation Department, that is not possible. I believe the American people would like to see all of that. But let me quote Dave Person from Ketchikan: Thinking about the immense disaster in the Gulf States, it occurred to me the most effective thing we can do as residents of our island would be to return the money earmarked for our Gravina Bridge.

This is the people of Alaska, with compassion. They know what is right. They know what we should be doing.

Here is another citizen from Alaska: I am embarrassed to see the town of Ketchikan become synonymous with a $300 million bridge. If there were an election right now on using the money for the bridge or building up the New Orleans levees or repairing a bridge in New Orleans, almost everyone in town would say no to the bridge. Anchorage Daily News.

And: The decent—that is, the American thing—for Alaskans and our congressional delegation to do would be to send these one-half billion dollars south to the real needs of millions, rather than spending them here in Alaska on legacy projects that benefit a few.

Anchorage Daily News, September 13, 2005:

This money, a gift from the people of Alaska, will represent more than just material aid; it will be a symbol for our beleaguered democracy . . .

I would assume that most Ketchikan residents would agree that thousands of suffering fellow citizens and billions of dollars of destroyed economic and social infrastructure are of higher priority than our ability to drive to the airport.

The I–10 twin span bridge in Louisiana is a 5.4-mile stretch of Interstate 10 over Lake Pontchartrain. It connects New Orleans with the city of Slidell. The twin span serves as the major route into New Orleans for interstate commerce, resident mobility, and working commuters. Storm surge from Hurricane Katrina caused extensive damage to both spans of the bridge, knocking 435 concrete segments out of alignment. Each segment weighs 309 tons. The eastbound span was repaired with several undamaged segments from the westbound span and was just opened to two-way traffic. The westbound span is not scheduled to be open until at least January. The Louisiana Department of Transportation plans to solicit bids on replacement of the twin-spin bridge in the spring of 2006. Each three-lane span will be elevated to a height to avoid the type of damage that Katrina caused. The preliminary estimate of construction cost is $500 million and it will take 3 years to build. The recently enacted Transportation bill included the $223 million for the Ketchikan Bridge and to Gravina Island, a total of $229 million, or $452 million for two bridges. The merits of both these projects have been questioned, wildly questioned, including by citizens of Alaska. The Ketchikan Bridge has been called the bridge to nowhere—$4,460,000 per resident to build a bridge that already has an adequate, safe, effective, and efficient ferry service. This bridge will be nearly as long as the Golden Gate Bridge and taller than the Brooklyn Bridge. The Gravina Bridge would replace the 7-minute ferry, as I have mentioned.

The second Alaska bridge, the Knik Arm Bridge, is designed as a 2-mile toll bridge across the Knik Arm Waterway in Anchorage to Fort McKenzie, and the Matanuska Valley.

No more than a few dozen individuals live in the area the bridge will serve. According to the Knik Arm Bridge and Toll Authority, the project will cost $400 to $600 million. Using the estimates from a decade ago, the project would cost $1.5 billion when adjusted for inflation.

Before it is said and done, this bridge will probably require another $1 billion of taxpayer money—well within the massive transportation bills we will be passing over the next years. But the question I ask is if repairing a vital interstate bridge in Louisiana, used by thousands and thousands and thousands of drivers every year, hundreds of thousands of drivers, should be a higher priority than constructing two massive bridges of dubious value and little merit. We are now at $8 trillion in debt as a nation, and $600 billion of that came this last year. It is time we think about priorities.

It is my understanding this amendment is going to be vigorously opposed by the home State Senators. This has nothing to do with my respect for them but has everything to do with my respect for our country and our desire to change the way we put our priorities on spending. If you think about the unfunded liabilities that are coming, $37 trillion on Medicaid and Medicare, another $8 or $9 trillion on Social Security, a debt that is soon to reach, by 2009, 2010, $12 trillion, how much more can we give to our kids, our grandchildren?

Is it not a time when we at this point, in consideration of everything that is in front of us, the problems, the magnitude of the problems, the structural deficit we have, make the hard choices about picking winners and losers that affect the most people? But more importantly, isn't it about time we change the whole attitude about how we operate in terms of cutting spending? The American people want to help the people of Louisiana, Mississippi, and Alabama. There is no question. They also want to help the people of Alaska, but the Alaskan people have already said they are willing to help with this. We ought to do this. It is only $75 million that will go toward the cost, but that is $75 million that won't get transferred in emergency spending for our children and our grandchildren. It is something that is the right thing to do. It is something that is the timely thing to do. And it is something we ought to do not for right now but for our children and our grandchildren.

I also would note that this still gives tons of flexibility to the State of Alaska. There are two types of money in the highway bill, discretionary money and program money. This only takes away discretionary money and limits the program money on these two bridges, for anything that comes out of discretionary will be than more than paid for by this elimination.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I believe before long, when they complete a markup, that the Senator from Alaska—probably both Senators will be here. They will have an opportunity to speak, and I am confident we will hear a very different side of that story. I do not presuppose to speak for the Senators from Alaska, but let me tell you my own personal observations on the situation.

No. 1, it certainly would not have been my priority. Right now, there are about 50 people on the island to which Ketchikan would be connected. The island has an airport on it. They view this as a major economic development area for the community of Ketchikan.

The town has been devastated because of the Federal cutoff of timber sales which used to be the major industry in Ketchikan, so they are looking to develop alternative sites. Ketchikan is right on the side of a very steep mountain. It is essentially one long narrow main street. Once you go off the main street, you are going up the hill. Not a great place for economic development.

I was there, and I spoke with the leaders in the town. They view this as their salvation. They think this is extremely important to their continued economic development. Nevertheless, I see some real problems with it because that bridge would go across an inlet which is a major floatplane landing area for floatplanes coming in and out of Ketchikan. In addition, large cruise ships 250 feet tall come through there. They would have to build a bridge over that.

I am not sure this would make sense. But the fact remains, this is not a decision which is being made by people from Missouri and Washington and other places. I did not like it, but I am an outsider.

The chairman of the House Transportation and Infrastructure Subcommittee made it a top priority. It is telling the people of Alaska that we are going to take away highway money, which was paid into the highway user trust fund, and put it into obviously a badly needed reconstruction project in Louisiana, which is going to be funded by the emergency appropriations bills that will be coming before us.

Secondly, I happen to believe that the money is not going to be spent unless the people of all of Alaska and their leaders are convinced it is the right place to spend it. Why do I know that? When I first came to Washington, I thought it would be a great idea to build a small road someplace. I put an earmark, a modest amount, in a bill for work on a little highway. The department of transportation in Missouri did not agree with it. That money never got spent. Roads get built, bridges get built in areas where the State transportation authority, whether it be the commissioner or the Governor, wants them to be built.

There is a study ongoing as to whether this bridge is needed, whether a tunnel would be more efficient, or whether a speedier ferry system would work out. The ferry is charming—not really fast going across from the airport to Ketchikan, but it will get you there. What is the best way to handle it? My own personal view is that the people of Alaska will make that decision. I question whether they would move to go ahead with that bridge. We will have an amendment, which is being prepared, that will say the bridge should not be built until the badly needed bridge between New Orleans and Slidell is built, during which time I believe the Alaska transportation authority is studying it before it would even begin to be built. I believe that is a more appropriate way to deal with this question.

I have heard lots of people complaining about this bridge, but, again, most of them do not know the situation in Ketchikan. While I question it, it is not my job to say what the transportation priorities of Minnesota are or Alaska or Washington or other States. It raises a question in my mind, and I understand why my colleague raised it.

I think before we move on this amendment, we will want to hear from the Senators from Alaska and look at an alternative amendment which I believe would satisfy most people's questions to make sure a badly needed bridge in Louisiana is completed and also that nothing goes forward on the Alaska bridge until there is a study completed and the transportation authority in Alaska makes a decision.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2160, AS MODIFIED

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Grassley amendment be taken up. We can handle it in about 2 or 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I send a modification to the desk and ask that my amendment be modified, which I have the right to do.

The PRESIDING OFFICER. The Senator does have a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 45 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the

independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

Mr. GRASSLEY. Mr. President, I also ask unanimous consent that Senator DORGAN be added as my only cosponsor on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, in 15 seconds I wish to say that I appreciate very much the accommodations Mr. DORGAN has made and the fine dialog we had in bringing a compromise to my amendment. I compliment him on the work he did on this issue 2 or 3 months ago on a similar amendment. I appreciate very much the cooperation we have had.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased to have worked with my colleague from Iowa. He offered a similar amendment to the one I offered some months ago. We have worked out a modification of that amendment. I believe it advances the right interest here.

Let me describe what this does. It deals with an independent counsel and the funding for an independent counsel and the report that should be published by that independent counsel. This independent counsel was for investigating former Secretary Cisneros where some money allegedly had been paid to someone else, lying to the FBI, et cetera. So an independent counsel was created. That was nearly 11 years ago. That independent counsel is still working, spending at the rate of about $2 million a year.

In 1995, the charge existed which caused the independent counsel to be created. In 1999, Mr. Cisneros pled guilty. In 2001, Mr. Cisneros was given a Presidential pardon. It is all gone, but the independent counsel is still working nearly 11 years later.

I previously offered an amendment that had passed the Senate but then died in conference that would just shut off the money. My colleague from Iowa has perhaps even a more thoughtful amendment, but it is one I fully support and am pleased to join him on today.

The reason I am is that the columnist, Mr. Novak, wrote that the purpose of the original amendment was to prevent a report from being filed. Mr. Novak is never in doubt but not always right. My interest was not in a report at all. The report, I understand, is with the three-judge panel. I think everybody ought to see the report.

This amendment says 60 days from enactment, the report must be made public with proper safeguards, as the Senator from Iowa has outlined in his amendment, and 45 days after that, the funding stops for the independent counsel.

It is the right thing to do. My colleague from Iowa is someone who looks out after the taxpayers' dollars on a range of issues, and I have joined him on many of them. I am pleased to stop the funding for an independent counsel that has been in business 11 years and seems to be able to do everything except stop spending money.

Let's get the report. The subject of the report pled guilty 6 years ago and was the recipient of a pardon 4 years ago. It is time to stop the funding. That is what the amendment does.

I am pleased to be a cosponsor with my colleague from the State of Iowa, Mr. GRASSLEY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have followed this discussion for a long time. This independent counsel has been working on this investigation since I was a very junior Member of the U.S. Senate. Not only has my hair gotten gray, but I think the independent counsel has gotten a lot grayer as well. Not only does the clock keep running, but the expense keeps running.

At the same time, there were very serious allegations raised to the independent counsel, and those, I gather, have had findings attached to them, whether they were accurate or not, and it is time we brought this to a close and find out what the independent counsel found because it goes to the operation of the Department of Treasury and other agencies in the Federal Government. If he found a problem, it is time we go about fixing the problem.

I know the Judiciary Committee and the Finance Committee are very much interested in this. Our committee is interested in it.

I thank my colleague from Iowa and my colleague from North Dakota. I ask to be added as a cosponsor because all good things come to an end, and even independent counsel investigations come to an end.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2160, as modified.

The amendment (No. 2160), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to thank the chairman and ranking member of the subcommittee for the work they have done on this bill and one thing in particular that is of concern to me and my constituents, which is Amtrak funding. I would like to, in particular, thank the two leaders for their outstanding support of Amtrak. It is a vital and important part of the transportation infrastructure of the Commonwealth of Pennsylvania. Philadelphia, in particular, and southeastern Pennsylvania benefit greatly from the relief of congestion off our highways which are incredibly congested. Amtrak provides great service up and down the Northeast corridor. We happen to be right in the middle of that corridor in Philadelphia. Philadelphia is now the second busiest station, second only to New York, on that corridor, and it is vitally important that sufficient funds are available. The $1.45 billion that is in this bill is $250 million more than last year, which we appreciate, and almost $300 million more than what the House has appropriated in their bill.

I wished to come and thank the chairman and ranking member of the committee. I think the fact that we have not seen any Amtrak amendments to increase the funding shows we have worked very hard together to get a good, solid number to go into conference, with the hope that we can get good, strong support for this vitally important part of southeastern Pennsylvania's transportation network.

I want to again thank the chairman and ranking member for their excellent work.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, the highway reauthorization bill recently passed the Congress. It was several years in the making and the result of a compromise. Now one of our colleagues feels it is his responsibility to rewrite portions of that bill to achieve his goals, not those that are expressed in the law itself.

Unfortunately, the manner in which the Senator wishes to do this has no impact on his constituency or any other constituency except Alaska. I fought for statehood as a member of the Eisenhower administration. I have been here now almost 37 years. This is the first time I have seen any attempt by any Senator to treat my State in a way differently from any other State. It will not happen. It will not happen.

I can remember many times when other Senators have stood on the floor and used parliamentary devices that kept people up for 2 to 3 days. This is not the way to treat a State. We are a sovereign State. If the Senate wishes to take part of the highway money and share it with New Orleans, we would be happy to join any other State. We

would be happy to make a fair contribution in any other program. We have already notified our State that many of the things we have been able to get funding for in the past may not be available now for a period of time until we build the area affected by Katrina or Rita.

Our State suffered the largest disaster in America preceding Katrina, the 1964 earthquake. I remember it well. I remember being a young lawyer and being forced to borrow money to keep the doors of our law firm open; to borrow money to repair my home that was destroyed by that earthquake partially; to borrow other money to help in terms of the concepts of rebuilding in that area.

Our State faced that recovery, and I think we understand what the people of New Orleans and the Katrina and Rita areas face. We now have another such storm coming upon us.

The amendment that is before us now will affect only Alaska. It will help Louisiana. We want to help Louisiana but not solely at the expense of Alaska. That is not a way to treat a sovereign State. This is something on which I think every Senator must examine his or her own conscience. What would they do if they were faced with the proposition that only their State's allocation of funds under a protective program would be taken and given to another State at the time of disaster?

This is not the way to meet a disaster need, to turn to the smallest—we have the smallest allocation per area of any State in the Union for roads. We only have a very small road system. The reason is that so much of our State has been withdrawn, and it is not possible to build roads through the Federal lands that are set aside for parks, wildlife refuges, wild and scenic rivers, wilderness areas. We are limited, and we must build bridges so that we can tie together two areas that are inaccessible otherwise.

That is because of withdrawals and set-asides of lands in our State that are owned by the Federal Government.

I ask my friend—and he is my friend—from Oklahoma, how would he explain to his people at home, if he went home after the Senate had taken money away from his State previously authorized by law and signed by the President?

That is not the way to treat a sovereign State. These funds that are necessary for bridges in Louisiana must be provided. That is a given. After the disaster in Florida, when I was the chairman of the Appropriations Committee, notwithstanding the opposition of the administration, I assisted the delegation from Florida to obtain money to rebuild their bridges and roads. That was from the General Treasury. That may have caused a deficit. We tried our best to offset it, and I think to a major extent we did offset it.

The request that has been made now to offset gulf coast spending using the highway bill money, only that allocated to the State of Alaska, is unacceptable to this Senator.

I am now President pro tempore of the Senate, the second oldest Member of the Senate, the fourth in service in the Senate, and I again say to my friend from Oklahoma I have never seen it suggested to single out one State and say, You pay for a disaster that happened 5,000 miles away.

We want to shoulder our fair share of the burden. We will do so. Those who want to look at this amendment as some sort of amendment that should be adopted because of misleading stories in the press, I warn you, it could happen to you, too. These bridges are necessary. Just take the one across the Knik Arm near our largest city of Anchorage. Anchorage is surrounded by water on two sides and by a military reservation on one side and a national forest on the other. There is no way to expand. Across this Knik Arm is land owned by the State and by private people that we could expand to. We have been trying to get a bridge across there for as long as I can remember. But because we are a small State, it is hard to do.

The time came when one of the Members of our delegation was chairman and he kept pressing and pressing and finally convinced his colleagues that bridge should be funded in a way that takes a sizable portion of our State's funding under formula money, and a portion of the so-called above-the-line money, money for grants for special projects, and made it possible that the Knik Arm bridge could be built.

The other bridge is in the southeastern area. It is the largest forest in the United States and is practically all withdrawn, practically all owned by the Federal Government and set aside for wilderness areas or nonpublic uses. There is one portion available to us, but it takes a bridge to get to it. That is State land and private land, the only land, really, in that kind of area that can be developed because all the rest of it is owned by the Federal Government and set aside, with the exception of some Native lands that are a little bit farther away.

We can argue about the needs. That argument should have been made at the time the highway bill passed. The highway bill allocated money for those. It comes out, not from the Treasury, but out of funds paid by people who buy gasoline and people who buy parts for cars, people who buy various things that require them to contribute to the highway fund.

I have come quite often to the floor and described my State to the Senate. I remind the Senate, we have half the coastline of the United States. We are one-fifth the size of the whole United States. We have more withdrawings for parks, wildlife refuges, wild and scenic areas, wilderness areas than all the rest of the States put together. We need bridges because we need to get from one private area to another private area.

When I first came to the Senate, funds were allocated to a State based on the amount of land that was Federal land in a State that was withdrawn. That was dropped after Congress, in its wisdom, withdrew so much of Alaska. If we had the old formula, I can tell you, the Senator from Oklahoma wouldn't even understand the money we would get because more than half of the Federal land in Alaska is withdrawn, and the Federal Government will own, in any event, almost two-thirds of Alaska no matter what happens in the future.

To have a representative of the Federal Government say Alaska doesn't need bridges, take them away from them and repair those bridges that went down in the disaster is absolutely wrong. Absolutely wrong.

I remember as a young man in California when someone suggested there ought to be a bridge, what we call the Golden Gate, over the San Francisco Harbor. People said: You can't do that. That is a bridge to nowhere. I remember those words, ''a bridge to nowhere,'' a bridge up in Marin County where hardly anybody lived. It was a place for cows and ranchers. Today what is it? It is a thriving part of the great State of California.

How about the bridge from New Orleans to Baton Rouge—absolutely going into wilderness. No one ever expected it to develop. That is part of the area that suffered from the disaster because it was so heavily developed.

How about the bridges that cross island to island going down the Keys in Florida? I remember as a young man going overseas, going to the edge of that area. You couldn't travel by road. You had to have a boat like you do in Alaska. You still have to do that in Alaska. There are no bridges between Alaskan islands. But go to Florida and where are they? It is a beautiful drive. Every one of those bridges was paid for by highway money.

There were those who said at the time: That is a waste of taxpayers' money. It wasn't taxpayers' money anyway. It is highway-user money, and highway-user money should be used for disasters only on the basis considering what the impact is on the highway system itself.

I have a unique role in my State because I not only served in the Eisenhower administration, trying to urge the admission of Alaska to enter the Union, but it was my honor to come here after Alaska had only been a State for 10 years. In December I will have been here 37 years, as I said.

I come to warn the Senate, if you want a wounded bull on the floor of the Senate, pass this amendment. I stood here and watched Senator ALLEN teach the Senate lesson after lesson after something was done to Alabama that he didn't like.

I don't threaten people; I promise people. I came here and swore to uphold the Constitution of the United States. I came here to represent a

State that is an equal member of this Union. Notwithstanding how many people are there, we are to be treated the same as any other State. On the floor of the Senate we are equal to any other Senators, my colleague and I. This amendment is an offense to me. It is not only an offense to me, it is a threat to every person in my State. We came here to have the same rights, the same privileges that were made available to any other State and to the people who live in those States. While we are one-fifth the size of the United States, we only have 13,485 miles of road. That is less than King County, WA. Why? Because the Congress, in its wisdom, has withdrawn so much of our land, as I said, that you can't build roads.

Oklahoma is one-eighth the size of Alaska. It has almost 10 times as many roads.

If the concepts involved in this bill were applied to States as the Nation moved westward, we would still have wilderness beyond the Mississippi. I really cannot understand this. Roads are the lifeblood of this country. That is what made us free, having the ability to move, having the ability to use individual transportation, having the ability to drive from Oklahoma to Alaska if you want to. I urge the Senator from Oklahoma to try to do that. When I first came here I drove home when I went home every year because I couldn't afford to fly. In those days we got about seven trips, I think, annually. That didn't apply to our families at all.

The problem I want to leave with you is this: 70 percent of our State is accessible only by air or by sea. Within our State we have to have different types of transportation. My colleague, Senator MURKOWSKI, has pioneered now a concept of trying to build some rural roads to connect villages so we will reduce some of the Federal costs of supporting those individual villages. Each has an airport, each has a school, each has a clinic. These are redundant facilities. We can build better ones. One could have a good school, one could have a good airport, one could have a good fire department. We could do better for them and save money if we had more road money. But we do not get it.

We do not get it because of the donor theory that came to this Senate about 15 years ago, which says for the people who pay in these taxes, it goes back to the States in which they paid the money—not where they live, but where they paid the money. So the States that are fortunate enough to be on interstate highways where people stop to buy gasoline, they get more money than the States where they don't stop for gasoline. It makes less sense than anything I have ever known.

In any event, we live under that system. We have needs. We are still a developing area. We are the last frontier of the United States. These bridges may go nowhere, as far as some people here are concerned, but they are very important to our future.

I think it was the Memorial Bridge in Milwaukee that was first called the bridge to nowhere, the Daniel Webster Hoan Bridge. That now serves as a major north-south connector between downtown Milwaukee and the neighborhoods in that city.

The Astoria Bridge on the Columbia River was referred to as a bridge to nowhere. It connects Astoria, OR, to what was once an empty shore. It now carries 6,000 cars a day, over 2 million people a year. We deserve the same right to grow.

Currently, the bridge will serve military families who live in the Anchorage area and pay very high costs. Because of the cost of land, the rent is very high. That is because of the lack of land to expand. They will go across to the Matanuska Valley and have a better place to live.

All I want to do is put the Senate on notice. I have been asked several times today if I will agree to this version or that version of the amendment of the Senator from Oklahoma. No. No, I will not, unless it treats all States the same way.

We are here to ask you, those of us from Alaska, to believe that fairness is fairness; equality is equality. Being a member of the 50 States is being a State with the right to be treated equally to any other State. That is why the two of us are here, to assure that happens. Praise God I have the energy to do what I may have to do, to prove to the Senator from Oklahoma I mean what I say. This amendment is not going to pass.

The Senate is warned. It is wrong to do this to any State. It is wrong to put colleagues in a position where we have to go home and explain why we couldn't prevent an amendment in which what is being done to our State has never been done to another State—never.

This is not the time to start this process. I urge my friend from Oklahoma to reconsider this, reconsider what he is getting us into. The amendment may pass, but if it does the bill will never be passed. If it does, I will be taken out of here on a stretcher.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I want to start by thanking my colleague, the senior Senator from Alaska. He has delivered, obviously, a very passionate statement on behalf of the issue in front of us. But even more than that, he gives us the historical perspective of what we in Alaska have been fighting for since statehood, what we in Alaska have continued to fight for almost 50 years after the fact of statehood, and that is a simple recognition that we are part of the United States and that we deserve to be treated with the same level of respect accorded to all of the other 49 States.

We are told not to take this amendment personally, but it is very difficult to stand here as an Alaskan and not take this personally. So I rise with my colleague to speak very strongly in opposition to a measure that is going to isolate us, that is going to pinpoint one State above everybody else to say: You are responsible; it is dollars directed to your State that we will now redirect to the devastation in the gulf area.

Alaskans are not hesitant to step up to the plate and help. We do it day in, we do it day out. We want to continue to be able to do that. But when we are singled out as one State, saying, Your project is not worthy; of all the other projects out there we are going to go after yours, it is not the time to be sitting back and saying we can compromise on this, we can make a deal.

There has been a great deal of discussion about this bridge. Let us speak first to the bridge in Ketchikan. It has been referred to on this floor as a bridge to nowhere. There have been references to media accounts about the community of Ketchikan and the project they have been working on for years and years. What I am hearing repeated in the Chamber and what I have seen in letters to us as Senate colleagues is a repetition of what we hear in the media, the same tired, worn-out facts that quite honestly aren't true, don't hold water, and yet get repeated. And the inaccuracies and the misrepresentations just make our job that much more difficult. It is as if we are legislating by the media, and we are better than that. It is our obligation to know and understand the facts that are real and to know and understand the implications and the impact of our actions.

I wish to talk about a couple of the facts that Members of this body need to know. If, in fact, what we intend to do here, if, in fact, this amendment is intended to provide for reconstruction of the twin-span bridge, it is eligible for emergency repair funds. Negotiations for its repair are already underway between the State of Louisiana and the Federal agency. I am confident that this bridge will be repaired without needless damage to the project from any other State. And if, in fact, there is a funding mechanism that we need to resolve to help make this happen, I am certainly willing to participate in that. I think all of us would be willing to participate. If we need to do something to make this project move forward with the funding mechanism, we can help with that.

The second fact, if this is being proposed as an amendment that is going to save money, people need to know that it swaps an earmark for our project in Alaska—the two bridges—to an earmark for a project in Louisiana. The project is going to be completed anyway whether or not this amendment is going to be considered. What we are essentially doing is taking the money from the Alaska project, we are directing it to allow the project, but we are reducing Louisiana's ability to have any kind of spending flexibility at a time when they need it the most. Let

us make sure that what we are proposing here is actually going to meet the needs of those in Louisiana.

The third fact—this is where we need to get into the discussion about the bridges and what they are because the reference to the bridge in Ketchikan as being a bridge to nowhere is offensive. It is a bridge to the future for the people of Ketchikan, AK.

I was born in Ketchikan. I spend a fair amount of time going back and forth between Anchorage and Ketchikan and have done so for years. I was in Ketchikan this past weekend. I wasn't guided by occasional letters to the editor; I was guided by talking to the people in Ketchikan who ask: Where are we on the bridge? They are asking me: Lisa, where are we on the bridge? We put the money in the transportation bill finally, after so many years of waiting, how are we going to move forward on it? They are concerned because they are getting copies of the articles that are in the New York Times and in other publications around the country calling it a bridge to nowhere, and they are saying: Don't these people understand who we are and what we need? That is the problem. Most of you don't understand who we are up there and what we need.

We need basic infrastructure. Senator STEVENS has spoken to that. If we had a terrible disaster hit us in Alaska, we would not face a lot of the repairs to the infrastructure because we don't have the infrastructure in the first place to repair.

The arguments that have been made or the statements that have been made about a bridge that will connect to 50 people do not acknowledge any understanding about Ketchikan and what it is and what kind of a community it is and what it has to respond to.

Those of you who have been to Alaska because you have been up on a cruise ship enter through Ketchikan. We call it Alaska's First City. You enter into the Tongass Narrows. As you come in, you see a community that is smashed up literally against a rocky terrain, a long, stretched-out community with islands dotted all around you. People ask: Why do you need this bridge? We need the bridge because on the other side of Ketchikan is the potential for this community to grow and thrive, despite some of the actions of the Federal Government, and the policies that have been made over the years, whether they relate to timber or farm fishing, have practically shut down the community. But we are coming back. We have a thriving maritime industry we are helping to grow and to cultivate. But we have a community of some 13,000 to 14,000 people in Ketchikan. It is 6 blocks deep and 16 miles wide.

We can't expand to the south and the east because we are bordered in by the Misty Fjords National Monument on the north, and we are hemmed in by the Behm Canal. The only place that Ketchikan has an opportunity to expand is right across the Tongass Narrows on Gravina Island. Gravina Island has a sloping area. It is wide open. But the best thing that Gravina Island has is some 20,000 acres of private, municipal, and State lands that can make a huge difference in providing economic opportunities for this area. We can't grow in any other direction in Ketchikan. We have to go across the narrows.

Right now, across the narrows, we have the airport. This is an airport that doesn't just serve the 13,000 or 14,000 residents of Ketchikan; this airport is the cargo hub for southeastern Alaska. You have FedEx and UPS coming in there. You have all of the aircargo coming into the southeastern part of the State.

You also have a small logging operation, one of the few that is hanging on after the policies we have implemented here in Congress. But we have a business that employs 50 to 100 people. Every day, those people are not able to get into their car and drive to work. They take a ferry to work and have to figure out how to do it on the other end.

The airport is also incredibly important to our military over there. Every nuclear sub that goes on Pacific patrol is tested for stealth at the Navy facility in Behm Canal. We have technicians coming into the airport. We have our Ketchikan Coast Guard base. It is at this base that they maintain most of the aid to navigation in the State of Alaska. The Forest Service certainly has a very large presence there. Ketchikan's hospital is a regional center. We get many of the patients visiting Ketchikan from the surrounding areas.

On top of that, we have a tourist industry where this summer the city of Ketchikan welcomed some 800,000 passengers into that community—800-some-odd thousand passengers that occasionally need to get off those cruise ships. Some of them have medical issues. Some of them need to use our airport.

We have an airport that is serviced by a ferry. But that ferry isn't the answer to everything we need. When we have some extreme tides, they can't utilize that ferry. What does that mean if you have a Medivac going out to the airport when you can't get the ambulance over there? You can't get to the other side with the vehicles we need. In fact, we have a ferry service, but is it what we need? Is it what we were promised when the airport was put back there in 1973? The promise at that time was, we will connect you across the very narrow channel of water to the community of Ketchikan. The people of Ketchikan have been waiting for 30 years.

Some people are making the assumption that just because we happen to have a chairman on the House side chairing the Transportation Committee, that all of a sudden any great idea, any project that we want as a delegation we were going to be able to snap our fingers and get. This is something that has been in the works for 30 years. Ask the people of Ketchikan how much money, time, and energy they have spent in the various studies, discussing dialog, debating, fighting. It is not something that just came up because we could have it; it is something that we as a community have been working together and pulling together for a long time.

Now to have a colleague come in and say that because there is something that has happened in another part of the country and because we need to find ways to pay for it, we are going to make a determination that we are going to pluck this money and we are going to take this project and anything that the community has put into it, anything the State has put into it, is now thrown out the window, that is not it.

The local government in Ketchikan has been working on a balanced plan—a use development plan—where we are talking about private homes over there, businesses, industrial facilities, harbors, green spaces to enhance the environmental value. We are trying to plan for our growth and development, but you can't have the growth and you can't have the development if you do not have access. Access is our State's biggest challenge.

As Senator STEVENS has mentioned, the biggest State in the Union has the smallest number of roads. People look at it and say, It just doesn't make sense in Alaska where you have a limited number of people, and yet we spend so much money on Alaska. It must be wrong, you must be taking too much. The sad fact is, folks, we are a long way from the rest of the country, and it costs more. That is a reality. That is a reality of doing business up there. But because our transportation costs might be more, might be higher, might be greater, does that mean our projects are worth any less, have any less value?

There was a statement made by my colleague from Oklahoma. He said it is important to know what the people of Alaska are thinking, and he read a couple of letters to the editor that were published in the Ketchikan Daily News and a couple of letters which were published in the Anchorage Daily News. I do not know about the rest of my Senate colleagues, but I do not make my policy decisions based on a couple of letters to the editor.

I will ask at the appropriate time to have printed in the RECORD a copy of a letter that the Ketchikan Chamber of Commerce has posted on their Web site speaking about Ketchikan's ''bridge to the future,'' refuting many of the allegations that have been out there. I wish to read one quick passage because it kind of sums up the position of the people from Ketchikan.

Statements like ''The Bridge to No Where'', and serves only 50 people'' simply are not supported by the facts. The bridge

will provide road access to Ketchikan's International Airport which serves approximately 130,000 passengers annually and employs 180 people daily. In August, the shuttle ferry ride required between the airport and Ketchikan serviced 31,000 passengers. In addition to the airport, there is a viable sawmill employing 50–100 people who will not have to take a daily boat ride back and forth to Gravina Island for work. During extreme ocean tide levels, the ferry is incapable of transporting vehicles, including typical safety vehicles such as fire trucks! The Alaska Department of Transportation evaluation indicates over the long run the bridge is cheaper to build and maintain than providing inadequate ferry service.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

KETCHIKAN CHAMBER OF COMMERCE,
Ketchikan, Alaska.

Re Ketchikan's Bridge to the Future.

It is quite heartening to see how quickly American citizens, businesses, and communities pull together to help others when a natural disaster strikes such as the recent hurricanes in the Gulf Zone. Ketchikan, Alaska's future home of the now famous Bridge to the Future, and home to over 13,000 real people, held a Katrina hurricane relief fund raiser and netted over $18,000. This contribution is only from the fundraiser, and does not include many more donations given by and through our local businesses and churches. This has demonstrated the community's giving and compassionate nature despite of the Ketchikan's loss of thousands of family jobs, loss of small support businesses, and a 20 percent drop in school enrollment, due to the needless reduction of a wood fiber supply from the nation's largest Federal forest and its resultant closure of our local pulp mill, historically Ketchikan's largest employer.

It is equally disheartening to see how quickly anti-development and fiscal conservative groups are jumping on the bandwagon to use the hurricane disasters to attack federal funding of transportation projects, feathering their desire to stop modern-day development in Alaska. The continual spreading of misleading and false statements to gain emotional and/or political support for their objectives seems to be normal practice for these anti development groups and the news media. Whether seeking to stop the construction of a bridge and ultimately any economic development within the community of Ketchikan or for grasping for an audience, the use of misleading and false statements is not only wrong, but just plain destructive.

Statements like ''The Bridge to No Where'', and ''serves only 50 people'' simply are not supported by the facts. The bridge will provide road access to Ketchikan's International Airport which serves approximately 130,000 passengers annually and employees 180 people daily. In August, the shuttle ferry ride required between the airport and Ketchikan—serviced 31,000 passengers. In addition to the airport, there is a viable sawmill employing 50–100 people who will not have to take a daily boat ride back and forth to Gravina Island for work. During extreme ocean tide levels, the ferry is incapable of transporting vehicles, including typical safety vehicles such as fire trucks! The Alaska Department of Transportation evaluation indicates over the long run the bridge is cheaper to build and maintain than providing inadequate ferry service.

Beyond the existing international airport, there are 20,195 acres of private, borough, and state-owned land to be served by the bridge access road. The Ketchikan Gateway Borough has an approved balanced land use development plan that provides for private homes, commercial businesses, industrial complexes, harbors, and green space. In a state where there is only 1 percent private land and 99 percent untaxable federal, state, and native corporation land, it is challenging for local governments to fund local needs. As every State developed ''Bridges to No Where'' were built, seen by those States as Bridges to the Future. Today, those bridges are merely seen as normal transportation infrastructure. As the final frontier, Alaska is stuck in the time warp of the mid–1900's, where infrastructure deemed normal in the continental U.S. is viewed as extravagant for Alaska. Ketchikan, Alaska, has worked for over 30 years to achieve funding of a bridge similar in many respects to the hundreds of bridges in the Gulf Coast that connect communities to surrounding small islands filled with residential homes and businesses.

Ketchikan has been promised a bridge to the airport since it went into operation in 1973. How much longer do we have to wait?

The statement ''It's pretty obvious that, at least on the grass-roots, everyday-citizen level, there's a consensus that the money could be better spent on the Gulf'' made by the coordinator for the Alaska Transportation Priorities Project (a group hatched and coordinated by the anti-development environmental groups in Alaska) is clearly untrue, inaccurate, and not the feeling of the citizens of Ketchikan who supported the Gravina Bridge in a referendum vote by a margin 2 to 1. There may be consensus among the anti-development groups, but we are grass-roots, everyday-citizens also. The majority of our community continues to support our ''Bridge to the Future''.

I applaud the Alaska Congressional Delegation and the others in the Nation's Congress for recognizing that Alaska is a developing State, and their ability to help Alaska's delayed infrastructure development through the Federal Transportation Bill.

Sincerely,

BLAINE ASHCRAFT,
Business Manager, Greater Ketchikan Chamber of Commerce.

Ms. MURKOWSKI. Mr. President, in addition to the airport, we have the sawmill.

My point is, at some point in time, those back here who do not know and understand Alaska need to listen to those of us who live in Alaska, who work in Alaska, and who raise our families in Alaska, to know and understand what the priorities are of Alaskans and allow us to address those. That is what we are trying to do with the 12 projects that are the subjects of this amendment. I have been speaking about the Ketchikan project, and I want to stick with this for a few more minutes until I turn to the Knik Arm Crossing. We in Alaska are willing to do our share. I made that statement earlier. The citizens in Ketchikan, when they saw the aftermath in Katrina, didn't sit back and say, Well, we got ours. We are a long way away from the gulf, we don't need to worry about it. Private people have been dipping into their pockets, as they have all across the country, but we had a fundraiser in Ketchikan a couple weeks ago. We had fishermen, businessmen, housewives, teachers, shipfitters, booksellers, doctors, and clerks, raised almost $20,000 out of this little community of about 14,000 people.

We are willing to step up. Alaskans are willing to step up. Believe me, this week we have had an opportunity to talk about that as we dealt with the issue of ANWR in the Committee on Energy and Natural Resources yesterday. We want to help out. We are prepared to do it. But let us prioritize those projects within the State of Alaska that have the support and that will allow our State to develop as every other State in the Union has been allowed to develop. Ketchikan is asking for nothing more than exactly the same type of bridge connection that other communities all across the country have. However, Ketchikan and most of the other communities in my State are stuck in this time warp, a mid-1900s time warp, where transportation systems that are old hat or accepted and part of the landscape in the rest of the country are still the future to the State of Alaska. What we are trying to do is to bridge into the future.

Now I turn, for a minute, to the Knik Arm Crossing because we have not given as much attention to that. Maybe it is because the media hasn't dubbed it or given it a catchy little name such as ''Bridge to Nowhere.'' As Senator STEVENS has indicated, again, we are a victim of our own geography. We are hemmed in by the mountains, the ocean, Cook Inlet, military land, and national forest lands. We don't have any place to grow. This is Alaska's largest community. We need to be able to go across the water so we can have the opportunity, as a community, as a State, and as a regional hub, to further our growth and development.

The comment was made on the Point MacKenzie—one side is Anchorage and the other side is Point MacKenzie—we have about 12 residents there; again, making us look like we are just going to build bridges because we have the ability to build bridges and we do not care where we are placing them. People that make statements such as this need to look at the facts. First, look at a map. Look at what we have over there. We have a community, the fastest growing part of the State is up there in the Mat-Su Valley. We have tens of thousands of commuters coming into Anchorage from the Mat-Su Valley every day that could be aided by a bridge across the water. To suggest we have 12 families that we are somehow helping out and connecting defies the facts. It is offensive to me. There has been some suggestion this is a project that we are taking up because we can. People need to understand this is something we have been looking at and studying for a good 30 years.

I cannot tell the number of projects—actually, I can tell the number of projects, and I am going to. We have, over the past, probably 10, 20 years, so studied this bridge, so evaluated this

bridge, that the people in south central are asking, What's wrong? Why can't we get the bridge moving? We had the Point MacKenzie Area Which Merits Special Attention Plan in 1993; the Point MacKenzie Port Master Plan in 1998; the Regional Port of Anchorage Master Plan in 1999; the Anchorage 2020 Plan in 2001; the Anchorage Metropolitan Area Transportation Solutions Freight Mobility Study in 2001; the Matanuska Susitna Borough Economic Development Plan in 2002; the Anchorage Metropolitan Area Transportation Solutions Long Range Transportation Plan Amendment in 2002; the Regional Transportation Planning Organization Resolution Supporting the Knik Arm Crossing as a Regional Transportation Priority Project in 2003; the Matanuska-Susitna Borough Assembly Resolution Adopting the Knik Arm Crossing as the Number One Regional Transportation Priority, 2003; and then the Matanuska-Susitna Borough Rail Corridor Study, June 2003. And there have been more updates since then.

This is something we have been working on for a long time. To suggest this is pork, this is fluff, this is servicing 12 families or 50 homes, we need to have everyone look at the factories and understand that Alaska will never achieve its full potential as a State unless we have access.

Taking away these two projects from the State of Alaska and saying this is what we are going to do to help with the reconstruction efforts in the gulf, to single out one State, we start taking it very personally.

If the suggestion were made to our colleagues that everybody gives a little bit, everybody gives a little bit on your transportation projects, that is okay. As one of the 50 States, we can deal with that. We can certainly accept that. But to see we are looking at one State—first it was one project, now it is two projects—this Senator cannot accept, will not accept a proposal like that.

I appreciate the efforts of so many that have been working so hard as we try to find offsets, as we try to do the work necessary to rebuild the gulf region. But we need to recognize, again, we worked on a transportation authorization bill, a 6-year plan. This bill was 6 years in the making. What went into it, went into it with thought and study and the support of those people who would benefit from it. And the people that will benefit from the bridges in Ketchikan and the bridge in south-central are not only the people of Alaska but all of the tourists we serve, all of the military we serve, all of the people that rely on Alaska for your energy needs, for your commerce needs. It is not about providing service and assistance to a few. Let Alaska come into this century when it comes to transportation infrastructure. Don't take from us our ability to grow, as all of the other States in the lower 48 have been allowed to do, having been provided the Federal funding. Don't deny Alaska.

I yield the floor.

Mr. STEVENS. I find myself in a strange position, as I indicated to the Senator from Oklahoma. Earlier today, I indicated to the Senator that I would suggest a series of second-degree amendments. I had under consideration second-degree amendments. It is my understanding now the amendment of the Senator from Oklahoma is filed as a second-degree amendment to the Bingaman amendment, am I correct?

The PRESIDING OFFICER. That is correct. It is a second-degree amendment.

Mr. STEVENS. Mr. President, I have a small Bible to start reading, a few editorials from my State concerning this bridge and some of the comments that have been made in other States. I am willing to try to work out a system so that all States contribute to assisting our sister State in Louisiana and recognize their prior need for money, but I am entirely unwilling to take money from Alaska only. I think the Senate ought to have that on notice. I will suggest the absence of a quorum, and I will object to taking it off until we have some way that the Senate might consider an alternative to the Senator from Oklahoma or until a quorum is present and the Senate decides otherwise than what I have decided.

I will put the Senate on notice—and I don't kid people—if the Senate decides to discriminate against our State and take money only from our State, I will resign from this body. This is not the Senate I came to. This is not the Senate I devoted 37 years to. If one Senator can decide he will take all the money from one State to solve a problem of another, that is not a union. That is not equality and is not treating my State the way I have seen it treated for 37 years.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. 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. BOND. Mr. President, I ask the pending amendment to be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2162

Mr. BOND. Mr. President, I have 12 amendments that have been cleared on both sides of the aisle. We thank the sponsors of these amendments for working with our staff and the relevant committees for clearing these amendments. I call up on behalf of Senator REED of Rhode Island amendment No. 2162. This amendment has been cleared on both sides. It requires the Department of the Treasury to submit a report on the application of Treasury regulations on arbitrage bonds to the reserve funds held by EPA clean water and safe drinking water State revolving funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. REED of Rhode Island, proposes an amendment numbered 2162.

The amendment is as follows:

(Purpose: To require a legal basis for the application of arbitrage bond regulations to reserve funds held by the Clean Water and Safe Drinking Water State revolving funds)

On page 293, after line 25, add the following:

SEC. ___. APPLICATION OF ARBITRAGE BOND REGULATIONS TO CERTAIN STATE REVOLVING FUNDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to provide a legal basis for the application of section 1.148–1(c) of the United States Treasury Regulations (regarding arbitrage bond regulations) to the reserve funds held by the Clean Water and Safe Drinking Water State revolving funds which generally contain replacement proceeds but not bond proceeds.

Mr. BOND. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2162) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2174

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of myself and Senator MURRAY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mrs. MURRAY, proposes an amendment numbered 2174.

Mr. BOND. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 384, after line 13, insert the following:

SEC. ____. The Administrator of General Services shall require that all credible sustainable building rating systems that award credits for certified wood products in the rating system be included in the published building design criteria or specifications of any solicitation for offers issued by the General Services Administration (GSA) for construction of a Federal building or courthouse: *Provided*, That the Administrator may only consider sustainable forest management certification programs that are currently in use in the United States and consistent with the Federal Government's goals of environmental stewardship: *Provided further*, That not later than 90 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the appropriateness of individual forest management certification programs for use within GSA's sustainable

building program, including a schedule for incorporating any additional such programs into the system through regulations.

Mr. BOND. Mr. President, this amendment relates to the GSA's rating system. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2174) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2146, AS MODIFIED

Mr. BOND. Next, I call up amendment No. 2146 with a modification on behalf of Senator ENSIGN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. ENSIGN, proposes an amendment numbered 2146, as modified.

The amendment is as follows:

(Purpose: To provide for free individual tax electronic preparation and filing services by the Internal Revenue Service)

On page 293, after line 25, add the following:

SEC. ____. The Internal Revenue Service shall provide taxpayers with free individual tax electronic preparation and filing services only through the Free File program and the Internal Revenue Service's Taxpayer Assistance Centers, Tax Counseling for the Elderly, and volunteer income Tax Assistance Programs.

Mr. BOND. Under the Ensign-Allen-DeMint amendment, the language requires the IRS to continue the Free File Program, which was created in 2002 as a public/private partnership between the IRS and a group of tax software companies called the Free File Alliance. This partnership has increased electronic tax filing by improving access to filing and making tax preparation and filing easier for taxpayers.

This language is not meant to disrupt or override current negotiations or the new agreement.

It is critical that the Free File Program and other IRS taxpayer services continue to evolve to meet the needs of taxpayers across the Nation.

I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2146) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2105, 2106, 2108, AS MODIFIED, AND 2120 EN BLOC

Mr. BOND. Mr. President, I call up amendments Nos. 2105, 2106, 2108, and 2120. I send up a modification to amendment No. 2108 on behalf of Senator VOINOVICH. I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2105

(Purpose: To modify the designation relating to a certain project in the State of New York)

On page 276, after line 24, insert the following:

SEC. 1____. Item number 4596 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking ''Corning Preserve improvements Phase II'' and inserting ''Transportation Center, Corning, NY''.

AMENDMENT NO. 2106

(Purpose: To modify the designation relating to a certain project in the State of New York)

On page 276, after line 24, insert the following:

SEC. 1____. Item number 512 of the table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking ''Corning, NY, Phase II Corning Preserve Transportation Enhancement Project'' and inserting ''Transportation Center Enhancements, Corning, NY''.

AMENDMENT NO. 2108 AS MODIFIED

(Purpose: To modify certain projects relating to highways in the State of Ohio)

On page 436, between lines 10 and 11, insert the following:

SEC. 8_____. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—in item number 4620, by striking ''Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport Columbus, OH'' and inserting ''Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio''; and

(2) in item number 4651, by striking ''Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport'' and inserting ''Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio''.

AMENDMENT NO. 2120

(Purpose: To make technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users)

On page 436, between lines 10 and 11, insert the following:

SEC. 8_____.(a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended in item number 4632 by striking ''Construct 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way'' and inserting ''For roadway improvements and construction of 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way''.

(b) The table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended in item number 516 by striking ''Dayton Wright Stop Plaza'' and inserting ''Downtown Dayton Transit Enhancements''.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2175 AND 2176 EN BLOC

Mr. BOND. Mr. President, I have amendments on behalf of myself and the Senator from Washington making technical corrections, having a division A and division B in this bill. I send to the desk two amendments and ask for their consideration en bloc. These are technical changes to the bill, and I believe both of them are agreeable on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mrs. MURRAY, proposes amendments numbered 2175 and 2176 en bloc.

The amendments are as follows:

AMENDMENT NO. 2175

On page 216, after line 23, insert the following:

DIVISION A—TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

AMENDMENT NO. 2176

On page 436, line 11, strike ''Act'' and insert in lieu thereof ''division''.

Mr. BOND. They have been cleared on both sides. I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments.

The amendments (Nos. 2175 and 2176) were agreed to en bloc.

Mr. BOND. I thank the Chair. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2177 AND 2178 EN BLOC

Mr. BOND. Mr. President, I send to the desk two amendments, one on behalf of myself and one on behalf of Senator REID of Nevada. Mine is technical in nature; the other deals with a heliport. I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment No. 2177.

The Senator from Missouri [Mr. BOND], for Mr. REID, proposes an amendment numbered 2178.

The amendments are as follows:

AMENDMENT NO. 2177

(Purpose: To improve the bill)

At the appropriate place in the bill, insert the following:

SEC. ____. Section 14711(c) of title 49, United States Code, is amended by—

(1) striking ''; and'' at the end of paragraph (1) and inserting ''.'';

(2) striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) inserting the following after paragraph (2):

''(3) be substituted, upon the filing of a motion with the court, for the State as parens patriae in the action.''.

AMENDMENT NO. 2178

(Purpose: To provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport)

At the appropriate place, insert the following:

SEC. ____.(a) In this section:

(1) The term ''Conservation Area'' means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term ''County'' means Clark County, Nevada.

(3)(A) The term ''helicopter tour'' means a commercial helicopter tour operated for profit.

(B) The term ''helicopter tour'' does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term ''Secretary'' means the Secretary of the Interior.

(5) The term ''Wilderness'' means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled ''Clark County Public Heliport Facility'' and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) ⅔ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

(ii) ⅓ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

Mr. BOND. I ask for their immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 2177 and 2178) were agreed to.

Mr. BOND. I move to reconsider the votes.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2179

Mr. BOND. Mr. President, I send to the desk an amendment on behalf of Senators DURBIN and OBAMA and ask its immediate consideration. This amendment requires the Secretary of HUD to report on a housing project in the State of Illinois.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. DURBIN, for himself and Mr. OBAMA, proposes an amendment numbered 2179.

Mr. BOND. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Housing and Urban Development to report to Congress on certain properties in Joliet, Illinois)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. REPORT ON EVERGREEN TERRACE.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study and prepare a report that describes the progress, if any, in improving the living conditions of the tenants of the Evergreen Terrace I and Evergreen Terrace II housing complexes located in Joliet, Illinois, by the owners of such complexes.

(b) INTERIM REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress an interim report on the findings of the study required under subsection (a).

(c) FINAL REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a final report that describes—

(1) the findings of the study required under subsection (a); and

(2) any conclusions and recommendations of such study.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2179) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2180

Mr. BOND. Mr. President, I send to the desk on behalf of Senator MURRAY an amendment on Midway Atoll and ask that it be considered immediately.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Senator from Missouri [Mr. BOND], for Mrs. MURRAY, proposes an amendment numbered 2180.

The amendment is as follows:

On page 432, line 22, strike ''2006.'' and insert ''2007.''

On page 433, line 5, strike ''$6,000,000'' and insert ''$10,000,000''.

On page 433, line 9, insert after ''upgrades'' the following: '', including the replacement of the fuel farm facility''.

Mrs. MURRAY. Mr. President, this amendment makes small revisions to the provision in the bill mandating the continued operation of the emergency landing field at Midway Island Atoll in the Pacific.

The bill before us, for the third consecutive year, requires a cost-sharing agreement between the appropriate Federal agencies for the continued operation of this critical airfield.

This amendment would clarify that among the costs that must be covered by the Federal agencies are the necessary capital costs for the replacement of the aged fuel farm on the island.

I am not aware of any objection on either side. I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2180) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. 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. FRIST. Mr. President, I ask unanimous consent that Senator STEVENS now be recognized to offer a first-degree amendment which is relevant to the Coburn amendment No. 2165; provided further, that the Coburn amendment No. 2165 be further modified to be drafted as a first-degree amendment; I further ask consent that there be 5 minutes equally divided in the usual form, and that following that time, the Senate proceed to a vote in relation to the Coburn amendment No. 2165, to be followed by a vote in relation to the Stevens amendment; provided, that no second-degree amendments be in order to either amendment prior to the votes. I finally ask unanimous consent that if either of the amendments does not achieve 60 votes in the affirmative, that amendment be automatically withdrawn; provided further, that following these votes, the Bingaman amendment No. 2065 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2181

(Purpose: To ensure reconstruction of the Twin Spans Bridge)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for himself, Ms. MURKOWSKI, and Mr. FRIST, proposes an amendment numbered 2181.

At the appropriate place, insert the following:

SEC.____. No funds provided under Section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) for the construction or reconstruction of any bridge shall be expended until nonemergency funds have been made available for the repair of the Twin Spans Bridge connecting New Orleans and Slidell, Louisiana.

Mr. STEVENS. Mr. President, it is my understanding the first amendment offered by the Senator from Oklahoma will be considered first.

I yield the floor.

AMENDMENT NO. 2165, AS MODIFIED

Mr. COBURN. Mr. President, the purpose of my amendment does not have that much to do with Alaska as it does with priorities in our country. We put forward $600 billion of debt to our children last year ending September 30. We have a war going on. We have the largest natural catastrophe we have ever seen in our history. We have a hurricane coming on Florida. We are at war. It is time we reassess the priorities we utilize in this body as we think about our obligations at home.

The purpose of my amendment is to move $125 million out of above-the-line money—not program money, not formula money—to be used for this. I understand there is going to be another amendment. My hope is the American public will see how we are spending money and encourage us to spend it in a way that is more frugal and consistent with the heritage we have in the country, and that is making sacrifices today for the future of our country and for the next generation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do not have a better friend than my colleague from Oklahoma, but it does not mean we always agree with each other. I have had a policy in voting for amendments on bills that I have adhered to for a long time, and it is if a Senator has a bill or an amendment that takes authority from an elected official and places it in the hands of an unelected bureaucrat and it does not save money, then I think it is not good policy. Unfortunately, I think that is what this does.

My good friend Senator COBURN and I have talked about this. I know it is a difficult thing for a lot of people to understand. Many people are watching this. I happen to be the person with the No. 1 most conservative rating in the Senate and yet I am not about to put myself in a position where I am going to take authority away from someone who has to stand for election in a particular State and give it to someone who does not have to stand for election, period.

I do not think that is a good idea. If it were something that saved money, I would have a different position on it, but in that respect I will oppose this.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. How much time do I have remaining?

The PRESIDING OFFICER. One minute 11 seconds.

Mr. COBURN. Was Senator INHOFE's time taken from my time?

The PRESIDING OFFICER. It was not.

Mr. COBURN. I would say to my friend, whom I love dearly as a friend and a brother, this amendment is about changing the priorities in this country. We can reject that or we can accept it. I gave a speech this morning about the rumble that is out there in this country. We need to listen to that rumble. The rumble is the American people want us to start doing a better job of prioritizing how we spend money. I respect his position on this. I have no ill feelings that he will oppose me on this amendment.

This is an amendment that is good for the country.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, the Senator from Oklahoma who has just spoken, who is the author of this amendment, has indicated we need to be making sacrifices. I do not think anyone in the State of Alaska feels we should not be contributing, but we do not feel in the State of Alaska that it should be coming entirely from one State. This amendment puts the sacrifice on one State.

I urge rejection of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute remaining.

Mr. STEVENS. Mr. President, I would add to my colleague's comment to say this concept is a concept that every State should think about because if it can be done on a bridge, why not do it on any type of event where a Senator would like to have money for their State, but they say take it from another State because they do not need it. I made a statement earlier today that in my 37 years I have never seen this. I have never seen a request that money for a disaster be taken solely from a project in one State to help a disaster in other States.

We are a disaster-prone State. We have more disasters than any other State in the Union. Remember our 1964 earthquake. We have tsunamis. We have all types of disasters. But we have never tried to take moneys from other States to meet our costs.

I urge the Senate not to start this process.

I yield back the time.

Mr. BOND. I 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 Coburn amendment No. 2165, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 82, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—15

Allard	Conrad	Kyl
Allen	DeMint	Landrieu
Bayh	DeWine	Sessions
Burr	Feingold	Sununu
Coburn	Graham	Vitter

NAYS—82

Akaka	Durbin	Mikulski
Alexander	Ensign	Murkowski
Baucus	Enzi	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Grassley	Obama
Bond	Gregg	Pryor
Boxer	Hagel	Reed
Brownback	Harkin	Reid
Bunning	Hatch	Roberts
Burns	Hutchison	Rockefeller
Byrd	Inhofe	Salazar
Cantwell	Inouye	Santorum
Carper	Isakson	Sarbanes
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Lautenberg	Stevens
Cornyn	Leahy	Talent
Craig	Levin	Thomas
Crapo	Lieberman	Thune
Dayton	Lincoln	Voinovich
Dodd	Lott	Warner
Dole	Lugar	Wyden
Domenici	Martinez	
Dorgan	McConnell	

NOT VOTING—3

Corzine	McCain	Schumer

The amendment (No. 2165), as modified, was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, my colleagues, Senator MURKOWSKI, Senator FRIST, and I offered the second amendment establishing the principle that if this type of money is to be made available to an area of disaster, it would come equally from the projects that are authorized under the highway bill and above the line area for bridges.

In view of this vote taken, I would be willing to withdraw this amendment. I understand there is objection to that. There is already a unanimous consent request that the amendment be presented.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Again, I say some Members voted the way they did on the Coburn amendment because of the presence of this amendment and wish to be recorded in favor of this amendment.

I yield my time.

Mr. SPECTER. Mr. President, if I could have the attention of my colleagues, tomorrow we are starting on the appropriations bill of Labor, Health and Human Services, and Education. It is a very complex bill. We are advised preliminarily that there will be many amendments offered. Senator HARKIN and I sent out a ''Dear Colleague'' letter urging all Members who have amendments to have them ready to file.

I have consulted with the majority leader. I have long advocated that if we have quorum calls and amendments not ready to go, that we go to third reading and final passage. I am not sure how effective that approach will be, but I am going to try it. I have been talking about it for a long time. The majority leader is encouraging on it.

But I want to put everybody on notice that we are going to press very hard and also on the vote on 15 and 5.

Again, I am not the majority leader. I know that. Whether it will be enforced is another matter. But this is a tough bill, and there are many people who are working on it who need to go back to the confirmation process of Harriet Miers.

We have a lot of work to do. I want to be as emphatic as I can—that if you have amendments, get them ready because I will press for third reading.

Thank you.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Illinois.

Mr. DURBIN. Mr. President, has there been time set aside to speak in opposition to the pending amendment?

The PRESIDING OFFICER. No.

Mr. DURBIN. I ask unanimous consent to speak for 2 minutes in opposition to the pending amendment.

Mr. BAUCUS. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I ask unanimous consent to speak for 1 minute.

Mr. BAUCUS. Objection.

Mr. STEVENS. The time hasn't expired yet.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Mr. President, parliamentary inquiry: Wasn't there time on both sides for that amendment?

The PRESIDING OFFICER. There was prior to the first vote.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President. I ask unanimous consent that there be equal time for anyone to speak for 2 minutes, at least. I have 2 minutes on my side.

I ask unanimous consent to allow 2 minutes for the Senator from Illinois on my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I will be very brief.

Understand what this amendment says: No bridge in the highway bill can be built until this bridge in Louisiana is built from non-emergency funds, financed from non-emergency funds. If they take any part of the $60 billion that we have already put in FEMA to put into construction of this bridge, it doesn't count. It has to be non-emergency funds.

So understand that it is slowing down the construction of bridges everywhere until we appropriate more money for financing this bridge in Louisiana.

I yield the floor.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. CORZINE), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—33

Allard	Cornyn	Martinez
Allen	DeMint	McConnell
Bayh	Dole	Murkowski
Bennett	Feingold	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burr	Hatch	Specter
Chafee	Inhofe	Stevens
Chambliss	Isakson	Sununu
Coburn	Kyl	Vitter
Coleman	Landrieu	Warner

NAYS—61

Akaka	Durbin	Mikulski
Alexander	Ensign	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Grassley	Nelson (NE)
Bond	Gregg	Obama
Boxer	Hagel	Pryor
Burns	Harkin	Reed
Byrd	Hutchison	Reid
Cantwell	Inouye	Roberts
Carper	Jeffords	Rockefeller
Clinton	Johnson	Salazar
Cochran	Kennedy	Sarbanes
Collins	Kerry	Smith
Conrad	Kohl	Snowe
Craig	Lautenberg	Stabenow
Crapo	Leahy	Talent
Dayton	Levin	Thune
DeWine	Lieberman	Voinovich
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—6

Baucus	Enzi	Schumer
Corzine	McCain	Thomas

The amendment (No. 2181) was rejected.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2065

The PRESIDING OFFICER. Under the previous order, amendment No. 2065 is agreed to.

The amendment (No. 2065) was agreed to.

Mr. BOND. Mr. President, I ask unanimous consent that the only amendments in order will be those that are accepted to be in the managers' package. There is a Leahy-Coleman amendment, two amendments from Senator LANDRIEU. We have two amendments we are going to accept from Senator COBURN. We have an amendment we are accepting from Senator BILL NELSON.

Is there objection?

Mrs. MURRAY. And Bingaman.

Mr. BOND. And Senator BINGAMAN's amendment. It is done?

Mr. REID. Bingaman is done.

Mr. LEAHY. Leahy-Coleman.

Mr. BOND. The Leahy-Coleman amendment will be one of them.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, we are going to try to resolve these amendments as quickly as possible. I know everyone wants to get out of here.

I suggest that perhaps Senator LANDRIEU can address her amendments very quickly. I am going to talk with Senator LEAHY and Senator COLEMAN, and see if we can resolve those.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the Senator from Louisiana wants to speak in a moment. I want to make an inquiry of the majority leader, if I could. It will only take a moment.

I don't know where Senator SNOWE is. We were talking a moment ago. She is the chairperson of the Small Business Committee. I am the ranking member. We have been making a bona fide, bipartisan effort to try to get the Small Business Hurricane Relief and Reconstruction Act into law. It has been sitting up in the conference and is sort of stuck at the moment.

The problem is that—Mr. President, could we have order.

The PRESIDING OFFICER. Could we have order, please. Will Senators take their conversations off the floor.

Mr. KERRY. Mr. President, the administration has set up two major pieces of relief for Hurricanes Katrina and Rita, totaling $62 billion, but not one penny of that $62 billion is designated for small business, even though there are several hundred thousand small businesses that are in need of relief in the region.

Only 84 out of some 20,000-plus requests—only 84 requests—for loans or grants have been approved by the Small Business Administration. So this is becoming an incredibly backed-up, serious restraint on the ability of small businesses to get back on their feet in the injured areas.

I know Senator SNOWE is deeply concerned about it. I know a lot of colleagues are very deeply concerned about this. Is there a way we could try next week to break this out? It has passed 96 to 0 here in the Senate. We desperately need to get this help to those businesses in the communities.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to my distinguished colleague from Massachusetts, are you talking about the small business reauthorization or the Katrina-focused legislation?

Mr. KERRY. This is the Katrina small business hurricane relief and reconstruction bill. What is it? It is S. 1807.

Mr. FRIST. The Senator's question, that it has passed the Senate or is being considered?

Mr. KERRY. It passed the Senate 96 to 0.

Mr. FRIST. The question to me is what, again?

Mr. KERRY. The question is whether—I know the chairman wants to make this happen—if we could try to break this out and pass it separately, pass it in the House, and get this immediate assistance into the hands of the small businesses. It would make an enormous difference, obviously.

Mr. FRIST. Obviously, we need to focus on small business. We know how important that is in terms of both the flexibility and the release of regulations. The focus on small business is part of that rebuilding and renewal in a smarter way. I would be happy to talk to the Senators who are involved to see how we could address it.

I am not going to make any commitment at this point in time, but the Senate has spoken in terms of a very significant vote on the floor. I will be happy to talk to my colleagues about how we can, in some way, accelerate that next week.

Ms. LANDRIEU. Mr. President, if I could, will the majority leader yield for a question?

I ask the majority leader and the Senator from Massachusetts, did they know that today the report came out from the Small Business Administration, which the chairman knows, the Senator from Maine, Ms. SNOWE, that 53,900 businesses have applied for help, and that only 58 businesses have received checks to date?

Let me repeat, 53,900 businesses have asked for help, and, to date, 58 in the whole region—from Louisiana, Mississippi, Texas, and Alabama—have received help—58 businesses. So I think the Senator from Massachusetts raises a good point.

Did you know there is some urgency, Mr. Leader, about this situation?

Mr. KERRY. Mr. President, I thank the Senator from Louisiana. She is right about the number that received checks. I think it was a total of 84 that received approval. But that is out of tens of thousands, as we have heard.

The problem is, if you are going to bring the communities back, you are going to have to get these small businesses up on their feet because they are the heart of that kind of recovery.

So again, I think it is a bipartisan initiative. And my hope is—I look forward to talking with the leader and seeing how we can expedite this.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, again, we are absolutely committed to addressing the concerns of both of the Senators in a bipartisan way. I will make it very clear, the legislation and the amendment the distinguished Senator from Massachusetts is talking about did pass in a bipartisan way here. We need to continue to address the problem—a very real problem—to promote small business as a big part—a big part, a huge part—of the rebuilding and renewal that we all know needs to be accelerated.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, while the managers are making final decisions about the package, could I have 4 minutes to speak about an amendment I am going to offer but not ask for a vote on?

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Thank you, Mr. President. I would like to ask for order, if I could. I have an amendment I am going to speak about but not ask for a vote on. I would appreciate my colleagues' focus for a moment.

The PRESIDING OFFICER. The Senate is not in order.

Ms. LANDRIEU. The amendment I was going to offer to the underlying HUD appropriations bill is part of a blueprint for action that our delegation—Republicans and Democrats—from Louisiana has asked the Congress to consider. Not only would this work for Louisiana, Mississippi, Alabama, and Texas today, but if something like this were in law, it could work for every city and every State in the event that some catastrophic event occurred, where hundreds of thousands of homes were destroyed and people were displaced.

My amendment, which I am not going to ask for a vote on but will offer at some time, would provide for a 6-month deferral from mortgages—not a waiver of mortgages, not a forgiveness of mortgages, but 6 months for Americans, for families to get their legs underneath them, until they can figure out what their insurance is going to cover and not cover, where their children might go to school, where they might find a job. These are Americans who have worked hard, played by the rules, invested in their home—which is their largest asset—and, in the blink of an eye, it is gone.

In the United States of America, in the year 2005, we do not have in place a system to give them a break—not for

a month, not for 2 months, not for 3 months.

The average savings on a mortgage would be $4,317 in Louisiana, $4,740 in Alabama, $4,131 in Mississippi, and $4,875 would be a 6-month average mortgage. The families in my State could use this extra money. No administrative costs, no contractors, no fraud, no waste, no abuse, simple, 6-month deferment on mortgages, put 6 months at the end of your mortgage, give people some cash and breathing room.

It is a sound amendment. Our delegation thinks it is good. We cannot pass it tonight, but I think we have to have a better system of help for Americans who get caught in storms, tornadoes, earthquakes, or, for heaven's sake, a terrorist attack. The system we have in place is not working: $62 billion to FEMA, $43 billion sits in a bank. Nobody is getting money. Nobody is getting help. People are stuck in hotels. There is no plan for housing. I could go on and on.

We need to do better. I will withdraw this amendment at this time, but we will offer it again to give people hope, 6 months of a break until they can figure out whether they can rebuild, come back, or move to another place.

I thank my colleagues for their patience.

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. BOND. 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. BOND. Mr. President, we need to see the amendments from Senator LANDRIEU. I believe with modifications we can accept them. If she would share them with us, we would be happy to do that.

I would ask my colleagues, the Senator from Vermont and the Senator from Minnesota, about the time they will need. They have an amendment I would love to be able to accept, providing more money for CDBG and other worthwhile activities. Unfortunately, there is not money to rescind. We were presented with a major rescission package by the administration, but neither the Department of Housing and Urban Development nor the Office of Management and Budget could justify any of those rescissions. We have taken the maximum rescissions we believe are feasible. This additional funding for CDBG is predicated on providing more offsets, plus it is $200 million above the budget. I regret that I will have to raise a Budget Act point of order. I ask what time limit they would need to speak on this amendment. I regret I must tell them that I will have to raise a Budget Act point of order.

May I inquire through the Chair?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will tell the distinguished senior Senator from Missouri, first off, that he and the distinguished senior Senator from Washington State have been doing a wonderful job in moving this bill. It is a difficult bill. I know. I have watched it being put together in the Appropriations Committee. I know the two of them have worked extraordinarily hard. I mean to commend them, whether the distinguished Senator supports me and the Senator from Minnesota or not in our bipartisan amendment, number 2157, to restore funding to the Community Development Block Grants, Section 8 Housing Vouchers, and Public Housing Capital and Operating Funds. I think all of us should commend them for the work they have done and want to work with them to look for alternatives that will make our amendment acceptable to them. I suggest the absence of a quorum. I think the chairman will probably be pleased that I do.

Mr. BOND. If the Senator will withhold, the Senator from Louisiana is prepared to offer another amendment.

Ms. LANDRIEU. I am not going to offer another amendment. I just wanted to offer the amendment to be placed in the RECORD and withdraw it because I have already spoken about it. I thank the managers.

The PRESIDING OFFICER. The amendment has been printed in the RECORD.

Mr. LEAHY. 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. LEAHY. 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. LEAHY. Mr. President, while we have the distinguished senior Senator from Missouri and the distinguished senior Senator from Washington and the distinguished Senator from Minnesota on the floor, let me propose this: We could spend the next several hours on our bipartisan amendment to restore funding to the Community Development Block Grants, Section 8 Housing Vouchers, and Public Housing Capital and Operating Funds, and there are enough of our 40 bipartisan cosponsors willing to speak that it would take several hours to do it. We would then end up on a 60-vote point of order, which may or may not go through. I know from nearly 30 years on the Appropriations Committee how it works. I have watched for decades the work of the distinguished Senator from Missouri and the distinguished Senator from Washington State. I know how hard both of them have worked to accommodate the needs of Senators from both sides of the aisle, and certainly in this case, when the key cosponsors are both Republican and Democrat. I see my friend from Minnesota on the floor. I have truly appreciated all the work Senator COLEMAN, Senator SARBANES, Senator GRAHAM and Senator REED have put into crafting this amendment with me. I also thank our 35 other cosponsors, who strike a broad swath of the political spectrum. Might I suggest this, though: That we withhold our amendment and work to ensure that in conference we increase funds for these important community development and housing programs. I am on Appropriations. The Senator from Missouri is as well, of course, as is the Senator from Washington State. With Senator COLEMAN, we are all agreed on the need for Community Development Block Grant Programs, Section 8, HUD public housing. Between now and the time of conference, we will work closely together with the leaders of the Transportation-Treasury-HUD Appropriations subcommittee to see if we can increase these various areas. Would that make sense to the distinguished chairman?

Mr. BOND. Mr. President, the suggestion of my friend from Vermont is a very good one. I think he knows—and he serves on our committee—that trying to fund these very vital programs is a top priority of my ranking member and of mine. We are in a position where we have not been able to identify any more dollars. We will look forward to working with them and their staffs. We will work in conference with the House to try to add money because these are high-priority programs. Community development block grants, public housing, Section 8, these are vitally important. Right now we can't find them. I would be put in a very awkward spot of having to raise a Budget Act point of order. I would appreciate the opportunity to work with the Senator from Vermont, the Senator from Minnesota, and other Senators. I know I speak for my colleague from Washington. We will work with the other original cosponsors of this amendment to try to accomplish that. I thank him very much for his understanding and willingness to work with us.

Mr. LEAHY. Mr. President, I have worked with both the Senators from Missouri and Washington State for years. I know they have commitments to all these programs and have always worked in a bipartisan way. I would be willing to accept those assurances. I ask my chief cosponsor, the Senator from Minnesota, how he feels about this commitment from the chairman and ranking member of the TTHUD Appropriations subcommittee?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, the champions of CDBG and Section 8 are the ranking member and chairman of the committee. We are in an awkward position. We are all trying to get to the same place. I accept those assurances. These programs are vitally important. We had over 68 votes for supporting full funding for CDBG when it first came up this year. We are all marching down

the same path. I appreciate the work that the chairman and the ranking member have done and their commitment to look for more money when we get to conference.

Mr. LEAHY. Mr. President, we will withdraw the amendment. If it is at the desk, we withdraw it.

The PRESIDING OFFICER. The amendment is not pending.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENTS NOS. 2182; 2080; 2122; 2083, AS MODIFIED; 2183; 2184; 2185; 2186; 2187; 2188; 2167, AS MODIFIED; 2168, AS MODIFIED; 2189; 2084; 2103; 2119, AS MODIFIED; 2190; 2150, AND 2173 EN BLOC

Mr. BOND. Mr. President, as part of a managers' package, I send to the desk amendment No. 2182 from Senator LEVIN on the use of funds for Federal contracts with expatriate agencies; amendment No. 2080, Senator SANTORUM, to modify provisions relating to certain Federal contracts; amendment No. 2122, to allow disabled and nondisabled tenants to keep their Section 8 contracts for properties postforeclosure by Senator SCHUMER, as modified; amendment No. 2083, as modified, by Senator DEWINE, to appropriate $6 million for the new car assessment program; an amendment on behalf of Senators FRIST, DOLE, and BOXER to provide funding for Habitat for Humanity; an amendment on behalf of Senator MURRAY relating to the Spokane region high-speed rail corridor study; an amendment on behalf of myself to eliminate the GSA authority to retain proceeds from the sale or other conveyance of real and personal property; an amendment on behalf of Senator NELSON making appropriations for the Department of Treasury for the Financial Crimes Unit; an amendment on behalf of Senator LOTT and Senator LAUTENBERG relating to Amtrak; an amendment on behalf of Senator LAUTENBERG on the owners and operators of airports certified under section 44476; two amendments on behalf of Senator LANDRIEU, one to make funds available for conducting a study and submission of a report relating to catastrophic hurricane evacuation plans and another amendment to set aside funds to provide grants to local governments to address increased transportation demands in communities that have experienced significant population growth; an amendment on behalf of Senator COLEMAN to improve the safety of all-terrain vehicles; and on behalf of Senator COBURN, we wish to include amendment No. 2084. Senator COBURN has an amendment on improper payments, and I would ask that he or his staff provide us copies of those amendments and that they be included in the managers' package.

The PRESIDING OFFICER. The Senator from Missouri should note that both of those amendments are already pending.

AMENDMENT NO. 2091 WITHDRAWN

Mr. BOND. I ask that amendment 2091 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to considering the specified amendments en bloc?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are working our way quickly toward final passage. I just wanted to take a minute and thank our chairman, Senator BOND, from Missouri, who has done a remarkable job with a very complex bill that has numerous agencies with it, the first time the Senate has considered a bill with Transportation and HUD and Judiciary. I wish to compliment him and his staff and thank all of our staffs for the tremendous work they did in moving this bill forward.

I thank the Chair.

Mr. BOND. Mr. President, I thank my colleague from Washington. Her cooperation and her very active involvement have made all of this possible. We appreciate it. We will talk about our staff later.

I call up amendment 2103 on behalf of Senator BURNS requiring air carriers to honor tickets for suspended air passenger service, and I call up modified amendment No. 2119 on behalf of Senator STEVENS and Senator ENSIGN and ask that be considered and adopted.

We have the Coburn amendment, improper payments. I call up amendment 2150 on behalf of Senator SNOWE relating to certified service station employees, the Federal Aviation amendment, and ask that be included in the managers' package, and amendment 2173 on behalf of Senator COLEMAN relating to purchase card payments to Federal contractors and ask that be included.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2182

(Purpose: To prohibit the use of funds for Federal contracts with expatriated entities)

On page 293, after line 25, add the following:

SEC. ___. PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

AMENDMENT NO. 2080

(Purpose: To modify provisions relating to certain Federal contracts)

On page 276, after line 24, add the following:

SEC. 18___. Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''title 40'' and all that follows through the period and inserting ''title 40.'';

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in subparagraph (E) (as redesignated by paragraph (3)), in the first sentence, by striking ''subparagraph (E)'' and inserting ''subparagraph (D)''; and

(5) by striking subparagraph (G).

AMENDMENT NO. 2122

(Purpose: To allow disabled and non-disabled tenant to keep their section 8 contracts on their properties post foreclosure)

On page 338, line 15, strike ''and is occupied primarily by elderly or disabled families''.

On page 338, line 19, insert '', and the contract for such payments shall be renewable by the owner under the provisions of section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)'' after ''in the property''.

AMENDMENT NO. 2083, AS MODIFIED

(Purpose: To appropriate an additional $6,000,000 for the New Car Assessment Program with a corresponding off-set in Department of Transportation salaries and expenses)

On page 248, between lines 20 and 21, insert the following:

SEC. 133. For an additional amount for the National Highway Traffic Safety Administration under the heading ''Operations and Research'' $6,000,000, to carry out the provisions of section 10307(c) of Public Law 109–59.

AMENDMENT NO. 2183

(Purpose: To fund Habitat for Humanity)

On page 310, line 16, after ''tribal area'', insert the following: '', and of which $5,000,000 shall be for capacity building activities administered by Habitat for Humanity International''.

AMENDMENT NO. 2184

On page 253, after line 22, insert the following:

''SEC. ___ Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho.''

AMENDMENT NO. 2185

(Purpose: Eliminate GSA authority to retain proceeds from sale or other conveyance of real and personal property)

On page 383, state line 21 and all that follows through line 6 on page 384.

AMENDMENT NO. 2186

(Purpose: To provide the sense of Congress that the Secretary of the Treasury should place al-Manar on the Specially Designated Global Terrorist list)

On page 293, after line 25, insert the following:

SEC. 221. It is the sense of Congress that the Secretary of the Treaury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

AMENDMENT NO. 2187

(Purpose: To modify the provisions on grants to the National Passenger Rail Corporation)

On page 250, line 9, strike ''*Provided*, That,'' and all that follows through page 252, line 17,

and insert ''*Provided*, That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: *Provided further*, That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: *Provided further*, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation.''.

AMENDMENT NO. 2188

(Purpose: To ensure that airports improve their runway safety areas, and for other purposes)

On page 227, line 7, strike the period and insert the following: ''*Provided further*, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further*, That the Federal Aviation Administration shall report annually to the Congress on the agency's progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.''

AMENDMENT NO. 2168, AS MODIFIED

On page 276, after line 24, add the following:

SEC. 1____.(a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) as of the date of enactment of this Act, of the amounts made available by this Act, $1,000,000 may be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended—

(1) in subsection (a)—

(A) by inserting after ''evacuation plans'' the following: ''(including the costs of the plans)''; and

(B) by inserting ''and other catastrophic events'' before ''impacting'';

(2) in subsection (b), by striking ''and local'' and inserting ''parish, county, and municipal''; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''safe and'' before ''practical'';

(B) in paragraph (2), by inserting after ''States'' the following: ''and adjoining jurisdictions'';

(C) in paragraph (3), by striking ''and'' after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

''(6) the time required to evacuate under the plan; and

''(7) the physical and mental strains associated with the evacuation.''.

AMENDMENT NO. 2167, AS MODIFIED

On page 219, line 14, insert after ''$15,000,000'' the following: '', of which $2,000,000 may be made available to provide a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and municipal governments in the State of Louisiana that experience a significant spike in population because of an unexpected influx of hurricane evacuees, as determined by the Louisiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic congestion and to address increased transportation demands in the affected communities''.

AMENDMENT NO. 2189

(Purpose: To improve the safety of all-terrain vehicles in the United States)

At the appropriate place, insert the following:

SEC. ___. ALL-TERRAIN VEHICLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any manufacturer or wholesale distributor to distribute in commerce in the United States any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of—

(i) the American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA–1–2001);

(ii) a revision of such Standard; or

(iii) a mandatory rule promulgated by the Consumer Product Safety Commission; or

(iv) such alternative standard that may be accepted by the commission; or

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles or such alternative standard that may be accepted by the commission;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that is sent not more than 30 days after the date of enactment of this Act—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C) has been approved by the Commission and is substantially implemented at the time of the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term ''ATV'' means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, UNITED STATES.—The terms ''Commission'', ''distribution in commerce'', ''to distribute in commerce'', and ''United States'' have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

AMENDMENT NO. 2103

(Purpose: To extend the suspended service ticket honor requirement)

At the appropriate place, insert the following:

SEC. ———. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking ''November 19, 2005.'' and inserting ''November 30, 2006.''.

AMENDMENT NO. 2119, AS MODIFIED

(Purpose: To amend section 40128(e) of title 49, United States Code, to clarify the Lake Mead exemption to the prohibition of commercial air tour operations over national parks)

On page 230, after line 22, insert the following:

SEC. 109. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.''.

Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon.

AMENDMENT NO. 2190

(Purpose: To ensure fiscal integrity of the payments made by Federal agencies and to prohibit the use of funds until the Department of Housing and Urban Development has reported specific actions taken to estimate improper payments in the community development block grant program as required under the Improper Payments Information Act of 2002)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.

(a) ESTIMATE.—The Secretary of Housing and Urban Development shall estimate improper payments for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) pursuant to section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300).

(b) REPORT.—Not later than 60 days after the date of enactment of this section, the Secretary shall report to Congress on specific actions taken to estimate improper payments in the community development block grant program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) FAILURE TO REPORT.—If the Secretary fails to report to Congress on specific actions taken to estimate improper payments as required under subsection (b), funds for the

community development block grant program shall be halted until such report is submitted.

AMENDMENT NO. 2150

(Purpose: To assist certain flight service station employees of the Federal Aviation Administration)

At the appropriate place, insert the following:

SEC. ____.(a)(1) This section shall apply to an employee of the Federal Aviation Administration, who—

(A) would be involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who is being involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and is eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

AMENDMENT NO. 2173

(Purpose: To require that purchase card payments to Federal contractors be subjected to the Federal Payment Levy Program and to require improved reporting of air travel by Federal Government employees)

On page 406, between lines 7 and 8, insert the following:

SEC. 724. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy Program.

SEC. 520. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each agency undertaken at the expense of the Federal Government.

(b) CONTENTS.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class fare available under contract with the General Services Administration or, if no contract is available, the lowest coach class fare available.

(c) AGENCY DEFINED.—(1) Except as provided in paragraph (2), in this section, the term ''agency'' has the meaning given such term in section 5701(1) of title 5, United States Code.

(2) The term does not include any element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

DISABLED VETERANS AND OTHER PERSONS WITH DISABILITIES

Mr. NELSON of Nebraska. Mr. President, I rise to enter into a colloquy with Senator DEWINE to discuss an amendment that we were going to offer on behalf of our Nation's disabled veterans and other persons with disabilities.

I know that we are all concerned about taking care of our returning service men and women, especially those who were wounded in action and are now disabled, some severely. The amendment that was to be offered today would have immediately increased employment of the disabled while potentially saving taxpayer money.

In October 2004, Congress enacted the American Jobs Creation Act of 2004, providing for outsourcing by the IRS of collection of unpaid and past due Federal income taxes. The administrative process for issuing contracts to qualified private sector debt collection companies is about to be completed. It is estimated that these contracts will create up to 4,000, well paying private sector jobs.

If the same tax collection activities were conducted by Federal employees, provisions of current law would give preferences in employment to disabled veterans in filling those Federal jobs. In addition, if other persons with disabilities were employed by the Federal Government in those jobs, those disabled persons would benefit from the Federal Government's long history of nondiscrimination and policies of promoting job opportunities for the disabled. By enacting legislation to improve the IRS's tax collection efforts and placing those efforts on a sound commercial footing by outsourcing or privatizing the initiative, Congress certainly did not intend to curtail the national commitment to creating meaningful job opportunities for disabled veterans and other persons with disabilities. Indeed, the contracts which the IRS will soon execute with private sector debt collection companies provide a unique opportunity for the Federal Government to stimulate creation of well paying jobs for disabled veterans and other persons with disabilities.

To realize this opportunity, however, Congress must act to assure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of the IRS's contracting criteria.

The language in the proposed amendment would have established a preference under the debt collection contracting program for contractors who meet certain threshold criteria relating to employment of disabled veterans and other disabled persons. Furthermore, the amendment would have required that at least a specified percentage of the individuals employed by the contractor to provide debt collection services under the contract with the IRS qualify as disabled veterans or disabled persons.

Some have expressed concern over this proposed amendment because they believe this could possibly derail the selection process currently underway.

It is not my intention to stall this process, but rather to make it better. As such, I have chosen not to offer the language at this time. But it is my intention to find the appropriate legislative vehicle for language mandating the hiring of persons with disabilities prospectively.

I wish to ask the Senator from Ohio to work with me on this very important matter.

Mr. DEWINE. Mr. President, I am happy to join my friend from Nebraska in bringing this very important issue to the attention of the Senate.

As my good friend has mentioned, the provisions contained in the American Jobs Creation Act of 2004 have created a unique opportunity to advance the futures of returning patriots and other persons with disabilities, while improving the fiscal outlook of our country.

A little over a year ago, the U.S. Army established the Disabled Soldiers Support System, or DS3, to provide its ''disabled Soldiers and their families with a system of advocacy and follow-up to provide personal support that assists them in their transition from military service into the civilian community.'' The program has been combined with the Recovery and Employment Assistance Lifelines, or REALifelines, initiative as a joint project of the U.S. Department of Labor, the Bethesda Naval Medical Center, and the Walter Reed Army Medical Center. The joint effort aims to create a seamless, personalized assistance network to ensure that seriously wounded and injured servicemembers who cannot return to active duty are trained for rewarding new careers in the private sector.

In employing the new private debt collection provisions of the American Jobs Creation Act, private collection agencies would be in the unique position of being able to provide these veterans with well-paying and challenging jobs. Studies in the Worker's Compensation industry point to heightened degrees of vocational success when return to work efforts occur early. It is important that our returning disabled servicemembers be reincorporated into a stable work environment as soon as possible so that they do not become depressed and develop feelings of uselessness.

As the Senator has stated, some have expressed concern due to the selection process currently underway. Therefore, I agree with him that it is best not to offer this language at this time.

But notwithstanding, Senator NELSON of Nebraska and I plan to work to find the appropriate legislative vehicle to attach language that will mandate the hiring of persons with disabilities prospectively. I urge my fellow Senators to join me in supporting this effort. This is an innovative and cost-effective plan for increasing employment of disabled veterans and other disabled citizens. We owe it to our service men and women to improve their futures any way we can.

SETASIDE FUNDING FOR PUBLIC HOUSING AGENCIES

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the chairman and ranking member of the Transportation-HUD Appropriations Subcommittee. There has already been much discussion about the critical role of the section 8 program in providing millions of Americans with affordable, safe housing. As my colleagues know, the 2005 funding year budget is based on a ''snapshot'' of verified VMS leasing and cost data averaged for the months of May, June, and July of 2004. I commend the chairman and ranking member for including a setaside of $45 million in the Senate bill to adjust the allocations of the housing agencies whose snapshot did not accurately reflect the real leasing levels and costs for 2004.

Unfortunately, the provision as drafted does not take into account reduced leasing levels resulting from the public housing agency: One, following HUD directives to not reissue turnover vouchers, two, accepting 1,000 or more additional vouchers through Housing Conversion Actions or enhanced vouchers, or three, accepting assigned vouchers/voucher portfolios from other public housing authorities. Without these additional criteria, many public housing agencies, including the Michigan State Housing Development Authority, will be unfair1y denied any of the setaside funding that is provided under this bill to make them whole. I urge the chairman and ranking member to improve this provision in conference to provide for a fairer distribution of this setaside funding.

Mr. BOND. Mr. President, I thank the distinguished Senator from Michigan and concur with her that this is a problem that must be addressed in conference. I will work with the Senator from Michigan to ensure that the final conference report includes a fair distribution of this setaside funding for public housing agencies. As you know, we included a provision to protect the use of project-based vouchers in the distribution formula.

Mrs. MURRAY. Mr. President, I appreciate the Senator bringing this issue to our attention and she can be sure that her concerns will be given every consideration in conference.

Ms. STABENOW. I thank the distinguished chairman and ranking member of the subcommittee.

JUDICIAL RESOURCES FOR THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Mr. DOMENICI. Mr. President, I rise to speak on the pending Transportation, Treasury, Judiciary and HUD Appropriations bill for fiscal year 2006. I would like to discuss the special needs of the U.S. District Court for the District of New Mexico due to its disproportionately heavy caseload.

I thank the distinguished chairman of the Transportation, Treasury, Judiciary and HUD Appropriations Subcommittee, Senator BOND, and the distinguished ranking member, Senator MURRAY, for their willingness to address the difficulties faced by courts on the United States-Mexico Border due to lack of resources. This issue is one of great importance to the citizens of New Mexico.

The District Courts along the United States-Mexico border face particularly pressing needs as they must deal with many immigration issues in addition to the typical cases filed in federal court. For example, for the 12-month period ending September 30, 2004, 364 felony cases per judge were filed in the District of New Mexico, compared to the national average of 88 cases per judge. The Las Cruces, NM division, which deals with a significant number of Spanish speakers, currently has only one staff interpreter to support five judges and magistrates. District judges from across the state travel to Las Cruces weekly to help manage the over-crowded docket in the southern part of the State, so they need additional travel funds. Finally, courtroom technology, such as video conferencing equipment, is needed to allow judges to hear motions without traveling across the State.

May I inquire of the distinguished chairman if it is the intention of the subcommittee to encourage the Administrative Office of the Courts, as they prepare their funding formula for the distribution of fiscal year 2006 funds, to take into account the above mentioned special needs of the U.S. District Court for the District of New Mexico?

Mr. BOND. Mr. President, the Senator from New Mexico is correct. The U.S. Court for the District of New Mexico faces an extraordinary need for interpreters, travel funds for judges, and improved courtroom technology, and I ask the Administrative Office of the Courts to consider these necessities in their allocation of fiscal year 2006 funds.

Mrs. MURRAY. I agree with the distinguished Senator from Missouri and request that the needs of the U.S. Court for the District of New Mexico be considered by the Administrative Office of the Courts. I have also been made aware of these concerns earlier in the year by the other Senator from New Mexico, Mr. BINGAMAN.

Mr. DOMENICI. I thank my colleagues for their concurrence regarding the special circumstances and requirements of the U.S. District Court for the District of New Mexico. I also thank the chairman for his willingness to attempt to address this issue in conference.

FEDERAL FUNDS FOR DISTRICT OF COLUMBIA RESIDENT TUITION ASSISTANCE

Mr. DURBIN. Mr. President, I would like to speak briefly about a particular Federal funding provision in the appropriations measure for the District of Columbia, which has been fully incorporated as part of this bill. The bill provides $33.2 million in Federal funds for the District of Columbia Resident Tuition Assistance Program, also known as DC TAG.

The District of Columbia Resident Tuition Assistance Program provides funds which allow eligible District students to attend out-of-State public colleges and universities at in-State tuition rates. It also provides stipends for District students to attend private Historically Black Colleges and Universities, HBCUs, across the country and

private colleges in the District of Columbia metropolitan region.

I have had a long-standing interest in this program. I recall a meeting in my office in early 1999 with Donald Graham of The Washington Post. He was spearheading an effort to involve the Congress in creating and funding a program to work in tandem with a successful program that local business leaders established in the local schools to provide guidance to students exploring post-secondary educational opportunities. I was impressed with the concept and pledged to help get it done.

As ranking member of the District of Columbia oversight subcommittee, I worked closely with Senator VOINOVICH in shepherding through to enactment the legislation that initially established this program, the District of Columbia College Access Act of 1999. Then as subcommittee chairman in 2001, I worked to ensure that the District of Columbia College Access Improvement Act of 2002 to expand and strengthen the program was signed into law. More recently, I was an original cosponsor of bipartisan legislation last year to reauthorize the program.

This unique program has enjoyed remarkable success. District officials are to be commended for their efforts to quickly launch and implement the program within a short period following its authorization. The fact that the Federal funds have enabled over 8,000 District residents to achieve their dream of attending college at some institutions in 46 states is extraordinary.

Yet despite my long-standing, ongoing support for the TAG program and its continued viability, I do have significant concerns. These are not new.

First, this Program's source of revenue for its operation is strictly and wholly a Federal contribution. There are—and have been—no non-Federal funds invested in the Program. While the Mayor can be proud of how much it has accomplished in the past six years, there is no demonstrated financial commitment to it on the part of the local District government.

Secondly, in the past 2 fiscal years, this program has enjoyed a significant boost in annual funding. In FY 2005, the President requested $17 million, the equivalent level Congress provided in each of the previous five years. However, the District sought $25.6 million. The fact that the District at the time appeared to also have some $9 million in unspent reserve funds prompted me to amend the Senate bill in committee to provide for $21.2 million, with a directive that the District use the reserve funds to fully fund the program in fiscal year 2005 and work with the Senate and House authorizing and appropriations Committees to develop a plan involving Federal/non-Federal cost sharing for DC TAG for future fiscal years. The conference ultimately approved the full $25.6 million.

Now this year, the proposed funding level for fiscal year 2006 of $33.2 million represents a 30 percent increase over the $25.6 million allowed for fiscal year 2005, which itself represented a 52 percent hike over the $17 million appropriated for fiscal year 2004. In response to questions I raised seeking further explanation and justification for this increase, Mayor Anthony Williams sent me his written assurance that ''the last two years' requests for significant appropriations increase will not occur again.'' I ask unaminous consent that a copy of the Mayor's letter of July 20, 2005 be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. DURBIN. Mr. President, I also note that 2 years ago, the Congress directed the Government Accountability Office to evaluate the DC TAG program to determine whether adequate controls are in place to protect the Federal interest, such as those pertaining to student eligibility, cash management, and administrative expenses, as well as assess relevant performance and demographic information.

I understand that the GAO's work on this mandated study may be in its final stages, and that a written report is anticipated soon. To the extent that GAO identifies any particular concerns which may put the DC TAG program and the Federal taxpayer dollars it receives at risk, I would urge that in response, the Mayor take immediate steps to promptly correct any identified weaknesses in the operations and financial management of the program, and advise the Congress of the District's plans and outcomes.

Additionally, to the extent that the GAO findings and recommendations are available in advance of the conference on this bill, I would recommend that the conference agreement include explicit directives to the Mayor and other appropriate District officials to address the GAO findings in order to help bolster the future fiscal management of this program without inordinate delay.

Furthermore, it would be prudent, prior to our consideration of the FY 2007 funding request for this program, that the District of Columbia appropriations subcommittee conduct a comprehensive oversight hearing on the DC TAG program. This could provide a forum to not only showcase the program's accomplishments and strengths, but to identify any weaknesses in the fiscal operations, program policies, and managerial structure which affect the efficient and effective use of Federal funds. It may afford an opportunity to collaborate with the authorizing committee to ensure that any necessary legislative and administrative reforms can be instituted. Any efforts we can take to improve this program as it matures and continues to benefit District residents in their educational pursuits will be time well spent.

EXHIBIT 1

JULY 20, 2005.

Hon. RICHARD J. DURBIN,
Subcommittee on the District of Columbia, Senate Committee on Appropriations, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DURBIN: I would like to thank you for your long history of support for the District of Columbia Tuition Assistance Grant Program (DCTAG). As a result of your leadership for both the authorization and significant appropriations for this most beneficial program, DCTAG has helped more than 8,000 students throughout the District of Columbia attend college.

The program's success has necessarily and predictably resulted in rising costs and I acknowledge your concerns about the rate of growth in program costs over the last two years. Moreover, I acknowledge your concerns about our current out-year cost projections. I can assure you that the last two years' requests for significant appropriations increase will not occur again. These increases were largely the result of two factors: 1) the program's annual carryover is virtually depleted meaning that we must request the actual operating costs (rather than relying, in part, on carryover surpluses) and 2) the program has been adding entire classes of students during its implementation phase (and we no longer will be adding new cohorts or categories of newly eligible persons.)

As Mayor, I am committed to undertaking measures to reduce the current cost projections in FY 07 and beyond, including: Negotiating tuition decreases based upon volume of students; aligning program requirements in line with those of the U.S. Department of Education; and revising maximum award calculations based on type of school.

Program officials have already discussed these scenarios with the authorizers and after appropriate consultation with you and others, we will begin to implement a range of cost containment measures. Attached is a copy of my testimony last month before the DC appropriations subcommittee which reiterates this commitment.

I once again thank you for support of the DCTAG program. This program has had a demonstrable impact on the quality of life for thousands of District families, Were it not for this program, the dream of a college education would not be a reality for many of these families. My staff and I are eager to continue our partnership with you and your staff in the management of this program to the benefit of the citizens of the District of Columbia.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

Ms. LANDRIEU. Mr. President, I like to thank the Senator from Illinois, Mr. DURBIN, for his concerted oversight of the DC Tuition Assistance Grant Program. This program is an important aspect of Congress's investment in educational opportunities for DC students. I appreciate Senator DURBIN's insight into the management of the program as he brings to our appropriations subcommittee on the District the perspective of the authorizing committee on which he served as well.

As Senator DURBIN noted, Congress engaged the Government Accountability Office to conduct a comprehensive review of the Tuition Assistance Grant Program—TAG—in 2004. We understand this report is forthcoming and are eager to review these findings with our colleagues. This unique program was created to fit the unique need that

the District of Columbia does not have a public university system similar to states across the country. TAG supports the opportunity for DC students to have choices to further their education in small or large universities around the country. The program has been lauded as a significant tool for increasing college attendance, but I am particularly interested to learn from the GAO the college graduation rates of TAG recipients. This, and answers many other questions, will enable the authorizers and appropriators to continually examine this program for performance.

As a unique program, tailored to the needs of the District, we also must ensure the program is meeting the goals set out by the Congress and the needs of the community. We understand the GAO has found that several management and financial controls are lacking. Because we have limited resources every program must be responsive to the community and operate in an accountable and rigorous manner. I am encouraged by the recent management improvements Mayor Williams has made, but as Senator DURBIN noted, there is still work to be done.

I appreciate Senator DURBIN raising these important concerns to Chairman BROWNBACK and me. I will work with the other conferees to ensure that funding for the TAG program meets the current need in the community, and that proper controls are in place for strict management of these funds. In addition, I welcome an opportunity for the Committee to examine the TAG program in our hearings next spring. I hope we are able to collaborate with the authorization committee so we may continue to manage and fund this program to generate the best benefit for all DC students attending college.

Senator DURBIN, I thank you for bringing these recommendations to our attention.

Mr. GREGG. Mr. President, the pending Departments of Transportation, Treasury, HUD, the Judiciary and Related Agencies appropriations bill for fiscal year 2006, H.R. 3058, as reported by the Senate Committee on Appropriations provides $84.806 billion in budget authority and $141.037 billion in outlays in fiscal year 2006. Of these totals, $18.987 billion in budget authority and $18.973 billion in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal yer 2006 of $65.819 billion. This amount is $5.689 billion more than the President's request, equal to the 302(b) allocations adopted by the Senate and $47 million less than fiscal year 2005 enacted levels. This legislation is also equal to the 302(b) outlay allocation.

For the information of my colleagues, I must note that this legislation contains several provisions that will result in spending in 2007 and subsequent years. I must inform my colleagues that the provisions creating these advance appropriations would be subject to a budget point of order under section 401(b) of the 2006 budget resolution. It is my hope that these problems can be addressed by the bill managers so that we will not have to consider points of order against this bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3058, 2006 TRANSPORTATION, TREASURY, JUDICIARY, AND HUD APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, $ millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	65,819	18,987	84,806
Outlays	122,064	18,973	141,037
Senate 302(b) allocation:			
Budget authority	65,819	18,987	84,806
Outlays	122,064	18,973	141,037
2005 Enacted:			
Budget authority	65,866	18,580	84,446
Outlays	116,866	18,532	135,398
President's request:			
Budget authority	60,130	18,987	79,117
Outlays	119,218	18,973	138,191
House-passed bill: [1]			
Budget authority	66,934	18,987	85,921
Outlays	120,949	18,973	139,922
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	0	0	0
2005 Enacted:			
Budget authority	−47	407	360
Outlays	5,198	441	5,639
President's request:			
Budget authority	5,689	0	5,689
Outlays	2,846	0	2,846

[1] House and Senate bills having different jurisdictions.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Ms. STABENOW. Mr. President, I rise today in support of the Transportation/Treasury/HUD appropriations bill and my trade amendment that was adopted by unanimous consent this morning. This amendment will send a strong signal to our major Asian trading partners that we are no longer going to tolerate their trade violations that are costing us jobs here at home—especially in my State of Michigan.

As my colleagues may know, Treasury Secretary Snow has been traveling in China for the last week to advance a trip that President Bush is taking to China and Japan in November. Unfortunately, he seems to be making little progress in our attempt to get China to stop its illegal trade practices like currency manipulation.

The President's upcoming trip could not come at a more important time. Currently, Chinese and Japanese trade policies are literally destroying U.S. industries, costing us jobs and hurting our middle-class families.

In order to help President Bush as he pushes China and Japan to stop their currency manipulation, to crack down on the counterfeiting of American manufactured goods, and to cease the pirating of intellectual property, I believe the Senate should go on record to show that our Government is united in opposition to these illegal trade practices.

Just last week, Delphi, our Nation's largest auto parts supplier, declared bankruptcy, threatening 15,000 jobs in Michigan and more than 33,000 across the country.

In terms of assets, this bankruptcy is the largest ever in the United States, surpassing the reorganizations of K-Mart and Worldcom.

The Delphi bankruptcy should serve as a wake up call to the Congress and the administration that we can no longer tolerate unfair trade practices. Unless we put a stop to them, our economic spiral downward will continue and the American middle class way of life will be in jeopardy.

In Michigan, we are experts at many things, but we excel at making things and growing things.

Whether it is cars or office furniture, apples or cherries, we lead the way in manufacturing innovation and efficiency.

And manufacturing jobs are the life blood of almost every community in Michigan.

Even though Michigan has growing, cutting-edge industries, such as biotechnology and nanotechnology, it still has one of the highest unemployment rates in the country because of our troubled manufacturing sector.

Our current economy is moving through a period of great uncertainty. It would be easy to blame this on a particularly bad business cycle—a business cycle that will eventually correct itself. But, to do so would require us to overlook a very real threat to our economy and our way of life.

That threat is the lack of a level playing field for American businesses and workers in the global marketplace.

As my colleagues know, China currently exports to the United States some $160 billion more than it takes in.

A significant portion of this deficit is driven by consumer demand here in the United States, but a shockingly large portion of it is due to illegal trade practices, namely currency manipulation, counterfeiting and the theft of intellectual property.

Since 1995 China has pegged its currency and has not allowed it to ''float.''

The impact of this illegal action is clear. It gives a distinct advantage to Chinese companies that export into the United States and diminishes our ability to export to the Chinese market—therefore, China is effectively giving its exporters an exchange rate subsidy.

This manipulation increases the price of our goods while making their goods appear cheaper here at home.

For example, a mid-sized American car sold in China or Japan is $2,000 more expensive than it should be because of currency manipulation. This really hurts our automobile industry.

Earlier this year, I spoke with employees of a large auto parts supplier who told me they had recently lost a parts contract to a Chinese company despite the fact that they were the lowest bidder.

The reason: when you factored in the impact of the artificially low yuan, the Chinese company had a cheaper bid.

As we all know, such currency manipulation is illegal under the terms of China's International Monetary Fund and World Trade Organization membership.

Some economists have calculated that this price differential may amount to as much as 40 percent. It is simply devastating our manufacturers in Michigan and it is costing us jobs everyday.

In July, China announced that it would stop pegging its currency, but after rising 2 percent on July 21, the yuan has barely budged.

This is an unacceptable situation that calls for immediate action.

I think it is important to note, though, this is not just a China problem. This is a pan-Asian problem that includes Japan among the offenders.

Unfortunately, currency manipulation is not the only illegal trade practice we need to address.

Chinese counterfeiting and Intellectual property theft are enormous problems for manufacturing in my home State of Michigan.

Let me give two examples of the problem that we in Michigan currently face with regard to this unfair competition.

Counterfeit automotive products not only kill American jobs, they have the potential to kill American families—when shoddy counterfeit automotive products replace legitimate ones of higher-quality our manufacturers lose, and our consumers are put at risk.

The Federal Trade Commission estimates that the automotive parts and components industry loses an estimated $12 billion annually in sales on a global basis to counterfeiting.

It is estimated that if these losses were eliminated, and those sales were brought into legitimate companies, the automotive industry could hire 200,000 additional workers.

And we don't even keep statistics on the potential loss of life—when shoddy counterfeit auto parts fail and cause car accidents.

We should understand that, if left unchecked, penetration by counterfeit automotive products, as well as other manufactured goods, has the potential to undermine the public's confidence and trust in what they are buying. We can't let that happen.

The second example I want to share involves a small manufacturer located in western Michigan.

Peter Perez is the president of Carter Products Company located in Grand Rapids. He is also the national president of the Wood Machinery Manufacturers of America.

Carter Products employs 15 people and holds numerous patents—one of which belongs to this small piece of equipment—the Carter Stabilizer Guide.

It is used to support a band saw blade in such a way as to allow for a wood worker to make nearly any type of angled cut.

Shortly after introducing the Stabilizer—the product, its installation instructions, and instruction photos were copied by a Chinese company and resold into the American market.

Under normal circumstances, the Stabilizer would cost a retail customer about $70. The pirated product was being sold for less than $10—which is far below the cost of the raw materials necessary to create the product.

Carter Products had to launch a case at its own expense to stop this illegal trade violation. After spending more than $20,000 the company was able to keep the illegal product out of the U.S. market by stopping its distribution in markets covered by the company's patents.

But what company can ever be sure that they have achieved victory against this type of illegal behavior if the country of origin—in this case China—is not going to abide by their obligations under the WTO?

Second only to our human resources, intellectual property is our Nation's most valuable asset. As the United States freely trades with the world's nations, we are discovering new opportunities and new challenges.

International rules and institutions have been set up to protect intellectual property, but China falls short when it comes to following those rules and keeping their commitments.

They are seeking to gain an advantage over American companies and American workers by breaking the rules. In April, I proposed bipartisan legislation to strengthen our Government's ability to protect the rights of American companies and American workers in world markets; that includes protection of our intellectual property rights. The Chief Trade Prosecutor Act should be passed into law immediately so we may defend our companies and workers from those who seek to gain an advantage by breaking the rules.

It is time to send a message to the Chinese and Japanese governments. It is time to say we are fed up and we will not take it anymore. Let's give them a shot across the bow. Let's make it loud and clear that they will have to change now—not later—or we will take real action against them.

Workers across the country are losing their job. For their sake and for those who are clinging to their jobs, let's stand up to the Chinese and Japanese governments and stand up for our working families.

Mr. KENNEDY. Mr. President, as this bill now moves to conference with the House, I strongly urge our Senate conferees to reject an unfortunate amendment adopted by the House prohibiting the allocation of any funds for the District of Columbia to enforce its firearms registration law and its requirement for DC residents to keep their firearms unloaded and disassembled, or bound by a trigger lock. In effect, the House amendment would repeal the DC Government's longstanding ban on firearms and would be a disastrous blow to gun safety in the District. For almost three decades, DC's ban on handguns and assault weapons bans have helped reduce the risk of deadly handgun violence. City residents and public officials overwhelmingly support the ban, and the courts have upheld it. Representative ELEANOR HOLMES NORTON, Mayor Anthony Williams, and Police Chief Charles Ramsey all strongly oppose the House amendment.

Mayor Williams has called this effort to repeal the city's gun ban ''a slap in the face.'' Chief Ramsey has said that a repeal of DC's gun ban would have a ''scary'' impact. Without question, more guns mean more violence. More than half of the robberies and 20 percent of the aggravated assaults in the city are committed with a firearm. In 2004, nearly 80 percent of District homicides were committed with firearms. The youngest victim was only 7 years old.

It is difficult to understand how weaker gun safety laws will make residents and visitors safer. This effort by Congress to prevent the enforcement of the DC gun laws will only serve to increase the number of homicides, suicides and accidental shootings. Greater availability of firearms will make it more likely that deadly handgun violence will erupt in public buildings, offices, and public spaces. Over 20 million visitors come to Washington each year, and this amendment puts the safety of all of them at needless risk.

The amendment is also an attack upon the well-established principle of home rule for the District. It tramples the rights of the city's elected leaders and local residents to govern their homes, streets, neighborhoods, and workplaces. It is an insult to the 600,000 citizens of the District of Columbia.

Statistics show that crime prevention is working in the District. Crime decreased 18 percent last year and homicides went down 17 percent. In the first 5 months of 2005, the Metropolitan Police Department confiscated more than 1,000 firearms on city streets. Only a tiny percentage of recovered firearms are registered in the District. The city continues to face serious concerns about firearms illegally brought into the city from other jurisdictions, and the House amendment would unfairly limit the ability of DC officials to combat this problem.

Congress should respect the public safety efforts of this city's leaders and let the District decide what firearm regulations are best for its citizens. I urge my colleagues to oppose this reckless, special-interest amendment that will endanger the safety of all who live or work or visit here.

Ms. SNOWE. Mr. President, I rise today, along with my colleagues Senators THUNE and COLLINS, in support of an amendment to the Transportation, Treasury and Housing and Urban Development appropriations bill. I would like to commend the managers on both sides of the aisle for their efforts to shepherd along this extremely vital legislation to passage in the Senate.

They have shown a great eagerness to work with Senators to improve the overall legislation, and have done so in a sincerely bipartisan way that is so rarely seen in the Senate nowadays.

This amendment will offer some small measure of protection to employees at our flight service stations scattered across the country. In Bangor, ME, our flight service station, highly skilled workers decipher flight plans and help pilots navigate the tricky summer fog of coastal Maine and the constantly changing winter weather.

As many of you know, our Nation's flight service stations have been contracted to Lockheed-Martin. While some may dispute the wisdom of such a decision, I do not come to the floor to discuss that issue. I do, however, wish to prevent unforeseen and serious damage to the financial future of many of our employees who have so diligently and skillfully protected our pilots and aviators for so many years.

Hundreds of flight service station employees who are years, months, or in some cases weeks away from a well-deserved retirement would be, if not protected, stripped of their Federal pensions and benefits as the stations are transferred over to Lockheed-Martin. The aerospace company has operated in good faith, there can be no disputing that, but many of these individuals have been counting the days until their retirement, complete with the Federal benefits they have so rightly earned. To take those away from them, with but a few weeks to spare, is quite obviously cruel and uncalled for.

This amendment would allow those workers who are eligible for retirement in 2 years or less to remain on the Federal Aviation Administration's payroll, to retire at the end of those 2 years, and receive the Federal retirement benefits they have worked so long to earn. This cost will be offset by reducing the payout of the contract to Lockheed-Martin.

For years, pilots have been clamoring for better technology in our flight service stations, and Lockheed will do an excellent job providing that. What will be missing will be the local knowledge and eyes on the ground that those same pilots have come to rely on. This amendment, in its own small way, attempts to honor those individuals who have proven so reliable over the years.

I urge my colleagues to support this very simple amendment, and would like to thank Senators COLLINS, THUNE, JOHNSON, SANTORUM, and SPECTER for their steadfast efforts on this amendment as well.

Mr. OBAMA. Mr. President, I am proud to cosponsor the amendment that Senators LEAHY, COLEMAN, SARBANES, GRAHAM and REED have offered to protect funding for three programs critical to working families and low-income communities: the Community Development Block Grant, the Section 8 Voucher Program, and the Public Housing Operating and Capital Funds.

These programs expand opportunities to home ownership for working class families and help communities across the country pursue growth that develops poor communities without pushing out the poor themselves.

Let me talk about how each of these programs supports communities of hope and opportunity.

The Community Development Block Grant, CDBG, program makes it possible for our communities to improve their infrastructure, develop new businesses, provide important social services, and rehabilitate homes—all of which translates into expanded opportunity for people.

This year, Illinois will receive more than $196 million in CDBG funds. The State-level CDBG program alone has invested more than $33 million in projects around the State. As a result, 66,000 of my constituents received improved water, sanitary and storm water systems; small businesses were assisted in creating or retaining more than 1,000 jobs; and 313 homes in 27 communities were rehabilitated to address health and safety issues.

Cities throughout Illinois also leverage CDBG funds for 2,500 affordable housing units, economic development in 70 communities, job training and placement for nearly 900 low-income residents, and health care services for more than 235,000 people.

And beyond being good policy, these programs are fiscally responsible. For the State-level CDBG program, every dollar invested in Illinois infrastructure and housing yielded over three additional dollars in other private or public investment. That translates into $109 million in additional dollars for communities across Illinois. If only all government investments could yield that kind of return.

The other economic development programs this amendment would protect are funding for the Section 8 Voucher Program and the Public Housing Operating and Capital Funds. These two programs form the foundation of housing support in this country for low-income individuals and families.

Over a million households in Illinois spend more than 30 percent of their income on rent. The Section 8 program addresses this problem by making more than 76,000 Housing Choice Vouchers available to Illinois residents each year. But that still leaves 56,000 households in Illinois on Section 8 waiting lists, and the lists are getting longer. Families waiting on Section 8 vouchers are either paying too much of their income on housing—and too little on food and healthcare—or they are joining the ranks of the more than 8 percent of Illinoisans who have experienced homelessness at some point in their lives. This situation is unacceptable, and this amendment begins to address it.

The amendment also shores up funding for the Public Housing Operating and Capital Funds. Millions of Americans call public housing ''home,'' and more than 62 percent of public housing residents are families with children or elderly households. The operating fund helps these residents by making money available for building maintenance, utilities, and the salaries of Public Housing Authority employees. And the capital fund is a critical tool for maintaining housing infrastructure. It helps local housing authorities modernize, rehabilitate or replace aging units, thereby assuring that families live in safe homes.

Communities and families across my State, and indeed across the country, depend on these programs to help them move forward. As housing stock and infrastructure continues to age, and voucher waiting lists continue to grow, we cannot afford to take money away from the working class folks who need it most. I urge my colleagues to support this amendment.

Mr. GRAHAM. Mr. President, I am expressing my support of an amendment to provide additional funding for the Community Development Block Grants, CDBG, Program.

I share the concerns of many of my colleagues that some government programs are overreaching and duplicative. I remain committed to goals of limiting the size and scope of the Federal Government, but as we fulfill this mission, Congress must work to ensure that we continue to support programs that truly serve the needs of our constituents.

CDBG grants have benefited almost 130,000 people in South Carolina alone. Further, over ten thousand jobs have been created through CDBG projects. The CDBG program is one of HUD's most successful programs. It should be held up as an example of local communities, coordinating with their state, to using Federal dollars to foster growth and encourage citizen participation.

In listening to community leaders across the state of South Carolina, the CDBG program gives them flexibility to execute plans that accurately address their situational needs, which in turn pay great dividends for the community. To put it simply, the CDBG program works and I am a proud to be an original cosponsor of this amendment.

Mr. KOHL. Mr. President, we are staring at an approaching disaster. Again, we face a disaster that will largely affect the poor, underprivileged, elderly, and handicapped. Again, it is a disaster that will threaten lives and drive people into bankruptcy. But this time Congress can take action to avoid this disaster. The question is will we act?

Today the approaching disaster is not a hurricane but high energy prices. Estimates are that the costs of heating the average home with natural gas will skyrocket 70 percent over last year in the Midwest. This is on top of the double-digit increases between 2003 and 2004. Utility companies in the State of Wisconsin believe that the homeowners will face heating bills in my State that are 40 percent higher than last year. For working families, these dramatic

increases come on top of several months of increasing prices at the gas pump.

These high prices will force many to make difficult choices about how to spend their money, which bills to pay, and which to avoid. For many, the thermostat will be turned down to dangerous levels, prescriptions will go unfilled, and groceries will not be bought. For many elderly folks, the choice to stay warm will be dangerous, even fatal. Many disabled Americans will endanger their own health in an effort to keep their bills low.

The Federal Low-Income Home Heating Assistance, or LIHEAP, can help make some of these choices easier. LIHEAP is an extremely effective program that allows low-income people around the country to avoid being delinquent on their heating bills. The problem is that there has not been a significant increase in the funding of this program for many years, and now the rising prices have made the current funding levels unacceptably low. In past years LIHEAP has only been able to help roughly 17 percent of the eligible households, but now with rapidly rising prices the $2 billion in funding will not even be able to meet that level.

Adding $3.1 billion to LIHEAP will allow us to head off this impending catastrophe. I have voted for this amendment before, and I am glad to have the opportunity to support it again today. This money is absolutely necessary to keep my constituents safe and warm through the long Wisconsin winter. Without this money more working class people in my State will face high utility bills this winter and utility shutoffs come spring. Until Congress and the administration can figure out some way to bring energy prices down, relieving the pressure on low-income Americans should be a top priority.

Mr. KERRY. Mr. President, families all over this country are going to pay more to heat their homes this winter than they ever have before. The average heating bill may climb more than $600, and that comes on top of a record increase last winter. This is going to be one of the most expensive winters on record.

Last week, the Energy Information Administration, EIA, released its Short-Term Energy Outlook. The report shows that families—particularly low-income families and seniors—are facing an increasingly more expensive heating season. According to the EIA, this winter, residential space-heating expenditures are projected to increase for all fuel types compared to last year. On average, households heating primarily with natural gas are expected to spend about $350—48 percent—more this winter in fuel expenditures. Households heating primarily with heating oil are expected to pay $378—32 percent—more this winter. Households heating primarily with propane can expect to pay $325—30 percent—more this winter. If our weather is colder than usual, expenditures will be significantly higher.

Millions of families who simply need to heat their homes are going to face prices they cannot afford. They will choose between medicine, food, and warmth. It is a tough choice to make. The National Energy Assistance Directors' Association, NEADA, just found that 32 percent of families sacrificed medical care; 24 percent failed to make a rent or mortgage payment; and 20 percent went without food for at least a day.

We must act now.

Just 2 weeks ago, I offered a bipartisan amendment with more than 20 cosponsors to fully fund the LIHEAP program at $5.1 billion. The amendment had support from across the country. It was endorsed by community groups, Governors, and national organizations, such as the AARP, which knows rising energy prices are especially tough on seniors living on a fixed income. And the amount of funding we are seeking is equal to the amount authorized in the Energy bill the President has signed into law. That amendment got 50 votes, enough to win, but in the end it was defeated on procedural grounds.

Senators REED, COLLINS, KENNEDY, myself and others are back again this week offering the amendment to the Transportation appropriations bill. I understand that the leadership can block this amendment procedurally like they did before. I hope they do not. It is bipartisan. It is not our preference to attach it to the Transportation appropriations bill, but it is our only option for now.

I do not want this issue to be political. And so it bothered me when I read this week that the White House, which has opposed more funding for LIHEAP, is worried not about high energy prices but about the politics of high energy prices. To the White House this is a political problem—not a problem for working families, seniors, the disabled, and millions of others who will need help during this cold winter. A Republican strategist who works closely with the White House has reportedly called winter heating costs ''a sleeper issue.'' Well, it is time the White House wakes up.

I urge my colleagues to vote in favor of the bipartisan Reed-Collins-Kerry amendment and ensure the total $5.1 billion in emergency funding is available for LIHEAP.

Mr. AKAKA. Mr. President, I originally filed an amendment that would prohibit the use of funds within this appropriations bill for the Debt Indicator program. The Debt Indicator program is an acknowledgment from the Internal Revenue Service, IRS, to tax preparers stating whether the taxpayer's refund will be paid or intercepted for Government debts. I continue to be outraged that the IRS provides the service of the Debt Indicator program to predatory refund anticipation loan, RAL, originators while cutting essential services to low-income taxpayers.

The Earned Income Tax Credit, EITC, is a refundable Federal income tax credit that is of great benefit to low-income working individuals and families. Many taxpayers who earn the EITC receive their tax refunds through predatory RALs. The excessive interest rates and fees charged on RALs are not justified because of the short duration of these loans and the minimal risk of repayment that they present. The IRS Debt Indicator program further reduces risk by assuring RAL lenders that the taxpayer's refund be issued and thus the loan will be repaid. The EITC was diminished by an estimated $1.75 billion in 1999. I am concerned about the aggressive marketing of RALs in low-income neighborhoods where EITC recipients often live. These loans take money away from the day-to-day needs of lower-income families.

RALs carry little risk because the Debt Indicator program informs the lender whether or not an applicant owes Federal, State taxes, child support, student loans, or other government obligations. This service assists the tax preparer in ascertaining applicant ability to obtain their full refund. In 1995, the use of the debt indicator was suspended because of massive fraud in e-filed returns with RALs. This suspension caused RAL participation to decline. RAL prices were expected go down as a result of the reinstatement of the debt indicator in 1999. However, this has not occurred. The debt indicator should once again be stopped. The IRS should not be facilitating these predatory loans that allow tax preparers to reap outrageous profits by exploiting working families.

H & R Block Chief Executive Officer Frank L. Salizzoni remarked, upon the reinstatement of the debt indicator, that it ''is good news for many of our clients who opt to receive the amount of their refund through RALs. The IRS program will likely result in substantially lower fees for this service.'' This has not happened. According to the National Consumer Law Center's report entitled, ''Corporate Welfare for the RAL Industry: The Debt Indicator, IRS Subsidy, and Tax Fraud,'' prices for RALs dipped in 2000, but since then have gone up beyond pre-debt indicator levels. The report also points out that the ''main effect of the debt indicator appears to be, not in lowering RAL fees, but in higher RAL profits.''

The NCLC report also indicates that the reinstatement of the debt indicator ''generates more fraud related to RALs, which the IRS must spend enforcement dollars to address.''

The debt indicator serves only to facilitate the exploitation of taxpayers. The reinstatement of the debt indicator has not helped consumers to access cheaper RALs nor has it reduced RAL related fraud. If the debt indicator is removed, then the loans become riskier and the tax preparers may not aggressively market them among EITC filers. The IRS should not be aiding efforts that take the earned benefits away from low-income families.

RALs are extremely short term loans that unnecessarily diminish the EITC. There are alternatives to speeding up refunds such as filing electronically or having the refund directly deposited into a bank or credit union account. Using these methods, taxpayers can receive their returns in about 7 to 10 days without paying the high fees associated with RALs.

Instead of offering my amendment to prevent the use of funds for the DI, I chose to modify my amendment to have the Internal Revenue Service, along with the National Taxpayer Advocate, study the use of the debt indicator, the debt collection offset practice, and recommendations that could reduce the amount of time required to deliver tax refunds. In addition, the report shall study whether the debt indicator facilitates the use of RALs, evaluate alternatives to RALs, and examine the feasibility of debit cards being used to distribute refunds.

I look forward to reviewing the results of the study. I welcome the opportunity to work with the Internal Revenue Service, the National Taxpayer Advocate, and my colleagues to reduce the use of RALs and to expand access to alternative methods of obtaining timely tax refunds. I want to thank Senator BOND and Senator MURRAY for working with me to incorporate this language into the legislation and hope it will be maintained in the conference report through conference negotiations with the other body.

I ask unanimous consent to print the above-referenced report in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Consumer Law Center, June, 2005]

CORPORATE WELFARE FOR THE RAL INDUSTRY: THE DEBT INDICATOR, IRS SUBSIDY, AND TAX FRAUD

(BY CHI CHI WU)

EXECUTIVE SUMMARY

The debt indicator is an acknowledgement from the IRS telling tax preparers whether a taxpayer's refund will be paid versus intercepted for government debts. The debt indicator has proven to be a substantial benefit to the refund anticipation loan (RAL) industry, as it about doubles the number of RALs made by the industry.

The debt indicator has helped boost RAL profitability. The IRS terminated the debt indicator in 1994 due to RAL fraud, and the price of RALs rose significantly, from $29–$35 to $29–$89. The IRS reinstated the debt indicator in 1999 partly to lower RAL prices. RAL prices dipped for a year in 2000, but have gone back up to pre-indicator levels. Meanwhile, the amount of RAL fraud has multiplied since the debt indicator was reinstated.

The debt indicator raises significant privacy issues. It is unclear whether taxpayers realize they are allowing the IRS to provide sensitive personal information to tax preparers about debts owed to the federal government, such as child support and student loan debts.

A. HISTORY OF THE DEBT INDICATOR

The debt indicator is a service provided by the Internal Revenue Service that screens electronically filed tax returns for any claims against a taxpayer's refund. The debt indicator informs the preparer whether a taxpayer's full refund amount will be paid and not offset by other obligations collectible by the federal government, such as prior tax debt, child support arrears, or delinquent student loan debt.

When the IRS first provided the debt indicator in the early 1990s, it was called the ''direct deposit indicator.'' In 1994, the IRS terminated the debt indicator due to concerns over massive fraud in e-filed returns that involved refund anticipation loans (RALs). The elimination of the debt indicator elicited ''screams of rage'' by the RAL industry. In addition to cutting into their profits, the RAL industry claimed there would be multitudes of disappointed clients who could not get their RALs. Two of the four major RAL lenders, Mellon Bank and Greenwood Trust, stopped making RALs and left the market.

Over the next few years, the RAL industry pressed for reinstatement of the debt indicator. Then, in 1998, Congress imposed a goal on the IRS to have 80 percent of returns electronically filed. Not coincidentally, a year later, the IRS announced it was re-instating the Debt Indicator. However, note that the Congressional 80 percent e-file goal is not mandatory, but merely exhortatory, in that the statutory language actually states ''it should be the goal of the Internal Revenue Service to have at least 80 percent of all such returns filed electronically by the year 2007.''

The first year of the reinstatement of the debt indicator was a pilot. Subsequently, the IRS decided to make the debt indicator permanent and provide it for all e-filed returns, not just returns associated with a RAL application.

B. THE DEBT INDICATOR INCREASES RAL VOLUME

The debt indicator has had a dramatic effect on the volume of RALs and electronically filed returns. In 1994, prior to the elimination of the debt indicator, the number of RALs had risen to 9.5 million. After the termination of the debt indicator, RAL volume dropped and by 1999, the number of RALs had fallen to 6 million. When the debt indicator was reinstated effective the 2000 tax season, the number of RALs rose sharply to 10.8 million. The number of RALs continued to increase to 12.1 million in 2001 and 12.7 million in 2002.

Data from individual companies in the RAL industry showed similar trends. In 1994, the nation's largest commercial preparation chain, H&R Block, processed 5.5 million RAL applications. After the debt indicator was eliminated, that number dropped to less than half, 2.35 million in 1995. By 1999, that number was at 2.8 million. When the debt indicator was reinstated, RAL volume rose to 4.8 million for Block.

(In millions)

Year	Overall # of RALs	H&R Block # of RAL applications
1994	9.5	5.5
1995	NA	2.3
1996	.....	2.4
1997	.....	2.6
1998	.....	2.4
1999	6	2.8
2000	10.8	4.8
2001	12.1	4.5
2002	12.7	5.2

Other industry player reported similar trends. In 1994, all but 10,630 of the returns prepared by Jackson Hewitt were associated with RALs. After the debt indicator was dropped, the number of returns without RALs at Jackson Hewitt rose to 138,000 by late February 1995. RAL lender Santa Barbara Bank & Trust reported a sharp increase in loans versus non-loan refund anticipation checks following reinstatement of the debt indicator.

The debt indicator also had similar effects on the volume of electronically-filed returns in general. The IRS reported there were 14 million e-filed returns in 1994, but only 12 million in 1995. H&R Block reported that its e-filed returns declined 22 percent in 1995. This decrease reflects the close link between e-filed returns and RALs that existed in the mid-1990s.

When the IRS reinstated the debt indicator, it publicly acknowledged that it expected the program to produce 2 million more e-filed returns than if it were not reinstated. With the close link between e-filing and RALs, the IRS surely must have been aware that there would be a corresponding increase in the number of RALs. Indeed, RAL issuers predicted that the reinstatement of the debt indicator would increase RAL demand by 50 percent. These predictions proved correct, as Block alone nearly doubled its RAL volume and made 2 million more loans (and thus e-filed returns) in 2000. Thus, much of the expected increase in e-filed returns was actually an increase in the number of RALs.

C. THE DEBT INDICATOR AND RAL APPROVAL RATES: THE IRS SECURITY BLANKET

The debt indicator promotes RALs by assuring lenders that the taxpayer's refund will be issued and thus the loan will be repaid. For the pre–1995 debt indicator, if the indicator came back showing there was no federal offset, there was an over 99 percent chance the IRS would issue the refund. At that time, the approval rate for RALs was 92 percent—and all but 0.5 percent of loan denials were turned down based on the debt indicator. As one IRS employee stated, the debt indicator was a ''federally supplied security blanket'' and ''we were doing their credit check for them.''

The elimination of the debt indicator in 1995 significantly lowered RAL approval rates. The approval rate for Beneficial (which became Household) dropped from 92 percent to 78 percent. This 78 percent rate includes partial approvals; the approval rate for a RAL of the taxpayer's full refund was only 40–50 percent. Banc One's approval rate for RALs also dropped by 25–30 percent. Even with the decrease in approval rates, Beneficial ended up with significant losses on RALs in 1995.

With the reinstatement of the debt indicator, RAL approval rates appear to be back around 90 percent. Thus, the debt indicator helps increase RAL approval rates and RAL profits. Of course, this service is not without its cost. One question is how much does it cost IRS to provide the debt indicator? While we do not have definitive information, note that in 1994, the IRS suggested imposing a fee for the debt indicator of $8 per return.

D. REINSTATEMENT OF THE DEBT INDICATOR HAS NOT LOWERED RAL FEES

The existence of the debt indicator has had an impact on RAL fees as well, although in the end it appears to be more of a profitability boost for RAL lenders. Prior to the elimination of the debt indicator, the loan fee for RALs was approximately $29 to $35. The largest RAL lender, Beneficial, charged a flat fee of $29 per RAL. Bank One charged a flat fee of $31, while the lender for Jackson Hewitt charged $29 to $35.

After the debt indicator was eliminated, RAL fees jumped dramatically. Beneficial began using a tiered fee structure, with fees of $29 to $89, depending on the size of the loan. Banc One began charging $41 to $69 and Jackson Hewitt charged $69 to $100. By 1999, Beneficial loans made through H&R Block cost $40 to $90.

One of the benefits that the IRS and industry touted for reinstating the debt indicator

was lower RAL fees. In fact, lower RAL fees constituted one of four measures by which the success of the pilot program for reinstatement was to be judged. The IRS Assistant Commissioner for Electronic Tax Administration, Bob Barr, threatened to end the debt indicator if RAL prices did not decrease. Industry expressed its agreement that fees would decrease, with one RAL issuer claimed that its fees would be reduced 30 to 40 percent.

When the debt indicator was reinstated, RAL fees did go down. However, this decrease turned out to be temporary. For example, RAL fees at H&R Block and Household Bank dropped for one year, but then shot back to pre-Debt Indicator levels. After the IRS reinstated the debt indicator, Household and Block's fees went from $40-$90 to $20-$60 for the 2000 tax season. Both the IRS and industry touted this decrease in RAL fees. However, fees went back up in 2001, with Block/Household charging $30 to $87—close to the fees charged prior to reinstatement of the debt indicator.

Also, part of the decrease in RAL fees in 2000 occurred because Block offered a ''no fee'' RAL in six markets, including entire state of California. However, Block and Beneficial appear not to have offered this ''no fee RAL'' after the 2000 tax season. One reason was probably that the ''no fee RAL'' program was subject of a lawsuit for deception by a competitor.

RAL fees never went down again after 2001, but RAL profits have increased. The increase in RAL fees from 2000 to 2001 for H&R Block/Beneficial resulted in Block's RAL revenues increasing by 49 percent from 2000 to 2001. Most of the revenue increase appears to be the result of the higher RAL fees, because per-RAL-revenue rose by 43.9 percent, while sales volume only increased by 2.7 percent.

Thus, the main effect of the debt indicator appears to be, not in lowering RAL fees, but in higher RAL profits. If the reinstatement of the debt indicator had really lowered RAL fees back to pre–1995 prices, a RAL would only cost a flat fee of $37.53 or $45.91 in 2005 (the equivalent of $29 or $35 in 1994 adjusted for inflation). Instead, they currently cost about $35 to $115, with Block and its lending partner charging a fee of $100 for RALs for the average refund of slightly over $2,000. These fees translate into effective annual interest rates (APR) ranging from about 40 percent to over 700 percent.

(In dollars)

Year	RAL Price—Beneficial/Household & Block	RAL price—Bank One	RAL Price—Jackson Hewitt
1994	$29	$31	$29 to 35
1995	29 to 89	41 to 69	69 to 100
1996	29 to 89.		
1997	40 to 90.		
1998	40 to 90.		
1999	40 to 90		49 to 80
2000	20 to 60.		
2001	30 to 87.		
2002	30 to 90	34 to 87.	
2003	30 to 90	34 to 89	34 to 89
2004	30 to 100	34 to 89	29 to 94 (& 5 for EITC)
2005	30 to 110	34 to 99	29 to 99 (& 5 for EITC)

It appears the debt indicator is an IRS subsidy that increases profits for the RAL industry. The debt indicator has made each individual RAL more profitable, encouraging RAL lenders to aggressively promote RALs and increase RAL volume.

E. PRIVACY ISSUES

In addition to being a taxpayer-funded subsidy to the RAL industry, the debt indicator program raises significant privacy concerns. In fact, the IRS may be violating its own privacy law in providing the service to tax preparers. The IRS Code contains broad and strong privacy protections for taxpayer information. Section 6103 of the IRS Code states that all ''[r]eturn and return information shall be confidential'' and shall not be disclosed. ''Return information'' is broadly defined and includes the taxpayer's ''nature, source, or amount of his . . . liabilities . . .'' Therefore, information as to whether a taxpayer is subject to a refund offset would be information about the nature or amount of a taxpayer's liabilities.

It would seem that the information disclosed by the IRS to a RAL provider would constitute a violation of the IRS privacy statute, unless there is an exemption. One possible exemption would be the provision that allows the IRS to disclose return information with a taxpayer's consent. However, the IRS regulations set forth clear and definite requirements for such consent, including that the consent be set forth in a separate written document pertaining to the disclosure, and that the document reference the particular data item of return information to be disclosed.

A document that conceivably grants such consent is IRS Form 8453, which is used to authenticate an e-filed return. Yet the consent to disclose information in Form 8453 is not a separate, stand-alone document pertaining solely to the disclosure. Furthermore, the consent is buried in small print inadequate to clearly inform taxpayers that they are permitting the IRS to disclose personal financial information to their tax preparers about whether they owe a child support or student loan debt.

Another exemption allows the IRS to send an acknowledgement to an e-file provider without the need for a stand-alone consent form, along with ''such other information as the [IRS] determines is necessary to the operation of the electronic filing program.'' Because RALs increase the number of e-filed returns, the IRS may argue that this language permits it to send the debt indicator in the e-file acknowledgement (as it currently does) without a stand-alone consent form. However, while it increases the number of e-filed returns, that is not a factor that is ''necessary'' to the operation of the e-file program.

Even if IRS can legally provide the debt indicator, there still remain significant privacy issues regarding the program. With the debt indicator, the IRS is providing an indicator that communicates personal and potentially embarrassing financial tax information to the tax preparer. Indeed, when the IRS proposed requiring a similar indicator on tax returns filed through the Free File Alliance, commercial preparers objected strongly, citing privacy concerns. National Taxpayer Advocate Nina Olson noted ironically ''These businesses already rely heavily on returns flagged with an indicator to tell them that this return has other outstanding refund offsets'' and ''Let's use the same argument to say the debt indicator should be eliminated.''

Given the lack of prominence of the consent in Form 8453, it is unclear whether most taxpayers actually realize they are giving permission for IRS to reveal the presence of government debts to their preparer. It is even unclear whether they know about the debt indicator itself or understand what it is.

F. RE-EMERGENCE OF FRAUD

The debt indicator represents an IRS subsidy in another respect, that is, in the amount of fraud it promotes and the taxpayer dollars spent combating that fraud. As discussed above, the IRS dropped the debt indicator in 1994 due to concerns over mounting fraud in refund claims. IRS data had indicated that 92 percent of fraudulent returns filed electronically involved RALs. It was believed that the debt indicator led to tax fraud because of its role in supporting RALs, whose quick turnaround period makes fraud detection difficult.

The elimination of the debt indicator seems to have had its intended effect. According to the Assistant Attorney General in charge of the Tax Division at the Department of Justice, eliminating the debt indicator, along with other fraud prevention measures, successfully reduced the number of fraudulent claims.

When IRS reinstated the debt indicator in 1999, it attempted to address the fraud issue by requiring tax preparers to institute fraud prevention measures. The first year of the debt indicator was termed a pilot, and only certain tax preparers who entered into memoranda of agreement with the IRS were eligible to receive the debt indicator. As a condition of the agreement, tax preparers were required to actively screen returns for potential fraud and abuse, using measure such as requiring two valid forms of identification and verifying questionable W–2s. However, after the 2000 tax season, the debt indicator is no longer a pilot and is provided to all taxpayers who e-file. Thus, it is unclear whether these fraud prevention measures are still mandatory.

Whether or not these fraud prevention measures are in effect, fraud is still a significant issue with respect to RALs. Gary Bell, Director of the IRS Criminal Investigation Division's Refund Crimes Unit, noted that currently 80 percent of fraudulent e-filed returns are tied to a RAL or other refund financial product. Furthermore, fraud appears to have increased since the debt indicator was reinstated. Bell noted that e-file fraud had increased by more than 1,400 percent since 1999 (when the debt indicator was reinstated), and that approximately 1 in every 1,200 e-filed returns was phony, compared with a rate of about 1 in every 5,000 four years ago.

The Treasury Department's Financial Crimes Enforcement Network (FinCEN) has raised similar concerns about the role of RALs in promoting tax fraud. FinCEN issued a warning to banks in August 2004, regarding RAL fraud. In this report, FinCEN also noted that RAL fraud had multiplied between 2000 and 2003. FinCEN noted that ''To make this type of loan appealing to the public, funds are made immediately available, leaving little time for the lender to perform due diligence to prevent fraud.'' As one commentator noted, the IRS has a fraud detection system, but ''it may take the IRS three or more weeks to process the return, especially in the peak of the spring filing season. Meanwhile, the RAL lenders have processed the loan within a couple of days of the return being filed, the money is in the hands of the bad guys, and they can disappear without a trace, ...''

G. CONCLUSION

As it did in 1994, the IRS should terminate the debt indicator. The program represents a form of corporate welfare and government subsidy of an industry already rolling in profits from making usurious loans to low-income taxpayers. It has increased profits for the RAL industry, while resulting in no permanent price decreases for consumers. Not only does the RAL industry siphon off hundreds of millions of tax dollars by skimming the Earned Income Tax Credit from working poor families, the IRS abets this drain and makes it more profitable by conducting part of the RAL lenders' credit checks using taxpayer-funded resources. Furthermore, the debt indicator represents even more of a subsidy, in that it generates more fraud related to RALs, which the IRS must spend enforcement dollars to address.

Mr. DODD. Mr President, I speak on the subject of full funding for the payments to State governments in order to comply with the requirements mandated on January 1, 2006, under the Help America Vote Act of 2002, HAVA.

On October 16, 2002, over 3 years ago, the Senate overwhelmingly adopted the conference report for this bipartisan landmark legislation by a vote of 98–2. The House of Representatives adopted the conference report by a vote of 357–48 on October 10, 2002. President Bush signed HAVA into law on Oct. 29, 2002. At the White House signing ceremony, surrounded by a bipartisan group of congressional members, President Bush said in a brief speech:

> When problems arise in the administration of elections, we have a responsibility to fix them. . . . Every registered voter deserves to have confidence that the system is fair and elections are honest, that every vote is recorded and that the rules are consistently applied. The legislation I sign today will add to the nation's confidence.

I agree with the President. We must follow the American tradition of fixing problems that occur in our national elections system. HAVA began a new era in election law—one where the Federal Government works with State and local governments, in conjunction with civil rights, voting rights and disability organizations, to conduct fair, free and transparent elections in our Nation. HAVA is our colective promise to the American people to fix the problems in our Federal elections. After the 2000 November elections, Americans recognized that real election reform changes must be made to ensure the integrity and security of our democracy. Congress made a commitment to the States, and to the voters of this Nation, that we would be a full partner in the conduct of Federal elections. Congress accomplished much with the passage of HAVA; but two years later in the November 2004 general election, some voters faced both old barriers to ballot access that HAVA promised to remove and new ones. We can do better and we must do better. Full funding of HAVA will ensure America does better in conducting Federal elections by ensuring both ballot access and ballot integrity.

Building democracy and freedom for every American must begin at home in the United States. In the wake of the October 15, 2005 province-by-province election on the Constitution in Iraq, it is critical that Americans take stock of our own decentralized elections systems. In light of the continuing barriers and irregularities that Americans faced at polling places across this Nation in 2004, we cannot fail to fully fund HAVA to fix these problems. Our ability to successfully do so goes directly to ensuring the integrity of elections and ensuring the confidence of the American people in the final results of those elections. America's ability to promote free societies abroad is inextricably linked to our ability to expand and secure transparent elections at home. At a time when we are spending billions of dollars to ensure the spread of democracy across the globe, we must ensure the primary right to vote for all eligible voters, regardless of race, ethnicity, age, disability, or resources.

For the first time in our Nation's history, Congress acknowledged the responsibility of the Federal Government to provide leadership and funding to States and local governments in the administration of Federal elections. First, Congress codified the Federal role in HAVA by entering into a partnership with States to restore the public's confidence in the final results of Federal elections and to ensure that every eligible American had an equal opportunity to cast a vote and have that vote counted. Next, Congress required States to conduct Federal elections according to minimum Federal requirements for voting system standards, provisional balloting and Statewide voter registration lists, including new requirements to prevent voter fraud. Finally, Congress refused to impose unfunded mandate on States and authorize nearly $4 billion in payments to States over 3 fiscal years to implememt the HAVA requirements and disability access grants and services.

January 1, 2006, is the effective date for two of the most important Federal requirements mandated by HAVA: the voluntary voting system standards and the Statewide computerized voter registration list. Both requirements are expected to make it easier to vote and harder to cheat by providing an equal opportunity for every eligible voter to cast a vote and have that vote counted, as well as providing important antifraud requirements to protect and preserve the integrity of our decentralized elections systems. In order to comply with HAVA, States must timely implement both requirements, which are expected to cost millions in both Federal dollars for the 95 percent portion and State dollars for the 5 percent portion of the expenditures.

To date, the President's budget, for the second year in a row, while providing millions in funding for democratic elections in foreign countries, such as Afghanistan and Iraq, assumes no funding for requirements or disability access payments to the States.

Congress also failed to fully fund HAVA 2 years in a row. HAVA is underfunded by a total of $822 million. In addition to the $600 million authorized in fiscal year 2005, but not appropriated Congress underfunded HAVA by $222 million over the last 3 fiscal years, from fiscal year 2003 to fiscal year 2005. As a result, HAVA currently has a total funding shortfall of $822 million in federal funds, $727 million for election administration requirements and $95 million for disability grant payments.

The absence of the $727 million for requirements payments will likely impede the Statewide implementation of the two most critical election reforms, the voting system standards and the Statewide voter registration lists in time for the 2006 congressional elections.

No civil right is more fundamental to the vitality and endurance of a democracy of the people, by the people, and for the people, than the people's right to vote. HAVA has been acknowledged as the ''first civil rights law of the 21st century.'' Full funding of HAVA enjoys the support of a broad coalition of organizations representing the civil rights communities, voting rights groups, disabilities groups, and State and local governments, spearheaded by the Leadership Conference on Civil Rights and the National Association of Secretaries of State.

I am grateful to LCCR and NASS for their consistent leadership in ensuring that Congress fulfills our commitment to fully fund the HAVA reforms. I applaud the nonpartisan work of the LCCR/NASS Coalition and look forward to continuing to work with them to see this commitment come to fruition.

The organizations have submitted a letter, dated October 20, 2005, in support of full funding in the amount of $727 million for HAVA implementation in fiscal year 2006. The letter, and I quote, states that:

> The states and localities need the remaining authorized funding to implement the requirements of HAVA and the federal EAC needs to be fully funded to carry out its responsibilities as well.

I ask unanimous consent that the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. DODD. If we fail to honor commitment now and only appropriate partial funding, we may jeopardize the ability of the States to implement these historic and comprehensive election reforms. We will also miss an opportunity to ensure the integrity and security of Federal elections and the confidence of the American people in the final results of those elections.

While I will not offer an amendment today to provide for this additional funding, I am serving notice that as the States proceed to complete implementation of the HAVA requirements, I will continue to monitor this situation and as the needs of the States become more clear, I will come back to my colleagues for prompt action to ensure that the States do not face an unfunded mandate.

EXHIBIT 1

MAKE ELECTION REFORM A REALITY—FULLY FUND THE HELP AMERICA VOTE ACT

OCTOBER 20, 2005.

DEAR SENATORS: We, the undersigned organizations, urge you to support full funding for the Help America Vote Act of 2002 (HAVA) and include $727 million in the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies

Appropriations Act of 2006. This figure represents the authorized HAVA funds for federal requirements that remain unappropriated.

HAVA, which passed with overwhelming bipartisan support, includes an important list of reforms that states must implement for federal elections. State and local governments have been working on such reforms as improving disability access to polling places, updating voting equipment, implementing new provisional balloting procedures, developing and implementing a new statewide voter registration database system, training poll workers and educating voters on new procedures and new equipment.

To help state and local governments pay for these reforms, HAVA authorized $3.9 billion over three fiscal years. To date, Congress has generously appropriated $3 billion between FY03 and FY04. Unfortunately, while HAVA authorized funding for states for FY05, none was appropriated. The states and localities need the remaining authorized funding to implement the requirements of HAVA, and the federal EAC needs to be fully funded to carry out its responsibilities as well.

States and localities are laboring to implement the requirements of HAVA based on a federal commitment that HAVA would not be an unfunded mandate. State officials have incorporated the federal amounts Congress promised when developing their HAVA implementation budgets and plans. Without the full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates. According to a state survey, lack of federal funding for HAVA implementation will result in many states scaling back their voter and poll worker education initiatives and on voting equipment purchase plans, both of which are vital components to making every vote count in America.

We are thankful that you have seen the importance of funding the work of the Election Assistance Commission in FY06. States, localities and civic organizations look forward to the work products from the EAC that will aid them in their implementation of HAVA i.e., the voting system standards, the statewide database guidance, and the studies on provisional voting, voter education, poll worker training, and voter fraud and voter intimidation.

We thank you for your support of funding for the Help America Vote Act, and we look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State or Rob Randhava of the Leadership Conference on Civil Rights, or any of the individual organizations listed below.

Sincerely,

Organizations Representing State and Local Election Officials

Council of State Governments
Election Center
International Association of Clerks, Recorders, Election Officials and Treasurers
National Association of Counties
National Association of County Recorders, Election Officials and Clerks
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund
National Association of Secretaries of State
National Conference of State Legislatures

Civil and Disability Rights Organizations

Alliance for Retired Americans
American Association of People with Disabilities
American Federation of Labor—Congress of Industrial Organizations
Americans for Democratic Action
APIA Vote
Asian American Justice Center
Asian American Legal Defense and Education Fund
Common Cause
FairVote—The Center for Voting and Democracy
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil Rights
League of Women Voters of the United States
Mexican American Legal Defense and Educational Fund
National Association for the Advancement of Colored People
National Council of La Raza
National Disability Rights Network
National Federation of the Blind
National Voting Rights Institute
Project Vote
The Arc of the United States
United Cerebral Palsy
United Church of Christ, Justice and Witness Ministries
USAction

Mr. NELSON of Florida. Today the Senate adopted unanimously the Nelson-Smith amendment which puts the Senate on record supporting the placement of al-Manar on the Specially Designated Global Terrorist list. Al-Manar is a global satellite television operation dedicated to broadcasting inflammatory and radical Islamic propaganda.

Al-Manar, a television station funded by Hezbollah, promotes hatred, anti-Semitism, and glorifies suicide bombing. The actions of this network are truly appalling and frightening.

Viewed via satellite throughout the Muslim world, al-Manar promotes suicide attacks against American and Israeli targets and encourages Iraqi insurgents to attack U.S. troops. It includes particularly shocking children's programming, aimed at shaping the beliefs and values of the next generation of Muslim youth.

The station broadcasts programs that spread anti-Semitic material, perpetuating myths about Jewish history, which resulted in the station's recent ban from French airwaves. This is not a media outlet sharing the news; it is a propaganda tool used by a terrorist organization to spread its message of violence and hatred.

The U.S. Government placed al-Manar on the Terror Exclusion List which prevents persons associated with the channel from traveling to the U.S. There is a much stricter list, the Specially Designated Global Terrorist list, which allows much harsher penalties, including financial sanctions against individuals, groups, and banks that do business with al-Manar. So far, the Government has not placed al-Manar on this list.

The case is clear and obvious: al-Manar is supporting and promoting terrorism. This warrants placement on the list of Specially Designated Global Terrorists.

In August, 51 Senators sent a letter to the President, urging him to place al-Manar on the Specially Designated Global Terrorist list. I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, August 2, 2005.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: We write to urge you to place al-Manar, the official television station of Hezbollah on the Treasury Department's Specially Designated Global Terrorist Entity list (SDGT) and to aggressively target the organizations that aid in its broadcast. Hezbollah, a known terrorist organization, funds al-Manar, calling it a 'station of resistance.' Viewed via satellite throughout the Muslim world, al-Manar promotes suicide attacks against American and Israeli targets and encourages Iraqi insurgents to attack U.S. troops.

Al-Manar is a mouthpiece of hatred and violence. In addition, the station broadcasts programs that spread anti-Semitic material, perpetuating myths about Jewish history, which resulted in the station's recent ban from French airwaves. This is not a media outlet sharing the news; it is a propaganda tool used by a terrorist organization to spread its message of violence and hatred.

We welcome your December 2004 decision to place al-Manar on the Terror Exclusion List (TEL), which allows the U.S. Government to deport or deny admission to aliens involved with al-Manar's support or endorsement of terrorist activities. But further acknowledgment of al-Manar's role in spreading violence and hatred is warranted and should be shown through its placement on the SDGT list. This step would allow the U.S. government to sanction foreign banks and freeze the financial assets of individuals or organizations that associate with the station. This would cause many telecommunications corporations and financial institutions to reconsider their decision to work with al-Manar.

The United States must use all available means to stop the transmission of al-Manar's programs. Placing al-Manar and the Lebanese Communications Group S.A.L., its parent company, on the SDGT will send a clear message that the United States is serious about confronting any organization that supports the violence carried out by terrorist groups.

We strongly support the global war on terrorism and continuing efforts to stop terrorists wherever they may be. Stopping al-Manar's broadcast of hatred and violence is an integral part of the global war on terrorism. Thank you for your time and consideration. We look forward to your response.

Sincerely,

Gordon Smith, Evan Bayh, John F. Kerry, Mark Dayton, Mitch McConnell, Richard Durbin, Wayne Allard, Frank Lautenberg, Charles Schumer, Bill Nelson, Hillary Rodham Clinton, George Allen, Jon Kyl, Conrad Burns, Ron Wyden, Byron L. Dorgan, Norm Coleman, Mel Martinez, Dianne Feinstein, John Corzine, Russell D. Feingold, Joe Lieberman, Ben Nelson, Barack Obama, Barbara Boxer, Deborah Stabenow, Olympia Snowe, Herb Kohl, Barbara A. Mikulski, David Vitter, Ken Salazar, Jack Reed, Lisa Murkowski, Richard Shelby, Tim Johnson, Arlen Specter, Johnny Isakson, Tom Coburn, Susan Collins, Sam Brownback, John Ensign, James M. Talent, Jeff Sessions, Orrin Hatch, Rick Santorum, Kent Conrad, Mary L. Landrieu, Daniel K. Akaka, Chuck E. Grassley, Jeff Bingaman, Saxby Chambliss.

Mr. NELSON of Florida. Today, the entire Senate is on record. This amendment affirms the Senate's concerns over the free dissemination of radical and violent ideology and calls on the administration to add al-Manar to the Specially Designated Global Terrorist list.

Mr. BOND. Mr. President, are there any others? I believe we have now covered all of the amendments we have agreed to accept. I think it is time to go to third reading, and I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: The Senator from Arizona (Mr. MCCAIN) and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE); and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—93

Akaka	Dole	Lugar
Alexander	Domenici	Martinez
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Bennett	Ensign	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Frist	Obama
Brownback	Graham	Pryor
Bunning	Grassley	Reed
Burns	Gregg	Reid
Burr	Hagel	Roberts
Byrd	Harkin	Rockefeller
Cantwell	Hatch	Salazar
Carper	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Chambliss	Isakson	Sessions
Clinton	Jeffords	Shelby
Coburn	Johnson	Smith
Cochran	Kennedy	Snowe
Coleman	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Thune
Dayton	Levin	Vitter
DeMint	Lieberman	Voinovich
DeWine	Lincoln	Warner
Dodd	Lott	Wyden

NAYS—1

Bayh

NOT VOTING—6

Baucus	Inouye	Schumer
Corzine	McCain	Sununu

The bill (H.R. 3058), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I ask unanimous consent that the Senate insist upon its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I wanted to take a minute, as we finish this bill, to again thank my colleague from Missouri for his tremendous work on this bill. I know he has been under personal duress today and had a late night last night, but his team won despite what it appears to be. I think he has done a tremendous job and I wish to thank him.

I also wish to thank all of the majority staff, John Kamarck Paul Doerrer, Cheh Kim, Lula Edwards, Josh Manley, and Matt McCardle for their help in working with us for many months along the way, and also our minority staff, Peter Rogoff, Kate Hallahan, Diana Hamilton, Bill Simpson, Meaghan McCarthy, as well as my personal staff, especially Casey Sixkiller. I also want to thank all of the floor staff who have been diligent in working with us as we have moved this bill through and again thanks to my colleague from Missouri for his tremendous work on this bill.

Mr. BOND. I continue to be grateful for the cooperation of the Senator from Washington and her staff. I was going to go down the list of the staff members on both sides. I will incorporate by reference and say once again our staff worked very well together. This is the first time anybody had dealt with a TTHUD bill. It has many interesting moving parts, and some of them move in different directions at the same time. We could not have done it without the tremendous assistance of all of the staff, plus the floor staff.

I want to say a special thanks to Lula Davis, Dave Schiappa, and all the people in front here for their unfailing willingness to sit and help us through all of these things. This was more exciting than I wanted it to be, and their help enabled us to get through.

We would also like to put in a special thanks to Mike Solon in the Whip's office for helping us work on a number of things and both the Appropriations Committee leaders, Chairman COCHRAN and Senator BYRD. Also, the majority leader and minority leader were a great help.

So we are most grateful, and we are delighted to be out of the way now, and we will go to conference. We look forward to coming back with perhaps an even better process and a good product.

MORNING BUSINESS

Mr. BOND. I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to speak for roughly 15 minutes instead of the 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BUDGET RECONCILIATION

Mr. GRASSLEY. Mr. President, because I am chairman of the Senate Finance Committee and we have jurisdiction over taxes, I want to respond to some of the comments that have been made over the last 2 or 3 days, both on the floor as well as in news conferences, by the Senate Democratic leadership on the reconciliation tax relief bill that will be before Congress sometime between now and Thanksgiving. Quite frankly, it is necessary to pass because if we do not, then taxes are automatically going to go up without a vote of Congress. It is not necessarily the biggest tax increase that Congress has ever voted but a very sizable tax increase.

Obviously, if we are going to increase taxes, it ought to be done by a vote of the Congress and not done automatically. So we have to take action before we adjourn this fall, and that is what the reconciliation tax relief bill is all about.

It is quite obvious from these news conferences that the Democrats have been having, in statements on the floor, that they do not seem to understand that this is going to happen, and if it does happen, it is going to hurt middle income taxpayers as well as lower income taxpayers.

In press reports for several weeks now, the distinguished Democratic leader suggested that we cease all efforts to address expiring tax relief provisions. The senior Senator from Nevada stated as follows: I think we need to revisit this budget and reconciliation. Is it really the time to have $70 billion more in tax cuts?

Well, we are not going to have $70 billion more in tax cuts if we pass this reconciliation tax relief package. We are going to continue the tax policy we have had for the last several years, and if we do not pass it, we are going to have a $70 billion tax increase, and that is what inaction is going to bring about. I see the Senator suggesting that that happen. I am going to say why that is bad not only for taxpayers, but that is bad for the economy of our country.

Then we also had the assistant Democratic leader, the senior Senator

from Illinois, likewise attack the notion of tax relief. This very afternoon, the ranking Democratic member of the Budget Committee, the senior Senator from North Dakota, attacked the idea of further tax relief.

Those words again. They want people to believe that we are going to cut taxes further, but if we do not take action, taxes are going up, not down. If we pass a bill, they are going to stay where they have been for the last several years.

Clearly, this line of attack is being coordinated by the leadership team on the other side of the aisle. As is usual with the question of tax relief, the East Coast media tend to be echoing the line of attack from the leadership of the opposition.

Yesterday, October 19, the Democratic leadership held a press conference to criticize further tax relief efforts. The purpose of the press conference was opposition to Republicans' attempt to spend billions on tax breaks for special interests while cutting health care, student loans, and other crucial assistance through their—meaning Republicans—immoral budget.

Now, understand, morality is brought into this. That kind of incendiary language is what makes folks outside of the Washington Beltway angry. Not only is it patently false, it is also over the top. Anybody with an ounce of common sense knows it.

Immoral? Give me a break. What is immoral is wasting taxpayer money to gin up this kind of partisan ''attack dog'' language because it diverts legislative resources from what this Congress needs to be doing and that is solving problems.

I have heard from my friend and ranking member, Senator BAUCUS, that the Democratic leadership may now be supporting an extension of some of these provisions that they seem to be attacking at the same time. Be that as it may, we have to look at a lot of other things besides the largely business tax relief that is included in what we call extenders, extending from one year to the next or the next several years things that automatically expire, that if we do not extend them, taxes go up rather than staying level.

I want to put all this debate in context, because until now, what I have set in motion here is what is coming from the other side so you have a context for the points I wish to make.

First off, let's take a look at the Democratic leadership's point on the budget. Why is the budget important, some people ought to ask and legitimately ask. The budget—we call it the budget resolution—is a blueprint or kind of an outline that sets the overall level of spending and the revenue of the Federal Government. The budget, then, sets the ground rules for all the other spending and revenue legislation that will be considered by the Senate over the course of a year. So we pass the budget resolution in the spring, and all the appropriations bills and the tax bills and everything else have to fit into that budget resolution.

Under the Senate rules, then, a bill that exceeds the levels set in the budget resolution could possibly be, and often is, subject to a 60-vote point of order; in other words, taking 60 votes to go beyond the budget, which is very difficult to get in this body. That is why you get a lot more fiscal discipline with a budget resolution. By imposing this supermajority requirement, the budget encourages the Senate to stay within the overall limits we set in our resolution while at the same time providing opportunities to exceed those limits if there are extenuating circumstances.

Chairman JUDD GREGG of the Budget Committee has used this tool of a point of order to keep spending under control. On this appropriation bill that was just completed after 2 or 3 days' work, that has proved effective, in three or four instances, to keep a lot of additional spending from happening—spending that, if we just had a simple majority without a budget resolution, could possibly not have been prevented.

By the way, despite all the posturing about fiscal responsibility coming from the Democratic side, I am still waiting for spending cuts, ideas on how we can save money on expenditures, coming from the other side. I have asked my colleagues on the other side of the aisle over the years to put their money where their mouth is. The Finance Committee that I chair produced $180 billion in revenue raisers and got $135 billion of that enacted. So we have produced on the revenue side. I am going to be showing with that chart here in just a little bit where we have also had other tremendous advantages from the tax policy of the last 4 years. But where are the critics, then, who seem to always want to raise revenue? Where are they when there is an opportunity to come up with ideas to save money on the spending side of the ledger?

I have always said it would be one thing to raise taxes, and I might be willing to consider doing that if I could ever come to the conclusion that you could raise taxes high enough to satisfy the appetite of a lot of big spenders in this Congress to spend money. If I would ever see a limit, I might be willing to settle for something if that was the end of it. But you never have the end, it seems. You never have enough revenue for the people who want to spend money.

Budget reconciliation, as has been the point of the news conference I already referred to, is often the subject of much controversy. So I would like to take a moment and focus on the reconciliation bill my committee is going to have to consider between now and adjournment in order to retain the present level of taxation. If we do not take action, which is what the Democrats are asking us not to do, taxes are going to go up.

As chairman of this tax writing committee that we call the Finance Committee in the Congress, I have a responsibility for all of the legislation that affects Medicaid, Medicare, Social Security, the income tax code. The budget resolution we passed earlier this year provides reconciliation instructions for my committee to achieve $150 billion in program savings. And by the way, we finally have a package put together that will do this, a package that I believe we will be able to vote out of committee next Tuesday. We have set our committee there so we will meet our savings on the expenditure side—we will meet those goals.

Of course, then the other part of my work is the $70 billion of tax relief that is not a tax reduction but maintaining the existing level of taxation.

While these instructions from the Budget Committee—or you might say now it is policy, by the full Senate—do not actually require the Finance Committee to enact any specific policy, there are numbers and policies that are assumed within the numbers that the Senate has given me. Today, I will focus on the tax relief portion of the budget. After all, that is where the attacks have come from the Democratic leadership through their news conferences and statements here on the floor of the Senate.

Start with a basic number. When the Senate Budget Committee considered the resolution over a half year ago this year, Republicans laid out a plan to reconcile tax relief—in other words, to keep the taxes from automatically going up, not to cut taxes from where they are today. This plan was the product of discussion with members of the Republican caucus. Although the process was driven by Republican members, the substance of the proposal is bipartisan. Our objective, then as now, is to preserve current law levels of tax relief. The plan centers on a seamless extension of tax relief provisions that began in President Bush's first term, in 2001. It is critical that these provisions be rationalized with a common sunset date. Assuring taxpayers of the continuity of promised tax relief should be our highest priority. Predictability of tax policy, in other words, is essential to a vibrant, growing economy. Taxpayers should not face the reversal of the level of tax relief we have delivered. It is going to have terrible economic consequences if we do.

Let me repeat. Reconciliation is about preventing automatic tax increases, it is not about new tax relief proposals.

Some on the other side have been critical of the $70 billion in reconciled tax relief from the day we passed the budget resolution. Where, let me ask, is the Democrat leadership's plan for tax relief? Or do they propose that we start taxing middle-income Americans by letting these things sunset and have an automatic increase in taxes? Has anyone seen a Democratic proposal for maintaining existing tax policy so we do not have an automatic tax increase? All we seem to hear, based upon these

news conferences and statements, happens to be criticism. How many times have we heard about the alternative minimum tax or what we call AMT? We heard about it plenty of times. We even heard incorrect assertions that this budget does not address alternative minimum tax problems.

Guess what. The reconciliation bill has room for extending the current patch, or ''hold harmless'' for millions of families who, if we do nothing, are going to face the alternative minimum tax. These are not the wealthy people that the alternative minimum tax was intended to hit. These are going to be 5 million more middle-income tax-paying people who presently are not hit by it. So where is the Democratic leadership plan for AMT relief? When they say we ought to rethink this budget resolution, are they saying we are going to tax these 5 million people who have not been hit by this by doing nothing between now and the end of the year? Where is the response for the current period? I have been looking for it. I can't find it, from the other side. All we are hearing is another excuse to make the American taxpayers second-class citizens. In this case, spending for the hurricane might be the excuse. There always seems to be a reason to deny tax relief or automatically increase taxes on middle-income Americans.

Likewise, there always seems to be an excuse for dodging spending restraint. Let taxes go up automatically, don't do anything to reduce spending. In short, it seems that the Democratic leadership cares more about spending taxpayers' money than keeping the tax burden low. The American taxpayer has done his or her part. Receipts are way ahead of last year—way ahead of where even we predicted they would be. According to Treasury data, receipts last year were $1.880 billion. This year, receipts are $2.154 billion. So this is an increase of $274 billion coming in this year, more than last year without increasing taxes, with no rates of tax increase.

Even taking into consideration that level of taxation, in a news conference the Democratic leadership said we ought to rethink our tax policy. According to the Congressional Budget Office—and I might refer to that occasionally as CBO—the CBO receipts are up for this fiscal year alone by $97 billion over what CBO guessed they would be earlier this year—$97 billion more coming in than the official estimators said just a few months ago would be coming in.

Whichever figure you might use, either that $274 billion more coming in in 2005 than in 2004 or the $97 billion more that is coming in, more than the CBO estimated, this is very definitely an impressive improvement on the revenue side of the budget. That amount exceeds the amount of reconciled tax relief over 5 years by $70 billion that we provided in this budget resolution that will be the subject of legislation on this floor in the next 4 weeks.

As a percentage of the economy, which is known as the gross domestic product, Federal receipts are up to about 17.5 percent of GDP. The historical average is right about 18 percent. When I say historical average, I mean over a period of time from the late 1950s until today averaging about 18 percent of taxes coming into the Federal Government as a share of the gross domestic product. So we are getting back to historical averages, but you wouldn't know that by listening to some of the alarmist claims for more revenue that you hear in speeches on the floor of this Senate.

Where is the extra money coming from? It is coming across-the-board. A good chunk of it is coming from nonwithheld income taxes, and that would be from capital gains dividends, higher than expected small business income. No one should be surprised by these developments. They are consistent with economic and fiscal history. The bottom line is that when the economy grows, the Federal Treasury benefits as well.

That is shown very clearly on this chart. Over 40 years, up until now—and beyond that, guessing what the economy might do for another 10 years—we see the green line here, the gross domestic product, the measure of it on a yearly average. That is the green line. It is fairly constant, not so erratic.

The revenues coming in are the red lines. That tends to be much more dramatically different from year to year than what the GDP measurement is. You can see here, going back 40 years, when the GDP goes down, you have a very dramatic drop in taxes coming into the Federal Treasury.

When they go up, you have a much more dramatic increase in taxes coming into the Federal Treasury. You can see that several times—quite a drop here in the gross domestic product but a very dramatic drop in income coming in.

More recently, we had the Clinton recession that we inherited, plus 9/11. So you find a dip in the gross domestic product here, but, boy, you see a very dramatic drop in the income coming in at this point.

We passed the tax bill of 2001, and we passed the tax bill of 2003. You know that Greenspan said the growth in the economy is very related to those tax reductions we had at that particular time. You can see that we have a rise since then in the gross domestic product. You have a rise in income. But this chart was made before we had some more recent figures.

This red line, the point right here, would be about right here, reflecting that $274 billion more coming in in 2005 over 2004. You see a little rise in the gross domestic product, a very dramatic rise for the most recent figures at this point here instead of this point here—a more dramatic rise in the income coming into the Federal Treasury from our taxes because there was a little bit of an increase in the economy.

People are saying here we have to increase taxes, whether it is automatically or whether you vote them. You don't have to do that. You can see we are projecting a very good income coming into the Federal Treasury just when there is a slight increase in economic growth of our country as reflected in what we call the gross domestic product.

Some people here have it backwards. They think Federal revenue drives the economy. It is almost as though they believe raising taxes will lead to more growth. Growing economic activity, as shown by this chart, is fueling the good news on the receipt side of the Federal budget. In this environment, it is a wonderment why the Democratic leadership would want to send such a negative message to the financial markets.

Why does the Democratic leadership want to raise capital gains tax by 33 percent and double the tax on dividends? In these uncertain times, why would the Democratic leadership want to drive a stake in the heart of this growing economy, not only a growing economy but a more vastly growing amount of money coming into the Federal Treasury?

A cynical person might feel that the Democratic leadership is only looking at political gain by driving down our economy. I can't believe my friends in the Democratic leadership would want to cause economic pain for short-term political gain. But with all these speeches that are going on around here and all these news conferences about rethinking the budget, you have to wonder, don't you?

To sum up on my first point, the taxpayer is not the problem. The taxpayer is sending plenty of money to Washington, DC by $274 billion more in 2005 over 2004 with these lower levels of taxation we have. The revenue side of the budget is coming in fine, way beyond expectation.

I will turn to the specific plan we are going to present to the Senate when we have this reconciled tax package out here.

Again, this is a tax relief plan expressed in these news conferences that the Democratic leadership wants to kill. The reconciliation instruction gives us the resources to maintain current law tax relief. Put another way, the reconciliation instructions to my committee are our best means to protect against tax hikes on millions of American taxpayers.

Let us take a look at the tax increases the Democratic leadership would put on the American people by inaction by this Congress—an automatic tax increase. That is the Christmas present we would be giving the taxpayers, if we adjourn by Thanksgiving. What a Christmas present.

First and foremost, the tax relief plan continues to hold harmless for the alternative minimum tax. This piece of the plan—the largest, I might add—is worth $30 billion to 14 million American families.

Does the Democratic leadership want to push millions of middle-income families into the alternative minimum tax? If the answer is no, then they ought to support our reconciliation bill.

Second, the plan extends the progrowth piece of the 2003 tax relief bill, specifically lower capital gains and dividend rates.

As the Finance Committee hearing showed earlier this year, we got testimony about how these incentives have helped the stock market recover. A lot of folks on Wall Street tell us they have assumed continuation of these progrowth tax relief measures in the pricing of stocks. Does the Democrat leadership want to play games with stock prices? If the answer is no, then they ought to support our reconciliation bill.

A third point: Other widely applicable tax relief benefits are addressed in our bill. I am talking about these middle-income tax benefits we already have on the books that would expire. The deductibility of college tuition, the small savers tax credit, the small business expensing—all of these provisions are bipartisan. Millions of taxpayers are already relying on them. Does the Democratic leadership want to take away the deductible for college tuition from families who send their kids to college? Does the Democratic leadership want to eliminate the small savers credit? Does the Democratic leadership want to take away expensing of equipment from our small business folks and farmers? If the answer is no, then they should support our reconciliation bill.

The fourth example is our plan is going to address expiring business and individual provisions that we call extenders because we extend them from year to year or maybe 2 or 3 years at a time. But they eventually run out. These provisions include the research and development tax credit, the State sales tax deductibility from the Federal income tax, and the deduction of teachers' out-of-pocket expenses.

As I noted, the Democratic leader did not come out and say he would support taking a look at some of these regular extenders, but they are a small part of the picture. I note that the ranking member of the Budget Committee hasn't come that direction yet.

The Democratic leadership is not singing with one voice on this subset of expiring provisions. But if we do what the Democrats said they wanted to do in their news conference, these could possibly expire.

Does the Democratic leadership then want to eliminate the research and development tax credit? Does the Democratic leadership want to eliminate the sales tax deduction from the Federal income tax? Does the Democratic leadership want to eliminate the deduction for teachers' out-of-pocket expenses? If the answer is no, then they ought to help us get this budget tax reconciliation bill passed. These are all about growth of the economy.

In the Midwest, farmers—and I am one of them—have a saying: Don't eat your seed corn. Keep planting seed corn. That makes the economy strong. The tax relief seeds we planted a few years ago are yielding, as you can see here, a good harvest of revenue to the Federal Treasury.

What it comes down to is this: We need to take care of legislative business. We need to continue the tax relief promised to the American people and not let it expire, not let there be an automatic tax increase. If there is going to be an automatic tax increase, it ought to be voted by Congress. We ought to have guts enough to increase the taxes.

But we are better off with a plan that stops this automatic tax increase. The revenue side of the budget is performing fine, as you can see here. The American taxpayer is doing his or her share by the tune of $274 billion more coming in this year, 2005, over 2004. Now is not the time to shortchange the American taxpayers by raising their tax burden, particularly on middle-income taxpayers.

I ask my friends in the Democratic leadership to please refrain from raising taxes on millions of middle-income Americans. It is simple: Maintain existing levels of taxation. You do that by supporting the reconciliation bill that will be coming before this Congress shortly.

CHICAGO WHITE SOX ADVANCE TO THE WORLD SERIES

Mr. DURBIN. Mr. President, I rise to speak about a matter of great importance to the people of the State of Illinois. For the first time since 1959, the era of the ''Go-Go Sox,'' the Chicago White Sox are headed to the World Series. The White Sox will face the Houston Astros, who last night beat the St. Louis Cardinals and clinched the National League pennant. We are disappointed; an I–55 World Series would have been great. But the Cards are a great team, Tony La Russa is a great manager, and they will be back.

I didn't grow up in Chicago, I grew up in east St. Louis, but one of the first things I learned about Chicago is that the people of that city are absolutely passionate about baseball. I have also learned that Chicagoans don't ask you which team you love. They want to know which team you hate—except this time. Today, we are all White Sox fans. As long-time Sox fans are painfully aware, the White Sox have not won a World Series since 1917. Their three-game sweep in the playoffs against the defending World Series champion Boston Red Sox was the first step in exorcising the ghost of Shoeless Joe Jackson and that controversial 1919 White Sox team that was branded the ''Black Sox.''

It was clutch hitting and pitching that helped this year's White Sox beat the Los Angeles Angels of Anaheim, four games to one, to advance to the World Series. In four consecutive playoff games this year, White Sox pitchers threw complete games, a record not matched since the 1956 Yankees.

Speaking of outstanding pitchers, I congratulate my colleague, Senator BARACK OBAMA. He threw out the opening pitch in game 2 of the playoffs. Before that pitch, the White Sox were trailing the Angels one game to nothing. But after Senator OBAMA's blazing pitch, the Sox came back to win four games in a row and clinch the American League pennant. Rumor has it that if the going gets rough in the World Series, the Sox are going to turn to BARACK OBAMA if they need a strong southpaw.

White Sox players will be among the first to tell you: The upcoming World Series is not just a tribute to their outstanding performance. This historic event is a tribute to great White Sox players of the past who came so close only to fall short. They include Ozzie Guillen, who is now the White Sox manager, and, of course, Frank Thomas, their injured star—both White Sox stalwarts in the 1980s and 1990s.

Most of all, this historic World Series is a reward to the millions of White Sox fans who have stood by their team year after year, decade after decade, during seasons of 90-plus wins and 90-plus losses.

I applaud especially general manager Kenny Williams for helping to put this great team together; my personal friends, the owners of the White Sox, Jerry Reinsdorf and Eddie Einhorn, for their undying commitment to building a championship team on the South Side of Chicago. They orchestrated strategic moves to bring improved speed, defense, and pitching to the daily lineup in the form of players such as Scott Podsednik and Jose Contreras whose outstanding performance complemented veteran Sox such as American League playoff MVP Paul Konerko and All-Star Game starting pitcher Mark Buehrle.

When spring training opens next spring, Illinoisans will once again be divided between Cubs fans, White Sox fans, and Cardinal fans, too. But today, we are all pulling for the White Sox as they fight to bring to Chicago the city's first baseball World Series championship in 88 years. For Cardinal red and Cubby blue, the choice is black and white. Go Sox.

COMMITTEE ON ARMED SERVICES EXTENSION

Mr. FRIST. Mr. President, I ask unanimous consent that a letter dated October 20, 2005, from myself to Senator STEVENS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, October 20, 2005.

Hon. TED STEVENS,
President pro tempore,
Washington, DC.

DEAR TED: At the request of Senator John Warner, Chairman of the Committee on Armed Services, and Senator Carl Levin, Ranking Member of the Committee, and pursuant to section 3(b) of Senate Resolution 400 of the 94th Congress, as amended by Senate Resolution 445 of the 108th Congress, I request an additional five session days, ending October 28, 2005, on their behalf, to enable the Committee on Armed Services to complete its review of S. 1803, the Intelligence Authorization Act for Fiscal Year 2006.

Sincerely yours,

WILLIAM H. FRIST, M.D.,
Majority Leader.

HONORING WILLIAM A. KOCH

Mr. DURBIN. Mr. President, I rise today to honor the late William A. Koch for his contributions to preserving the memory and legacy of President Abraham Lincoln's early life.

Mr. Koch was a man of vision, integrity, and generosity. Born in Santa Claus, IN, Mr. Koch worked throughout his life to establish the Lincoln Boyhood National Memorial in order to secure a place to preserve the legacy of Lincoln's years in Indiana.

William Koch headed the effort to incorporate the Nancy Hanks State Memorial into the National Park Service and led a campaign for the passage of a bill to establish the Lincoln Boyhood National Memorial. Mr. Koch's efforts were so integral to the passage of the bill that he was invited to witness its signing by President Kennedy on February 19, 1962.

Today, visitors from across the country travel to Indiana where the Visitor Center and Living History Farm reveal the importance of Lincoln's Indiana years in his development from boyhood to the man he became. Without the dedication of William Koch, the preservation of Lincoln's early life would have been greatly diminished. Mr. Koch is survived by his wife Patricia Koch and his children, who now carry on his mission.

I am grateful for the achievements of Mr. William A. Koch and his contributions to this Nation. Through his relentless dedication, Mr. Koch has helped preserve the legacy of President Abraham Lincoln for future generations.

PREGUNTE, ESCUCHE, APRENDA UNDERAGE DRINKING PROGRAM

Mr. SALAZAR. Mr. President, I rise today to highlight the issue of underage drinking. The statistics are startling. According to the National Institute on Drug Abuse, on average, children first use alcohol around age 12, and research tells us that the majority of kids are obtaining the alcohol they drink from family and friends. According to Teenage Research Unlimited, 51 percent of 13- to 15-year-olds say they will face a decision regarding alcohol in the next 3 months.

In my State of Colorado, the most recent data we have available reveals that underage drinking is on the rise. In 2003, 21 percent of children ages 12 to 17 reported having consumed alcohol in the past month—an increase of 3 percent from the previous year.

In addition, Colorado's Youth Risk Behavior Survey, completed by over 700 Colorado high school students, found that only 19 percent of students have never tried alcohol. Conversely, 29 percent reported binge drinking, defined as having consumed five or more alcoholic drinks on one or more occasions during the 30 days preceding the survey. Tragically, five college students died in Colorado last year due to binge drinking.

As policy makers but more importantly, as parents—these statistics should alarm us all. As the father of two teenage daughters, I worry because I know alcohol abuse is frequently a precursor to use and abuse of illegal drugs and other dangerous behavior. The good news is that parents are the leading influence on a child's decision not to drink alcohol. It is critical that parents and other trusted adults initiate conversations with children about underage drinking well in advance of the first time they are faced with a decision regarding alcohol.

Earlier this week, my colleagues from Congressional Hispanic Caucus teamed up with The Century Council and Nickelodeon to cast a spotlight on underage drinking in the Hispanic community.

We all know that the Hispanic population is growing in the United States. In Colorado, Hispanics represent almost 20 percent of the total population. Because the Hispanic community is a younger community, we have the ability and the obligation to influence the lives of these and all children, and to prevent them from engaging in dangerous activities such as underage drinking.

With the launch of Pregunte, Escuche, Aprenda: Los niños y el alcohol no mezclan!, Hispanic parents and their middle-school-aged children will have access to critical information on the negative consequences of underage drinking. The program is designed to reduce underage drinking, particularly among children ages 9 to 13. The information is useful for parents, other trusted adults and kids, and includes strategies to help facilitate conversations about the dangers of underage drinking.

It was developed in collaboration with several national Hispanic organizations, including the League of United Latin American Citizens, LULAC, the Aspira Association, the National Latino Children's Institute, the National Hispanic Medical Association and MANA, among others, and is a culturally and linguistically adapted version of their Ask, Listen, Learn: Kids and Alcohol Don't Mix program.

I commend The Century Council and Nickelodeon for giving Hispanic parents and children across the Nation such a valuable communications tool to initiate those critically important discussions regarding alcohol.

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.

While leaving a bar on March 1, 2004, in Morgantown, WV, three men were attacked, two of whom are gay. Christopher Barnhart and his friends heard someone use homophobic language toward them. Barnhart was subsequently attacked and knocked to the ground, suffering two facial fractures. When Barnhart's friend tried to come to his assistance, he was attacked and suffered bruised ribs and a cut ear as a result.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come 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.

HONORING OUR ARMED FORCES

LARRY W. PANKEY, JR.

Mr. SALAZAR. Mr. President, I rise today to remember the life and sacrifice of a Coloradan who has made us all proud: SGT Larry W. Pankey, Jr., of Morrison, CO. Sergeant Pankey was a member of the 467th Engineer Battalion, U.S. Army Reserve, based out of Mississippi.

Sergeant Pankey died earlier this month in support of Operation Iraqi Freedom. He was only 34. He died serving this country with courage, self sacrifice and dignity, gifts which we as a nation are profoundly grateful to receive.

Sergeant Pankey is not alone in this sacrifice. Across Colorado and America, men and women have answered the call and risen on our behalf. They have not done so for glory or recognition, but because they share the fundamental belief that freedom and liberty are worth fighting for. They have come from farms and ranches in places like Colorado's eastern plains and apartment buildings in cities like Denver, from living rooms and bedrooms and classrooms across this country.

The sons and daughters of America have stood united to defend our way of

life and the values that we all share. The call to a service greater than their own self interest has motivated them to risk their lives. All too often, we are unable to repay them for the sacrifices that they make.

Next month we will recognize Veterans Day. It will be marked by patriotic speeches and parades, a solemn recognition of those veterans who are still with us and those servicemembers who have been lost. And rightfully so. But we should not lose sight of the fact that every day there are still families grieving and remembering.

To Sergeant Pankey's wife and daughter in Morrison and his mother in Louisiana, and all of the families and friends left behind in the wake of a soldier's death, we can only offer our humble thanks on behalf of this Nation. We are forever in your debt and will always remember the extraordinary price you have paid on our behalf by offering up your sons and daughters. We will keep you in our thoughts and prayers.

With that in mind, I want to end with a quote from the Bible upon which I sometimes reflect when I am thinking about our men and women in uniform. Matthew 5:9 reminds us: ''Blessed are the peacemakers: for they shall be called the children of God.''

Right now across the world, the members of our Armed Forces like Sergeant Pankey stand watch on our behalf. They are these very peacemakers, and their place will always be reserved in our hearts.

ARCTIC REFUGE PROVISIONS IN BUDGET RECONCILIATION LEGISLATION

Mr. FEINGOLD. Mr. President, last month people from across the country converged on Washington to send a clear message to Congress in opposition to drilling for oil in the Arctic National Wildlife Refuge. Sadly, yesterday's action by the Energy and Natural Resources Committee flies in the face of that grassroots movement. And on top of this, the committee failed to accept commonsense amendments that would have required that drilling in the Arctic follow the same rules as drilling in all other wildlife refuges, insisted that oil taken from the refuge stay in the hands of Americans, and guaranteed what Senators have been told all along—that 50 percent of the revenues from leases would go to the Federal Treasury, despite public suggestions by Members of the Alaska delegation that the State would sue to get 90 percent of all revenues.

There is no doubt that as a nation, we face tough questions about our energy policy. Sacrificing one of America's greatest natural treasures, however, to access a supply of oil that may not last more than a year, wouldn't be available for many years to come, and would decrease gas prices by only a penny at its highest production, is simply not the answer. A responsible, well-thought-out national energy policy that moves us away from our dependence on a finite resource such as oil is the answer, and I regret that we don't have such a policy. To support our energy needs, care for our citizens, encourage a vibrant economy, and meet our stewardship responsibilities to future generations, we must take a variety of steps, including investing in American ingenuity, advancing our commitment to conservation, and increasing our use of renewable sources of fuel.

As we now move from the committee's reconciliation recommendation to floor debate of the larger budget reconciliation package, I will work to make sure that we do not discard the legacy of protecting the Arctic Refuge that dates back to President Eisenhower in 1960.

NATIONAL SAFE SCHOOLS WEEK

Mr. LEVIN. Mr. President, October 16–22 is National Safe Schools Week. School violence, or even the threat of school violence, in too many of our schools instills fear in our students, and limits their ability to learn. It also can threaten and intimidate teachers and make instruction more difficult.

National Safe Schools Week is intended to raise awareness of school safety issues and empower students, parents, teachers, and parents to do what they can to prevent violence in their schools. Congress should also do its part by passing common sense gun safety legislation and by funding important programs that help to reduce school violence.

According to 2003 statistics from the Centers for Disease Control and Prevention, more than 950,000 students take a weapon to school each month, resulting in more than 1,400,000 students being injured or threatened with a weapon during the school year. In addition, every month, an estimated 840,000 students feel too unsafe to go to school. This is a problem which left unaddressed will continue to hold children back from reaching their full educational potential.

Statistics cited by the PAX organization, one of the organizers of National Safe Schools Week, indicate that in 81 percent of the school shootings in our country, the attackers told other students of their plans prior to the attack. Further, students are responsible for tipping off school authorities in 93 percent of the cases where weapons are confiscated from students at school. To strengthen this fact, PAX created the Speak Up Campaign. The centerpiece of the campaign is a national hotline, 1–866–SPEAK-UP, where children and teenagers can call to anonymously report threats involving weapons at their school. Since the creation of the hotline in 2002, the Speak Up Campaign has received more than 7,000 calls which were then passed along to appropriate law enforcement officials.

School violence threatens to put our children's safety and ability to learn in jeopardy. Our Nation's schools need our help to combat this ongoing problem. To start, we should adequately fund Federal grant programs like COPS. COPS hiring grants have been used to hire more than 6,500 school resource officers since 1999. These officers help ensure a safe environment in and around our schools and collaborate with the school community to more effectively deal with school violence issues.

We should also support common sense gun storage requirements to make it more difficult for children and teenagers to access guns and ammunition. Recently, I joined with 69 of my colleagues in voting for an amendment offered by Senator KOHL that would require licensed dealers, manufacturers, and importers to include a safe gun storage or gun safety device with every handgun they sell. Use of such storage devices could help prevent a child or teenager from acquiring a gun that they might use to injure or kill another student at school. Hopefully, Senator KOHL's amendment will become law.

School violence has always posed a threat to students and teachers, but lethal and easily concealable guns have escalated the problem. Gun violence, not only affects students at a particular school, it has a rippling effect on students at schools in the same county, State, and in some cases, the entire country. I urge my colleagues to join me in supporting efforts to reduce the threat of violence, especially gun violence, to our schools.

CONTINUED JAPANESE BAN ON U.S. BEEF

Mr. BAUCUS. Mr. President, I rise today to express deep frustration over Japan's unwillingness to lift its ban on U.S. beef. My patience—and the patience of many of colleagues in this chamber—has run out. The time for talk and empty promises is over.

I have long been, and remain, a friend of Japan. I first visited that country many years ago as a student and was deeply touched by the kindness extended to me by the people of Japan. In over 30 years in Congress, I have worked hard to strengthen our trade and economic ties. I have watched proudly as the U.S.-Japan economic relationship has grown and prospered.

Times have not always been easy. I have engaged closely on U.S.-Japan issues through good times and through periods of great strain. But even in the most difficult times, I have made every effort to roll up my sleeves and work through problems in order to ensure that our trade relationship with Japan works for the people of Montana and the United States.

By and large, that relationship works, and it works well. In trade, one of our crowning achievements together has been the construction of a rules-based multilateral trading system—first through the General Agreement

on Tariffs and Trade, and now through the World Trade Organization. Without Japan's leadership and cooperation during the Tokyo Round, the Uruguay Round, and now in the Doha Round, it would have been difficult—if not impossible—to craft the important rules that govern world trade.

It is therefore with bitter disappointment that I stand here today on the Senate floor to draw attention to Japan's failure to play by the rules that it helped to create. Japan has banned U.S. beef from its market since December 2003. That ban—almost 2 years old—costs the U.S. cattle and beef industries hundreds of millions of dollars each month. That ban puts at risk jobs in American ranches. And that ban—with absolutely no basis in science—is unsustainable under international trade law.

In the 2 years since the ban was put in place, I have traveled to Japan to meet personally with Japan's trade and agriculture ministers to argue for lifting the ban on U.S. beef. I have met with the Japanese ambassador to press Japan to lift its ban. I have taken senior officials from Japan and other countries that ban U.S. beef to Montana, and fed them Montana beef on a Montana ranch, to encourage them to lift the ban. And I have urged President Bush, Agriculture Secretary Johanns, U.S. Trade Representative Portman, and other senior administration officials to make lifting the Japanese ban on U.S. beef a top priority.

At first, I was encouraged by what appeared to be steps that Japan was taking to lift this ban. The United States and Japan even signed an agreement in October 2004 to remove the ban. At that time and since, I was repeatedly assured by Japanese officials that, under this agreement, the Japanese government would set up a ''scientific'' process to determine when and how to resume imports of U.S. beef products.

It is now one year later, and still nothing. Instead, it now looks to me like that Japan's administrative process has become an exercise of smoke and mirrors. Japan says the right things. But its action—or actually inaction—has been far more telling.

Let me assure my Japanese counterparts, there is no higher quality, safer, or better tasting beef in the world. I eat it. My family eats it. Japanese visitors to the United States eat it. Japanese students living in the United States eat it. Many beef eaters around the world prefer and consume U.S. beef. Yet, despite scientific proof of the safety of U.S. beef, there has been no quality Montanan or other American beef imported into Japan in almost 2 years.

I can no longer accept assurances from the Japanese government that it will lift the ban. Montana's ranchers have heard enough vague promises during the last two years. We're fed up. The time for idle promises is over. It is now time for action.

I therefore call upon the United States Trade Representative to sanction Japan for maintaining its ban on U.S. beef. The United States should impose sanctions on Japanese products imported into the United States in an amount equal to the losses suffered by the U.S. beef and cattle industries.

This is a blunt instrument. But it appears to be the only recourse left. I will no longer sit by and watch Japan flout its international trade obligations behind the smokescreen that it is engaged in a lengthy ''process'' to lift the ban.

Sanctioning Japan without resort to WTO dispute settlement is not ideal. It's not how the WTO is supposed to work. But U.S. beef producers should not be forced to wait the years it would take to complete a WTO case. They have waited long enough. I will not wring my hands over legal niceties when the livelihoods of ranchers in Montana and across the United States are at stake.

In my experience, the only thing that will get the Japanese to act is leverage. And sanctions are leverage.

We have been here before. In the late 1980s, Japan kept its market almost entirely closed to U.S. beef. U.S. beef producers were permitted to export only six ounces per Japanese citizen per year, a piddling amount. The excuse then was that Japanese intestines were somehow ''different'' and therefore unsuitable to digesting American beef.

I didn't accept that ridiculous excuse. Instead, I pushed hard for legislation that would penalize Japanese imports. Soon thereafter, the Japanese opened their market to U.S. beef.

And I don't accept this excuse.

THE 15TH ANNUAL WALLENBERG MEDAL

Mr. LEVIN. Mr. President, last Tuesday evening, the University of Michigan presented Paul Rusesabagina with its 15th Annual Wallenberg Medal. As my colleagues may remember, Mr. Rusesabagina was the subject of the movie ''Hotel Rwanda.''

The Wallenberg Medal is named for University of Michigan alumnus and humanitarian Raoul Wallenberg. After receiving his degree in architecture in 1935, he spent time in several jobs in South Africa and Palestine before moving to Sweden in 1941 to work for a Jewish Hungarian businessman named Kalman Lauer. Lauer operated an export-import firm which did business in Central Europe, a large portion of which took place in Hungary. As the Nazis continued to gain power in Europe, Lauer found it increasingly difficult to travel and turned over control of his foreign division to Wallenberg. In 1944, Wallenberg was approached by the American War Refugee Board to take part in a plan to assist Jews in Budapest who were in danger of falling victim to the holocaust.

Wallenberg agreed to take part in the project and was sent to Budapest as a representative of the Swedish Government. In Budapest, Wallenberg hired several hundred Jews to staff his office, bringing them under the diplomatic protection of Sweden. Additionally, he created a new official looking Swedish passport, known as the ''Schutzpass.'' Wallenberg gave the Schutzpass to thousands of Hungarian Jews and said that it granted the holder immunity from Nazi deportation. The Schutzpass deceived the Nazis and may have saved the lives of as many as 20,000 Jews.

Wallenberg is also known to have rented 32 buildings in Budapest, which he declared to be under the diplomatic protection of the Swedish Government. Using his architectural education from the University of Michigan, he took space designed to hold no more than 5,000 people and turned it into housing for more than 35,000 Jews. These ''safe houses'' provided a refuge of last resort for thousands who would have otherwise disappeared into Nazi death camps.

There are numerous stories of Wallenberg's courage and heroism throughout the last few years of World War II. Despite repeated threats and attempts on his life, he persevered and continued his work to save as many Jews as possible. Wallenberg is best known for skillful negotiation and fearless confrontation of Nazi soldiers who threatened the safety of those he was working to protect. Tragically, Wallenberg disappeared soon after Soviet soldiers took control of Budapest.

While the circumstances surrounding Wallenberg's disappearance are still unclear, the tens of thousands of Jews he saved from certain death will never forget his brave actions. The University of Michigan created the Wallenberg Medal in 1990 to honor his memory and recognize other outstanding humanitarian leaders. Each year the Wallenberg Medal is presented to an individual who has exhibited extraordinary respect for human rights on behalf of those subjected to persecution. Medal recipients are chosen to honor their self-sacrifice, integrity, and courage in standing up to an oppressive majority. Following the presentation, the Wallenberg Medal recipient is invited to address an audience of students, faculty, and members of the community regarding their experiences and humanitarian work. Past Wallenberg Medal recipients include the Dalai Lama, Nobel-laureate and holocaust survivor Elie Wiesel, civil rights leader and Congressman John Lewis, and other extraordinary humanitarians.

This year's Wallenberg Medal recipient Paul Rusesabagina has certainly exhibited qualities worthy of such a high honor. Rusesabagina was the manager of the Hotel des Mille Collines in Kigali, Rwanda in 1994 when the assassination of Rwandan President Juvenal Habyarimana pushed an already tense situation in the country over the edge. Radical ethnic Hutus began rounding up and murdering their Tutsi rivals as well as other moderate Hutus who did not support their actions. It is estimated that nearly one million people

were killed in the violence in only 100 days.

Paul Rusesabagina did not stand by and watch as his countrymen were murdered. As a well-connected Hutu, Rusesabagina was spared persecution. However, his wife, a Tutsi, and his children were not safe. He moved them from his home to the Hotel des Mille Collines where he believed they would be safer. As the violence intensified, he opened the hotel to hundreds of other Rwandans, Hutu and Tutsi alike, who were seeking to escape the violence outside. In the following months, there were numerous attempts to force those at the hotel out into the streets of Kigali. Each time, Rusesabagina used his international connections through the hotel or with the Rwandan military in combination with keen negotiation skills to spare the lives of those he was caring for. Amazingly, no one who took shelter inside the hotel was killed in the violence. In all, Paul Rusesabagina and the Hotel des Mille Collines protected the lives of more than 1,200 people during the genocide.

Prior to the award ceremony last Tuesday, Paul Rusesabagina was reunited with one of the many who took shelter at the Hotel des Mille Collines. According to reports, Thomas Kamilindi was working as a journalist in Kigali when violence broke out in 1994. Kamilindi, his pregnant wife and young daughter stayed at the hotel for a month and a half until they were evacuated. Kamilindi credits Paul Rusesabagina with saving his life and the lives of his family. The meeting last Tuesday was the first since Kamilindi and his family were evacuated more than 10 years ago. Following their meeting, Kamilindi said, ''It was very emotional for him and for me. I am still alive because Paul was there.'' Kamilindi is currently a Knight-Wallace Journalism Fellow at the University of Michigan where he is studying representations of violence in the media.

Paul Rusesabagina's courageous actions closely resemble those of Raoul Wallenberg 50 years before. Both men stood in the face of great adversity to protect those who were not able to protect themselves. Like Wallenberg, Rusesabagina provided a shelter of last resort to innocent civilians facing persecution, many of whom he did not know personally prior to the violence. In addition, both men fought off potential violence not by meeting force with force, but by using persuasion, influence, and negotiation instead.

I thank the University of Michigan for adding to the legacy of Raoul Wallenberg by recognizing the contributions of other great humanitarians like Paul Rusesabagina. I know my colleagues will join me in congratulating Paul Rusesabagina on this great honor.

ADDITIONAL STATEMENTS

CONGRATULATING HAWAII'S NATIONAL SOCCER CHAMPIONS

• Mr. AKAKA. Mr. President, I rise to congratulate our National Championship soccer team from Hawaii, the Honolulu Bulls Soccer Club ('88 Girls) team which won the U17–Girls U.S. Club National Cup in Stony Brook, NY, on August 8, 2005. In an exciting final match, the Bulls defeated the Boston Renegades, 1–0 at the Stony Brook Soccer Complex.

The Bulls advanced to the national championship tournament by winning a regional tournament in Las Vegas earlier this year. At the national tournament, the Bulls earned a spot in the championship game by going undefeated in pool play, beating teams from Georgia and Pennsylvania and tying with a team from California.

In the final match, the Bulls' precision game denied the opposing Boston team any serious scoring opportunities. Katrina Chong's goal in the first half off an assist by Alana Wall would be the game's only score.

The Honolulu Bulls Soccer Club ('88 Girls) team members are: Lucy Caires, CiAnna Chun-Ming, Kelsi Chan, Katrina Chong, Devin Council, Caycie Gusman, Allison Haines, Jaymie Honold, Ashley Kanda, Lauren Kanda, Sophia Merrifield, Marisa Schoen, Carly Wachi, Alana Wall, Lindsey Watanabe, Jordan Weeks, Jenna Wong, Kiani Wong, and Marie Yempuku. The team is coached by Phil Neddo, Craig Nosse, and Robin McCullough.

I congratulate the Honolulu Bulls Soccer Club ('88 Girls) on their thrilling run to the top of their sport, and I wish all of them the best in their future endeavors, in life and on the playing field. And I extend the same congratulations to all players and coaches who participated in this year's U.S. Club Soccer National Cup IV Finals on a job well done.•

LEVI LEIPHEIMER APPRECIATION DAY

• Mr. BAUCUS. Mr. President, I rise today to honor an outstanding Montanan. Today in the city of Butte, MT, citizens are taking to the streets in honor of Levi Leipheimer. In fact, October 20 is officially Levi Leipheimer Appreciation Day in Montana.

To say that Levi Leipheimer is a competitive cyclist is an understatement. Levi is an established leader in the world of cycling. Under his belt, he has three top ten finishes in the world's biggest cycling race, the Tour de France. This year, he placed sixth in the Tour, and also won the Tour de Germany. This is an incredible accomplishment. I am proud that Levi grew up riding on the hills of Montana.

Today, Levi is returning to Butte for the first time in roughly 4 years. The people of Butte are honoring him with a bike parade and street festival.

Levi is an inspiration to the next generation of Montanans, and today by riding alongside in the streets of Butte, he will show them that through dedication and hard work, anything is possible.

I am very proud of Levi Leipheimer and all that he has achieved. He has made both myself and the State of Montana very proud. We look forward to watching him compete in the years to come.•

IN MEMORY OF CORA GAY

• Mr. CHAMBLISS. Mr. President, I rise today to honor Mrs. Cora Gay, a resident of Albany, GA, who passed away on September 25, 2005. Mrs. Gay was a devoted wife and mother who touched many lives with her positive and compassionate personality. She married the love of her life, Quincy Gay, on December 1, 1929, and they celebrated their 75th anniversary this past December. During their marriage, they raised three sons and a daughter. They also have 17 grandchildren, 18 great-grandchildren, and 2 great-great-grandchildren.

Mrs. Gay graduated from Albany State University in 1948 with a degree in elementary education. She then spent the next 25 years of her career inspiring and bringing out the best in her students in the Miller and Dougherty County school systems. She was a member of many organizations while teaching, including: Dougherty County Teachers League; president of the Dougherty County 2nd Grade Educators; Georgia Association of Educators; National Education Association; Association of Classroom Teachers and the National Council of English Teachers. In 1962, she was named ''River Road Elementary Teacher of the Year'' and was named as an ''Outstanding Elementary Teacher of America'' in 1972. She retired from teaching in 1973 and had a youth award named after her in 1991.

Cora's passions were cooking, sewing, reading, playing scrabble, and helping others. She was always there to provide comfort and strength to members of her family and others in her community when they were in need. On September 25 we lost a truly fine Georgian and great American. I commend her to her family, friends, and colleagues as an example of a life fully and successfully lived.•

HONORING MARY BOURDETTE

• Mrs. CLINTON. Mr. President, I am delighted today to honor Mary Bourdette, a woman who has dedicated her working life to improving the lives of disadvantaged children and families.

Over the past three decades, Mary has served as a tireless and extremely effective advocate for our Nation's most vulnerable children. Our country is in her debt, and for her passion, commitment, service, and good humor, she will be dearly missed when she retires.

Early in her career, Mary worked in Washington, DC, with the Legal Services Corporation, an organization that provides high quality legal services to low-income people throughout the United States. She then went to work for the Child Welfare League of America, CWLA, as the director of public policy. In this role, Mary was a committed champion as she worked masterfully and persistently to seek and implement policy improvements for abused and neglected children.

Mary then took her passion and talent to the Children's Defense Fund, CDF, where she served as a powerful ally to children for 8 years. I first got to know Mary at CDF where she worked to improve the Head Start program by increasing funds dedicated to strengthening the quality of Head Start and maintaining its comprehensive approach to helping our poorest children and families. Mary was the driving force behind the Act for Better Child Care and worked overtime to help build support for the Family and Medical Leave Act.

I had the pleasure of continuing to work with Mary when she became Deputy Assistant Secretary for Legislation with the Health and Human Services office under Secretary Shalala. Mary was endlessly positive and always on the search for solutions. As she was always upbeat, it was a genuine pleasure to work with her. Mary seemed to wake up every day believing that it held an opportunity to make the world better for children.

She played a critically important role in the enactment of the Adoption and Safe Families Act, which helped to realize the goals of safety, permanence and well-being for tens of thousands of children in the child welfare system. During the negotiation of this bill at the very end of the congressional session in 1996, Mary was the Clinton administration's lead diplomat on Capitol Hill. I was keenly interested in the passage of this legislation, and Mary worked diligently, keeping me informed every step of the way and late into the night, as was her usual style, to forge a bipartisan compromise.

While serving as Deputy Assistant Secretary, Mary help lead the extraordinary effort to expand the child care and development block grant, CCDBG, ensuring that this bill included adequate funding for low-income families. She was also deeply involved in the dramatic expansion of the earned income tax credit, EITC, a credit that provides crucial income support to millions of low-income individuals and families. Since its inception, the EITC has been hailed as one of the most effective antipoverty policies ever created, and Mary was integral to its success.

Most recently, I had the pleasure of partnering with Mary in her capacity as director of government relations for Parents Action for Children. Together we sought to highlight the dangers of exposure to violent and explicit video games to children. As she has been throughout her career, Mary was acutely focused on protecting children and empowering parents. I knew from working with Mary in the past that her involvement in this endeavor would not only ensure that it was done well but that working with her would be a real joy.

Any one who has had the pleasure of working with her would agree that Mary is not only consistently creative but also proactive and determined to improve the lives of our Nation's young people. Mary has always been a pleasure to work with; her wonderful sense of humor and a reassuring smile encourages everyone in her presence. After she retires, those of us fortunate enough to have known and worked closely with Mary will dearly miss her keen understanding of policy, her gentle manner and, most importantly, her deep commitment to children. Millions more whose her work she has touched—though they may never know her name—will miss the rare combination of caring and talent that Mary brought to her hard work on their behalf.

Long after her retirement, Mary will remain an inspiration for our efforts as we continue the fight for America's most vulnerable children.●

RECOGNIZING DR. WILLIAM T. SMITH

● Mrs. CLINTON. Mr. President, I would like to take this opportunity to recognize an outstanding leader in the field of long-term care and aging services. Dr. William T. Smith is the outgoing chair of the American Association of Homes and Services for the Aging, AAHSA, and I congratulate him on what has been accomplished during his 2-year term.

AAHSA serves 2 million people every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home. AAHSA provides a continuum of aging services ranging from assisted living residences, continuing care retirement communities, and nursing homes to home and community based programs, and senior housing. AAHSA is committed to creating the future of aging services through high-quality people can trust.

Under Dr. Smith's chairmanship, AAHSA has taken a leadership role in changing the culture of long-term care toward providing consumer oriented services in the most appropriate settings. An important element has been the Quality First Initiative, under which AAHSA members commit to continuous quality improvement in clinical care, leadership, governance, accountability, and several other elements of quality care. Dr. Smith has overseen the appointment of an independent National Commission on Quality Long-Term Care, which will evaluate the quality of long-term care, identify factors influencing the ability to improve quality of care nationally, and make recommendations about national efforts for sustainable quality improvement.

Dr. Smith's term as chair has also seen the development of the Center for Aging Services Technology, a major new initiative bringing together researchers from universities, technology companies, facility administrators and government representatives. The center focuses on the application of technology to provide aging services more effectively and affordably and to enable older Americans to maintain maximum independence, regardless of the setting in which they live.

In addition to serving as AAHSA's chair, Dr. Smith is the president and chief executive officer of Aging in America, Inc., in Bronx, NY. Aging in America is the parent corporation of Aging in America Community Services, AIA Supportive Services, Hertlin House, Morningside at Home, and Morningside House Nursing Home, whose roots date back to the 1850s. Together, these facilities provide nursing, social services, adult day services, rehabilitation, pharmaceuticals, recreation, and pastoral care annually to over 5,000 seniors and their families. All are nonprofit, nonsectarian agencies. Aging in America is another example of the way in which the field of long-term care and aging services must both diversify and integrate to provide a seamless continuum of options to tomorrow's seniors.

Dr. Smith has been in the field of social work since 1971, with the last 27 years dedicated to the field of gerontology. He is a licensed nursing home administrator, a certified social worker, and a certified retirement housing professional. He clearly has been recognized both locally and nationally as an expert on gerontological issues.

Within the next decade, the baby boom generation will move into retirement and approach the ages at which older adults generally come to need assistance with health care, housing, and supportive services. Many baby boomers already face these issues as their parents age. Dr. Smith's years of experience and his leadership in and vision for the field of aging services will continue to serve seniors and policymakers well as we prepare for the future of aging in America. Again, I congratulate him on his many accomplishments as outgoing chair of the AAHSA.●

TRIBUTE TO MS. JEAN GRUBB

● Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished Hoosier and mentor of mine, Ms. Jean Grubb, on being honored with a Lifetime Achievement Award from the Indiana High School Press Association on October 21, 2005. Ms. Grubb, an algebra teacher and publications advisor for 46 years, touched hundreds of lives with her kindness and concern for the well

being of her students. I fondly remember the time we spent working closely together on The Shortridge Daily Echo. While I hold those memories dear, I am only one of the many students that benefited from her wise counsel and generous nature.

After graduating from Shortridge High School in 1920, where she also served on the staff of The Echo as a student, Ms. Grubb went on to earn a Bachelor of Arts degree in Mathematics from Indiana University and a Master of Science degree in Journalism from Northwestern University. Ms. Grubb began her teaching career in Sanborn, IN, before moving on to teach in Crawfordsville for 17 years and then finally settling at our alma mater where she taught until her retirement in 1970.

Ms. Grubb has always been an active member of the Shortridge High School alumni community. As publications advisor, Ms. Grubb organized the 50th anniversary celebration of The Echo. She also has worked to gather names and contact information for the Shortridge High School Alumni Association so that each of us can stay closely in touch with our friends and classmates. Following her retirement, Ms. Grubb worked with the Indiana Historical Society to compile a complete history of our alma mater.

I know that each of our fellow alumni and I are thankful for the remarkable impact Ms. Grubb has had as a member of the Shortridge community and we look forward to many more opportunities to benefit from her experience as she begins her 103rd year and continues to bring joy to those around her.

I appreciate this opportunity to congratulate Ms. Jean Grubb on this signal honor and wish her continuing good health and happiness among her many friends in the Indianapolis community.●

HONORING BILL T. TEAGUE

● Mrs. HUTCHISON. Mr. President, I wish to pay tribute to Bill T. Teague upon his retirement as president and chief executive officer of Gulf Coast Regional Blood Center in Houston, TX.

Mr. Teague is a State, national, and international leader in blood banking and transfusion medicine management. During his 31-year tenure, the nonprofit Gulf Coast Regional Blood Center has become one of the most respected blood banking facilities in the country, currently serving more than 220 healthcare institutions in the 24-county Texas gulf coast and east Texas regions. Prior to this position, he served as director of the Community Blood Bank in St. Petersburg, FL, and director of the Travis County Medical Society Blood Bank in Austin, TX. A past president of both the South Central Association of Blood Banks and the American Association of Blood Banks, and a former treasurer of the American Blood Commission, Mr. Teague is also active in a number of professional organizations. He has received numerous honors throughout his career and has been recognized, due to his involvement and service, as a leader in the Houston community.

Mr. Teague has dedicated both his professional career and personal time to generating blood donations and encouraging others to give the gift of life. I ask my colleagues to join me in honoring his accomplishments and wishing Mr. Teague well in all his future endeavors.●

DON OVERMAN: RURAL AIRPORT CHAMPION

● Mr. NELSON of Nebraska. Mr. President, I am here today to honor a fellow Nebraskan, Don Overman, who has made a significant contribution to maintaining commercial airline service in rural Nebraska.

Mr. Overman is a former mayor of Scottsbluff, NE and currently serves as Chair of the Western Nebraska Regional Airport Authority Board in Scottsbluff. For nearly two decades in his various roles Mr. Overman has dedicated himself to assuring that Nebraskans are not deprived of having access to passenger airline service.

It can be hard for those who have never lived in sparsely populated areas of this country to understand just how difficult it is to provide services that people in large urban areas take for granted, such as airline service.

In large urban areas, there is never a question whether citizens will have ready access to airline service because of the economies of scale where expenses are offset by a large number of users. In lightly populated areas where there are fewer customers, the economy of scale can be nonexistent.

For instance, at the Western Nebraska Regional Airport in Scottsbluff, NE, they struggle to board 10,000 airline passengers per year. Compare that to Hartsfield-Jackson Atlanta International Airport in Atlanta, GA, which is the busiest airport in the world and boards, on average, nearly 10,000 passengers per hour. Even with 10,000 passengers per year, the Western Nebraska Regional Airport is the third busiest airport in Nebraska.

Residents of the Nebraska Panhandle who use Scottsbluff's Western Nebraska Regional Airport are taxpayers, just as certain as those who use Atlanta's Hartsfield-Jackson and, as such, deserve to have convenient access to an airport.

The economy of scale makes convenient access a challenge. It is a challenge that Don Overman has accepted. As Chair of the Airport Authority Board, he has worked tirelessly to increase boardings so Western Nebraska Regional Airport can be considered a primary airport and remain eligible for Federal funding. I have worked personally with him and can attest to his perseverance and dedication.

Under his leadership, Western Nebraska Regional Airport will exceed 10,000 boardings this year for the first time since 2001. This is a significant achievement which is not only important to the flying public but to economic development in lesser populated areas of Nebraska. Airports provide a vital link for business to ensure that those Nebraska communities remain competitive in attracting new opportunities.

Among other achievements of Don Overman and the Western Nebraska Regional Airport Authority Board is the construction of a new $4.2 million terminal of which $2.7 million was funded through the Federal Airport Improvement Program and $1.5 million was secured through local funding. This is a new facility to replace the current terminal which dates back to World War II. As Mr. Overman has observed in the past, the first image people see when they arrive in a community is the airport. That first impression creates their feelings about the community. Thanks to Mr. Overman's hard work, that first impression will be a positive one which will help attract economic development and growth to the area.

Mr. Overman, who is often referred to fondly as Mr. Scottsbluff or Mr. Airport, will be recognized Saturday, October 29, 2005, when the new terminal is dedicated and named the ''Donald E. Overman Terminal.'' It is a well-deserved honor for a man whose achievements in the past have earned him recognition as the Scottsbluff Star-Herald Newspaper's Citizen of the Year and Citizen of the Century in Government.

I would like to extend my sincere congratulations to Don Overman on this historic occasion. Thanks to him and the Western Nebraska Regional Airport Authority Board, citizens of the Nebraska Panhandle and surrounding States will have a modern new building and continued access to commercial airline service.●

RECOGNIZING GRANDPARENTS AND OTHER KIN RAISING RELATIVES' CHILDREN

Mr. SALAZAR. Mr. President, I rise today to discuss an issue of great importance that receives far too little attention. Across the country, more than 6 million children live in households headed by either a grandparent or another relative. About 2.5 million of these children live in homes without either parent present. Regardless of the myriad reasons children enter relative care whether it is the death of a parent, neglect, or substance abuse it is never the fault of the child. I commend grandparents and other relatives who step forward to care for these children, keeping them out of foster care while providing safe, stable homes, often at great personal and financial sacrifice.

Jackie Hope of Denver, CO, is one such grandmother. She became a second-time mother at the age of 53 when she quit her job to be a full-time parent to her newborn grandson. Jackie's

daughter became addicted to crack cocaine and left Jackie to care for her four children.

Times got even harder for Jackie when her husband of 38 years died and his retirement benefits ceased. Jackie was left to care for her four grandchildren's growing needs with even less money.

Today, Jackie is well known in the Denver community as a strong advocate for grandparents and other kin raising relatives' children. She was a leader in advocating for more financial and emotional support for the thousands of other people who find themselves in the same situation. Although it has been physically, emotionally, and financially taxing, Jackie never complains—she simply continues to work hard to provide a better life for herself and her grandchildren.

Grandparents and other relative caregivers such as Jackie often provide the children in their care the best chance for a loving and stable childhood. Unfortunately, their hard work and dedication often goes unnoticed. Today I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and to our Nation's most valuable asset, our children.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on October 19, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3971. An act to extend medicare cost-sharing for qualifying individuals through September 2007, to extend transitional medical assistance and the program for abstinence education through December 2005, to provide unemployment relief for States and individuals affected by Hurricane Katrina, and for other purposes.

Under authority of the order of the Senate of October 19, 2005, the enrolled bill was signed subsequently on yesterday, October 19, 2005, by the Majority Leader (Mr. FRIST).

MESSAGE FROM THE HOUSE

At 3:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 397. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 554. An act to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

The message further announced that the House disagree to the amendment of the Senate to the bill H.R. 2744 making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. BONILLA, Mr. KINGSTON, Mr. LATHAM, Mrs. EMERSON, Mr. GOODE, Mr. LAHOOD, Mr. DOOLITTLE, Mr. ALEXANDER, Mr. LEWIS of California, Ms. DELAURO, Mr. HINCHEY, Mr. FARR, Mr. BOYD, Ms. KAPTUR, and Mr. OBEY.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 554. An act to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1904. A bill to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina.

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–4297. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Accountability Review Board's report relative to the December 6, 2004 attack by armed terrorists on the U.S. Consulate in Jeddah, Saudi Arabia; to the Committee on Foreign Relations.

EC–4298. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Accountability Review Board's report relative to the January 29, 2005 rocket attack on the Interim U.S. Embassy Annex in Baghdad, Iraq; to the Committee on Foreign Relations.

EC–4299. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, reports on vacancies in the positions of: Under Secretary of State for Management; Under Secretary of State for Public Diplomacy; Coordinator for Counterterrorism w/ Rank of Ambassador at Large; Assistant Secretary of State for Administration; Assistant Secretary of State for Democracy, Human Rights and Labor; Assistant Secretary of State for Diplomatic Security; Assistant Secretary of State (Educational and Cultural Affairs); Assistant Secretary of State for European and Eurasian Affairs; Inspector General; Assistant Secretary of State for Intelligence and Research; Assistant Secretary for Oceans, International Environmental Affairs; Assistant Secretary for International Narcotics and Law Enforcement Affairs; Assistant Secretary of State (International Organization Affairs); Assistant Secretary of State for Legislative Affairs; Assistant Secretary of State for Political-Military Affairs; and Assistant Secretary of State for Resource Management; to the Committee on Foreign Relations.

EC–4300. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2005-34 relative to waiving prohibition on United States Military assistance with respect to Benin; to the Committee on Foreign Relations.

EC–4301. A communication from the Chair, United States Commission on International Religious Freedom, transmitting, pursuant to law, the Commission's 2005 Annual Report; to the Committee on Foreign Relations.

EC–4302. 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 05-236 - 05-246); to the Committee on Foreign Relations.

EC–4303. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's 2005 FAIR Act Inventory; to the Committee on Commerce, Science, and Transportation.

EC–4304. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled ''State Practices on Specific Services Signing; to the Committee on Commerce, Science, and Transportation.

EC–4305. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled ''Section 816 [Vision-100] Recommendations Concerning Travel Agents''; to the Committee on Commerce, Science, and Transportation.

EC–4306. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Big Pine Key, Florida)'' (MB Docket No. 04–248) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4307. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheyenne and Thomas, Oklahoma)'' (MB Docket No 05–130) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4308. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cridersville, OH)'' (MB Docket No. 04–343) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4309. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule

entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clinton and Mayfield, Kentucky)'' (MB Docket No. 05–152) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4310. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fisher and Thief River Falls, Minnesota)'' (MB Docket No. 05–116) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4311. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Driver's License (CDL) Standards; School Bus Endorsement'' (RIN2126–AA94) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4312. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Title VI Regulations for Federal Motor Carrier Safety Administration Financial Assistance Recipients'' ((RIN2126–AA79) (2005–1)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4313. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Importation of Nonconforming Vehicles by Registered Importers'' (RIN2127–AJ63) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4314. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #7—Closure of the Commercial Salmon Fishery from the U.S.-Canada Border to Cape Falcon, Oregon'' (I.D. No. 091405G) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4315. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #8—Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington'' (I D. No. 091405H) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4316. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine'' (I.D. No. 091305E) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4317. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #5—Adjustments of the Recreational Fishery from Cape Alava, Washington, to Cape Falcon, Oregon'' (I.D No. 082605A) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4318. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Improved Seats in Air Carrier Transport Category Airplanes'' ((RIN2120–AC84) (2005–0001)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4319. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments (43); Amdt. No. 457'' ((RIN2120–AA63) (2005–0007)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4320. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (102); Amdt. No. 3133'' ((RIN2120–AA65) (2005–0026)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4321. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (52); Amdt. No. 3134'' ((RIN2120–AA65) (2005–0027)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4322. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (10); Amdt. No. 3135'' ((RIN2120–AA65) (2005–0028)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4323. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Domestic VOR Federal Airway V–19; OH'' ((RIN2120–AA66) (2005–0221)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4324. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Using Agency for Restricted Areas R–2510 A and B; El Centro, CA'' ((RIN2120–AA66) (2005–0220)) received on October 11 2005; to the Committee on Commerce, Science, and Transportation.

EC–4325. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Advanced Qualification Program'' (RIN2120–AI59) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4326. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''False and Misleading Statements Regarding Aircraft Parts'' ((RIN2120–AG08) (2005–0001)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 1736, a bill to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies (Rept. No. 109–158).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 443. A bill to improve the investigation of criminal antitrust offenses.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1086. A bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 1326. A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada.

John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida.

Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Thomas Craig Wheeler, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Margaret Mary Sweeney, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU):

S. 1898. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself, Mr. DORGAN, Mr. CRAPO, and Mr. INOUYE):

S. 1899. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations

of certain children, and for other purposes; to the Committee on Indian Affairs.

By Ms. STABENOW (for herself, Mr. HARKIN, Mr. DAYTON, Mr. LAUTENBERG, and Mr. CORZINE):

S. 1900. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1901. A bill to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the ''Vincent Palladino Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. SANTORUM, and Mr. DURBIN):

S. 1902. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. SPECTER, Mr. SCHUMER, and Mr. MCCAIN):

S. 1903. A bill to amend title XIX of the Social Security Act to require drug manufacturers to report the average manufacturer price and the best price of authorized generic drugs and any other drugs sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act to the Secretary of Health and Human Services; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. KENNEDY, Mr. ENZI, and Mr. DODD):

S. 1904. A bill to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina; read the first time.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 1905. A bill to clarify Foreign Service Grievance Board procedures; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. ROCKEFELLER, Mr. JOHNSON, Mrs. MURRAY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. BAYH, Mr. KOHL, Mrs. CLINTON, Ms. STABENOW, Mr. CORZINE, Mr. AKAKA, Mrs. BOXER, Ms. MIKULSKI, Mr. DAYTON, Mr. CORNYN, Mr. SARBANES, Mr. STEVENS, Mr. SPECTER, Mr. LEAHY, Mr. TALENT, Mr. KERRY, Mr. BYRD, Mr. NELSON of Florida, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SALAZAR):

S. Res. 282. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. DURBIN):

S. Res. 283. A resolution recognizing the contributions of Korean Americans to the United States and encouraging the celebration of ''Korean American Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 390

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 440

At the request of Mr. BUNNING, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. BOXER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 969

At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 985

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 985, a bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1401

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1401, a bill to amend the Internal Revenue Code of 1986 to clarify the proper treatment of differential wage payments made to employees called to active duty in the uniformed services, and for other purposes.

S. 1405

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor 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. 1462

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

At the request of Mr. BROWNBACK, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1462, supra.

S. 1515

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1515, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 1516

At the request of Mr. LOTT, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1524

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1524, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates.

S. 1706

At the request of Mr. ALLEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1706, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from a section 401(k) plan or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1866

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1866, a bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes.

AMENDMENT NO. 2065

At the request of Mr. BINGAMAN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 2065 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2067 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2077

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. CONRAD) was withdrawn as a cosponsor of amendment No. 2077 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2118

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2118 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2144

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 2144 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2146

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 2146 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU):

S. 1898. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, I rise to introduce legislation to establish the Freedom's Way National Heritage Area in New Hampshire and Massachusetts. The bill is cosponsored by Senator KENNEDY, Senator GREGG and Senator SUNUNU.

The bill proposes to establish a national heritage area including 36 communities in Massachusetts and six communities in New Hampshire. The area has important cultural and natural legacies that are important to New England and the entire Nation. I want to highlight just a few of the reasons I believe this designation makes sense.

The Freedom's Way is an ideal candidate because it is rich in historic sites, trails, landscapes and views. The land and the area's resources are pieces of American history and culture. The entire region, and especially places like Lexington and Concord, is important to our country's founding and our political and philosophical principles. Within the 42 communities are truly special places. These include the Minuteman National Historic Park, more than 40 National Register Districts and National Historic Landmarks, the Great Meadows National Wildlife Refuge, Walden Pond State Reservation, Gardener State Park, Harvard Shaker Village and the Shirley Shaker Village.

In addition, there is strong grassroots support for this designation. The people of these communities organized themselves in this effort and have now turned to us for assistance. I hope we can provide it. Supporters include elected officials, people dedicated to preserving a small piece of American and New England history, and local business leaders. It is an honor to help their cause.

Finally, I am very pleased that Senators from both Massachusetts and New Hampshire have embraced this proposal. I thank Senators KENNEDY, GREGG and SUNUNU.

By Mr. MCCAIN (for himself, Mr. DORGAN, Mr. CRAPO, and Mr. INOUYE):

S. 1899. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, today I am introducing a bill to reauthorize the Indian Child Protection and Family Violence Prevention Act. This bill is intended to reauthorize appropriations for child sexual abuse prevention and treatment grants, to identify the scope of child abuse and family violence in Indian country by requiring annual comprehensive data gathering, to encourage inter-agency coordination between the Indian Health Service and public and private medical or treatment organizations in the treatment and examination of children through the use of telemedicine, and to conform the Act to other Federal child abuse reporting and confidentiality laws. The bill provides a 4-year reauthorization of appropriations for the Act.

The Indian Child Protection and Family Violence Prevention Act was enacted in 1990 to address findings of the Senate Select Committee on Indian Affairs and the Special Committee on Investigations as it examined the Federal trust relationship with Indian tribes. Through public hearings, these Committees found that, at the time, Indian country was a safe haven for child abuse perpetrators. I will not forget the testimony of parents whose children fell prey to the notorious cases of multiple child sexual abuse that occurred on the Hopi, Navajo, and Cherokee reservations over the course of many years. The Federal investigation and prosecution of these crimes revealed that child abuse perpetrators were aware that the conditions of reporting, investigating, and preventing crimes upon children were in such a sorry state that their crimes would rarely be detected. Needless to say, the consequences proved tragic to hundreds of child victims, their families and their communities.

We enacted this law to give the Federal Government an opportunity to meet its responsibility to Indian children and families by establishing policies and programs to prevent child abuse and family violence. To accomplish this, appropriations were authorized to establish prevention and treatment programs within the BIA and IHS. The Act also authorized the BIA and IHS to assist tribes in establishing on-reservation child abuse prevention and treatment programs. The Act also provided criminal sanctions for professionals who failed to report acts of abuse or suspected abuse and prescribed a child abuse reporting process for law enforcement.

I don't believe that the possible benefits of the Act have been fully realized.

Neither the BIA nor the IHS have successfully requested or received appropriations to fully implement the programs envisioned by the Act. Today, tribal governments rely on special appropriations, congressional earmarks and piecemeal grants. And, we still do not have a firm idea of the extent to which child sexual or physical abuse is occurring in Indian communities or the degree of success that we are having in treating victims of child abuse. Surely, we can do better than this.

This bill provides for a comprehensive approach to gathering this information on child abuse in Indian country. Under current law, the FBI is responsible for gathering this data. At the time, the FBI was primarily responsible for investigating acts of felony child abuse in Indian country. Today, we know that many Indian tribal police agencies, operating under Indian Self-Determination and Educational Assistance Act compacts and contracts, jointly investigate these felony crimes and that they are also responsible for responding to and investigating tribal offenses. The bill requires a comprehensive sharing of numerical data by all Federal, tribal and State law enforcement agencies.

In addition, the Act requires all local law enforcement agencies to document incidents of child abuse and to submit this documentation to the Federal Bureau of Investigation. The Act, however, does not provide for use of this valuable information. This bill permits the FBI to continue to gather conviction data and to make this information available, on a limited basis, to specific agencies requiring such information in the course of their professional duties. It permits agencies to access information in the course of conducting background checks on those who seek employment in an area involving children.

Finally, the bill authorizes the Indian Health Service to use advances in telemedicine to bring expert advice and training to the examination and diagnosis of child abuse. This new provision recognizes that children, when victimized, require immediate and expert diagnosis and treatment.

This section will help supplement stretched or unavailable IHS resources in the most isolated Indian communities. This body recently sent a clear message on domestic violence and sexual predators. This bill furthers that message by continuing to protect Indian children and families and ensuring that they continue to receive prevention and treatment resources to address the impact of these crimes in their own communities. I look forward to receiving the comments from the Administration and working with my colleagues toward final passage of this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Ms. STABENOW (for herself, Mr. HARKIN, Mr. DAYTON, Mr. LAUTENBERG, and Mr. CORZINE):

S. 1900. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing the ''Keep the Promise of Medicare Act'' of 2006, and am pleased to be joined by my colleagues Senators KENNEDY, HARKIN, LAUTENBERG, DAYTON, and CORZINE.

Retirees will see an average monthly cost-of-living-adjustment increase of $39 in their Social Security checks next year. Although this increase is welcome news, one-fourth of the COLA will be eaten up by rising Medicare Part B premiums, which will increase yet again by double-digits. And the premium for Medicare's new prescription drug benefit could eat up the remainder of the Social Security increase.

As William D. Novelli, chief executive of AARP, said: ''A record increase would usually be welcome news for America's Social Security beneficiaries. But this cost-of-living adjustment is being eaten up by rising gasoline and heating costs, another double-digit increase in the monthly Medicare Part B premium and escalating health care bills.''

This dramatic increase could have been avoided. CMS Administrator McClellan has acknowledged after last year's record 17.5 percent increase that provisions included in the 2003 Medicare law designed to privatize the program directly contributed to the premium increase.

My legislation will limit the 2006 Part B premium increase to the same level as the Social Security COLA. Without this legislation, the Medicare Part B premium will rise by 13 percent to more than $10, to $88.50 a month, in 2006.

''Social Security's COLA will simply not be enough to cover the increasing costs of living as an older person in America,'' said George J. Kourpias, president of the Alliance for Retired Americans.

Adjusting the current premium is a first step, and one we must take immediately. Older Americans have been struggling for too long under the relentless increases in the cost of their health care and prescription drugs. Additionally, we should use this year to revise an outdated law that has led to record increase in Medicare premiums in the last four years. The promise of Medicare must include protection from dramatic increases in the Part B premium.

I urge my colleagues to join me on this important piece of legislation.

S. 1900

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 ''Keep the Promise of Medicare Act of 2006''.

SEC. 2. STABILIZATION OF MEDICARE PART B PREMIUM.

Section 1839(a)(3) of the Social Security Act (42 U.S.C. 1395r(a)(3)) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentences, the monthly premium rate determined under this paragraph for each month in 2006 may not exceed an amount equal to the monthly premium rate determined under this paragraph for each month in 2005 adjusted by the percentage change in the average Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) for the third quarter of 2004 to the third quarter of 2005.''.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1899

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 ''Indian Child Protection and Family Violence Prevention Act Amendments of 2005''.

SEC. 2. FINDINGS AND PURPOSE.

Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(ii) by inserting after subparagraph (D) the following:

''(E) the Federal Government and certain State governments are responsible for investigating and prosecuting certain felony crimes, including child abuse, in Indian country, pursuant to chapter 53 of title 18, United States Code;''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''two'' and inserting ''the'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) identify and remove any impediment to the immediate investigation of incidents of child abuse in Indian country.''; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

''(3) provide for a background investigation for any employee that has access to children;''; and

(B) in paragraph (6), by striking ''Area Office'' and inserting ''Regional Office''.

SEC. 3. DEFINITIONS.

Section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202) is amended—

(1) by striking paragraph (14);

(2) by redesignating paragraphs (5) through (13) as paragraphs (6) through (14), respectively;

(3) by inserting after paragraph (4) the following:

''(5) 'conviction', with respect to an offense, means a final judgment of guilty through a verdict by a judge or jury or a plea of guilty or no contest, but does not include any final judgment that has been expunged by pardon, reversed, set aside, or otherwise voided;'';

(4) in paragraph (13) (as redesignated by paragraph (2)), by striking ''that agency'' and all that follows through ''Indian tribe'' and inserting ''the Federal, State, or tribal agency'';

(5) in paragraph (14) (as redesignated by paragraph (2)), by inserting ''(including a tribal law enforcement agency operating pursuant to a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et

seq.))'' after ''State law enforcement agency'';

(6) in paragraph (17), by striking ''and'' at the end;

(7) in paragraph (18), by striking the period at the end and inserting ''; and''; and

(8) by adding at the end the following:

''(19) 'telemedicine' means a telecommunications link to an end user through the use of eligible equipment that electronically links health professionals or patients and health professionals at separate sites in order to exchange health care information in audio, video, graphic, or other format for the purpose of providing improved health care diagnosis and treatment.''.

SEC. 4. REPORTING PROCEDURES.

Section 404 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3203) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''(1) Within'' and inserting the following:

''(1) IN GENERAL.—Not later than''; and

(B) in paragraph (2)—

(i) by striking ''(2)(A) Any'' and inserting the following:

''(2) INVESTIGATION OF REPORTS.—

''(A) IN GENERAL.—Any'';

(ii) in subparagraph (B)—

(I) by striking ''(B) Upon'' and inserting the following:

''(B) FINAL WRITTEN REPORT.—On''; and

(II) by inserting ''including any Federal, State, or tribal conviction resulting from the allegation'' before the period at the end; and

(iii) by adding at the end the following:

''(C) MAINTENANCE OF FINAL REPORTS.—The Federal Bureau of Investigation shall maintain a record of each written report submitted under subsection (b) in a manner in which the report is accessible to—

''(i) a local law enforcement agency that requires the information to carry out an official duty; and

''(ii) any agency requesting the information under section 408.

''(D) COLLECTION OF DATA.—Not less frequently than once each year, the Secretary, in consultation with the Attorney General and any appropriate Indian tribe, shall collect any information not otherwise reported under subsection (b), including information relating to, during the preceding calendar year—

''(i) the number of child abuse allegations and investigations in Indian country;

''(ii) the number of child abuse prosecutions declined or deferred in Indian country; and

''(iii) the number of acquittals of charges of child abuse in Indian country.''; and

(2) by adding at the end the following:

''(e) CONFIDENTIALITY OF CHILDREN.—No local law enforcement agency or local child protective services agency shall disclose the name of or information concerning the child to anyone other than any person who, by reason of their participation in the treatment of the child, the investigation, or the adjudication of the allegation, needs to know the information in the performance of the duties of the individual.

''(f) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director of the Federal Bureau of Investigation, in coordination with the Secretary and the Attorney General, shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, and the Committees on Resources and the Judiciary of the House of Representatives, a report on child abuse in Indian country during the preceding year.''.

SEC. 5. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

Section 405 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3204) is amended to read as follows:

''SEC. 405. REMOVAL OF IMPEDIMENTS TO REDUCING CHILD ABUSE.

''(a) STUDY.—The Secretary, in consultation with the Attorney General and the Service, shall conduct a study under which the Secretary shall identify any impediment to the reduction of child abuse in Indian country and on Indian reservations.

''(b) INCLUSIONS.—The study under subsection (a) shall include a description of—

''(1) any impediment to reporting child abuse in Indian country and on Indian reservations;

''(2) any impediment to, or advance in, Federal, State, and tribal investigations and prosecutions of allegations of child abuse in Indian country and on Indian reservations; and

''(3) any impediment to, or advance in, the treatment of child abuse in Indian country and on Indian reservations.

''(c) REPORT.—Not later than 18 months after the date of enactment of the Indian Child Protection and Family Violence Prevention Act Amendments of 2005, the Secretary shall submit to the Committees on Indian Affairs and the Judiciary of the Senate, and the Committees on Resources and the Judiciary of the House of Representatives, a report describing—

''(1) the findings of the study under this section; and

''(2) recommendations for legislative actions to reduce instances of child abuse in Indian country and on Indian reservations, if any.''.

SEC. 6. CONFIDENTIALITY.

Section 406 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3205) is amended to read as follows:

''SEC. 406. CONFIDENTIALITY.

''Any Federal, State, or tribal government agency that treats or investigates incidents of child abuse may provide information and records to an officer of any other Federal, State, or tribal government agency that requires the information to carry out the duties of the officer, in accordance with section 552a of title 5, United States Code, section 361 of the Public Health Service Act (42 U.S.C. 264), the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.), and other applicable Federal law.''.

SEC. 7. WAIVER OF PARENTAL CONSENT.

Section 407 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3206) is amended—

(1) in subsection (a), by inserting ''or forensic'' after ''psychological''; and

(2) in subsection (c), by striking ''advise'' and inserting ''advice''.

SEC. 8. CHARACTER INVESTIGATIONS.

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended by striking ''guilty to'' and all that follows and inserting the following: ''guilty to, any offense under Federal, State, or tribal law involving—

''(1) a crime of violence;

''(2) sexual assault;

''(3) child abuse;

''(4) exploitation; or

''(5) sexual contact or prostitution.''.

SEC. 9. INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.

Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.''.

SEC. 10. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended—

(1) in subsection (a), by striking ''area office'' and inserting ''Regional Office'';

(2) in subsection (b), by striking ''The Secretary'' and all that follows through ''Human Services'' and inserting ''The Secretary, the Secretary of Health and Human Services, and the Attorney General'';

(3) in subsection (d)—

(A) in paragraph (4), by inserting '', State,'' after ''Federal''; and

(B) in paragraph (5), by striking ''agency office'' and inserting ''Regional Office'';

(4) in subsection (e)—

(A) in paragraphs (1) and (2), by striking the commas at the ends of the paragraphs and inserting semicolons;

(B) by striking paragraph (3) and inserting the following:

''(3) adolescent mental and behavioral health (including suicide prevention and treatment);'';

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(5) criminal prosecution; and

''(6) medicine.'';

(5) in subsection (f)—

(A) in the first sentence, by striking ''The Secretary'' and all that follows through ''Human Services'' and inserting the following:

''(1) ESTABLISHMENT.—The Secretary, in consultation with the Service and the Attorney General'';

(B) in the second sentence—

(i) by striking ''Each'' and inserting the following

''(2) MEMBERSHIP.—Each''; and

(ii) by striking ''shall consist of 7 members'' and inserting ''shall be'';

(C) in the third sentence, by striking ''Members'' and inserting the following:

''(3) COMPENSATION.—Members''; and

(D) in the fourth sentence, by striking ''The advisory'' and inserting the following:

''(4) DUTIES.—Each advisory'';

(6) in subsection (g)—

(A) in the first sentence—

(i) by striking ''Indian Child'' and inserting the following:

''(1) IN GENERAL.—Indian Child''; and

(ii) by adding before the period at the end the following: ''(25 U.S.C. 450 et seq.)'';

(B) by striking the second sentence and inserting the following:

''(2) CERTAIN REGIONAL OFFICES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if a Center is located in a Regional Office of the Bureau that serves more than 1 Indian tribe, an application to enter into a grant, contract, or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to operate the Center shall contain a consent form signed by an official of each Indian tribe to be served under the grant, contract, or compact.

''(B) ALASKA REGION.—Notwithstanding subparagraph (A), for Centers located in the Alaska Region, an application to enter into a grant, contract, or compact described in that subparagraph shall contain a consent form signed by an official of each Indian tribe or tribal consortium that is a member of a grant, contract, or compact relating to an Indian child protection and family violence prevention program under the Indian

Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).''; and

(C) in the third sentence, by striking ''This section'' and inserting the following:

''(3) EFFECT OF SECTION.—This section''; and

(7) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.''.

SEC. 11. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended—

(1) in subsection (c), by striking the subsection heading and inserting ''COORDINATING INVESTIGATION, TREATMENT, AND PREVENTION OF CHILD ABUSE AND FAMILY VIOLENCE'';

(2) by redesignating subsections (f) through (i) as subsections (e) through (h), respectively; and

(3) by striking subsection (h) (as redesignated by paragraph (2)) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.''.

SEC. 12. USE OF TELEMEDICINE.

The Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201 et seq.) is amended by adding at the end the following:

''SEC. 412. USE OF TELEMEDICINE.

''(a) CONTRACTS AND AGREEMENTS.—The Service is authorized to enter into any contract or agreement for the use of telemedicine with a public or private medical university or facility, or any private practitioner, with experience relating to pediatrics, including the diagnosis and treatment of child abuse, to assist the Service with respect to—

''(1) the diagnosis and treatment of child abuse; or

''(2) methods of training Service personnel in diagnosing and treating child abuse.

''(b) ADMINISTRATION.—In carrying out subsection (a), the Service shall, to the maximum extent practicable—

''(1) use existing telemedicine infrastructure; and

''(2) give priority to Service units and medical facilities operated pursuant to grants, contracts, or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) that are located in, or providing service to, remote areas of Indian country or Indian reservations.

''(c) INFORMATION AND CONSULTATION.—On receipt of a request, the Service may provide to public and private medical universities, facilities, and practitioners any information or consultation on the treatment of Indian children who have, or may have, been subject to abuse or neglect.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.''.

SEC. 13. CONFORMING AMENDMENTS.

Section 1169 of title 18, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by inserting ''or volunteering for'' after ''employed by'';

(B) in subparagraph (D)—

(i) by inserting ''or volunteer'' after ''child day care worker''; and

(ii) by striking ''worker in a group home'' and inserting ''worker or volunteer in a group home'';

(C) in subparagraph (E), by striking ''or psychological assistant,'' and inserting ''psychological or psychiatric assistant, or mental or behavioral health professional;'';

(D) in subparagraph (F), by striking ''child'' and inserting ''individual'';

(E) by striking subparagraph (G), and inserting the following:

''(G) foster parent; or''; and

(F) in subparagraph (H), by striking ''law enforcement officer, probation officer'' and inserting ''law enforcement personnel, probation officer, criminal prosecutor''; and

(2) in subsection (c), by striking paragraphs (3) and (4) and inserting the following:

''(3) 'local child protective services agency' has the meaning given the term in section 403 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202); and

''(4) 'local law enforcement agency' has the meaning given the term in section 403 of that Act.''.

Mr. DORGAN. Mr. President, I am pleased to join the chairman of the Senate Indian Affairs Committee as original sponsor of the Indian Child Protection and Family Violence Prevention Act Amendments of 2005. The primary goals of the Indian Child Protection and Family Violence Prevention Act of 1990, which the legislation we introduce today would reauthorize, were to reduce the incidence of child abuse, and mandate the reporting and tracking of child abuse in Indian Country.

The Indian Child Protection and Family Violence Prevention Act Amendments would provide additional safeguards for the privacy of information about a child; provide more involvement by the FBI and the Attorney General in documenting incidents of child abuse; direct a study to identify impediments to the reduction of child abuse in Indian Country, as well as require data collection and annual reporting to Congress on child abuse in Indian Country; and authorize the Indian Health Service to use telemedicine in connection with examinations of abused Indian children.

I particularly appreciate that this reauthorization legislation addresses a related issue about which I have deep concern—the epidemic of youth suicide in many reservation communities. Indian Country has higher rates of youth suicide, as well as of child abuse, than other American population groups. Often, children who attempt suicide have been abused by a family or community member. This bill would authorize professionals trained in behavioral health, including suicide prevention and treatment, to be included on the staff of regional Indian Child Resource and Family Services Centers.

Chairman MCCAIN and I are committed to providing these additional protections for Native American children. I urge my colleagues to support passage of this reauthorization bill, along with adoption of provisions for child abuse prevention and child protective services that are contained in legislation also under consideration to reauthorize the Indian Health Care Improvement Act.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mrs. CLINTON, Mr. SANTORUM, and Mr. DURBIN):

S. 1902. A bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the Centers for Disease Control and Prevention to study the role and impact of electronic media in the development of children; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with Senators BROWNBACK, CLINTON, SANTORUM, and DURBIN, the Children and Media Research Advancement Act, or CAMRA Act. This bill is essentially identical to S. 579, which we introduced earlier this year, except that it houses our program within the Centers for Disease Control (CDC) rather than in the National Institute of Child Health and Human Development. We have reviewed the programs and activities within CDC that address issues relating to media's impact on children, and we believe that CDC is a logical home for our legislation.

There is an urgent need to establish a Federal role for targeting research on the impact of media on children. From the cradle to the grave, our children now live and develop in a world of media—a world that is increasingly digital, and a world where access is at their fingertips. This emerging digital world is well known to our children, but its effects on their development are not well understood. Young people today are spending an average of 6 and a half hours with media each day. For those who are under age 6, two hours of exposure to screen media each day is common, even for those who are under age two. That is about as much time as children under age 6 spend playing outdoors, and it is much more time than they spend reading or being read to by their parents. How does this investment of time affect children's physical development, their cognitive development, or their moral values? Unfortunately, we still have very limited information about how media, particularly the newer interactive media, affect children's development. In fact, we have not charged any Federal agency with ensuring an ongoing funding base to establish a coherent research agenda about the impact of media on children's lives. This lack of a coordinated government-sponsored effort to understand the effects of media on children's development is truly an oversight on our part as the potential payoffs for this kind of knowledge are enormous.

Consider our current national health crisis of childhood obesity. The number of U.S. children and teenagers who are overweight has more than tripled from the 1960's through 2002. We think that media exposure is partly the cause of this epidemic. Is it? Is time spent viewing screens and its accompanying sedentary life styles contributing to childhood and adolescent obesity? Or is the

constant bombardment of advertisements for sugar-coated cereals, snack foods, and candy that pervade children's television advertisements the culprit? How do the newer online forms of ''stealth marketing'', such as advergaming where food products are embedded in computer games, affect children's and adolescents' purchasing patterns? What will happen when pop-up advertisements begin to appear on children's cell phones that specifically target them for the junk food that they like best at a place where that food is easily obtainable? The answer to the obesity and media question is complex. A committee at the National Academy of Sciences is currently charged with studying the link between media advertising and childhood obesity. Will the National Academy of Sciences panel have the data they need to answer this important question? A definitive answer has the potential to save a considerable amount of money in other areas of our budget. For example, child health care costs that are linked to childhood obesity issues could be reduced by understanding and altering media diets.

Or take the Columbine incident. After two adolescent boys shot and killed some of their teachers, classmates, and then turned their guns on themselves at Columbine High School, we asked ourselves if media played some role in this tragedy. Did these boys learn to kill in part from playing first-person shooter video games like Doom where they acted as a killer? Were they rehearsing criminal activities when playing this game? We looked to the research community for an answer. In the violence and media area, Congress had passed legislation in the past so that research was conducted about the relationship between media violence and childhood aggression, and as a result, we knew more. Even though much of this data base was older and involved the link between exposure to violent television programs and childhood aggression, some answers were forthcoming about how the Columbine tragedy could have taken place. Even so, there is still a considerable amount of speculation about the more complex questions. Why did these particular boys, for example, pull the trigger in real life while others who played Doom confine their aggressive acts to the gaming context? We need to be able to answer questions about which children under what circumstances will translate game playing into real-life lethal actions. Investing in media research could potentially reduce our budgets associated with adolescent crime and delinquency as well as reduce real-life human misery and suffering.

Many of us believe that our children are becoming increasingly materialistic. Does exposure to commercial advertising and the ''good life'' experienced by media characters partly explain materialistic attitudes? We're not sure. Recent research using brain-mapping techniques finds that an adult who sees images of desired products demonstrates patterns of brain activation that are typically associated with reaching out with a hand. How does repeatedly seeing attractive products affect our children and their developing brains? What will happen when our children will be able to click on their television screen and go directly to sites that advertise the products that they see in their favorite programs? Or use their cell phones to pay for products that they want in the immediate environment? Exactly what kind of values are we cultivating in our children, and what role does exposure to media content play in the development of those values?

A report linked very early television viewing with later symptoms that are common in children who have attention deficit disorders. However, we don't know the direction of the relationship. Does television viewing cause attention deficits, or do children who have attention deficits find television viewing experiences more engaging than children who don't have attention problems? Or do parents whose children have difficulty sustaining attention let them watch more television to encourage more sitting and less hyperactive behavior? How will Internet experiences, particularly those where children move rapidly across different windows, influence attention patterns and attention problems? Once again, we don't know the answer. If early television exposure does disrupt the development of children's attention patterns, resulting in their placement in special education programs, actions taken to reduce screen exposure during the early years could lead to subsequent reductions in children's need for special education classes, thereby saving money while fostering children's development in positive ways.

We want no child left behind in the 21st century. Many of us believe that time spent with computers s good for our children, teaching them the skills that they will need for success in the 21st century. Are we right? How is time spent with computers different from time spent with television? What are the underlying mechanisms that facilitate or disrupt children's learning from these varying media? Can academic development be fostered by the use interactive online programs designed to teach as they entertain? In the first six years of life, Caucasian more so than African American or Latino children have Internet access from their homes. Can our newer interactive media help ensure that no child is left behind or will disparities in access result in leaving some behind and not others?

The questions bout how media affect the development of our children are clearly important, abundant, and complex. Unfortunately, the answers to these questions are in short supply. Such gaps in our knowledge base limit our ability to make informed decisions about media policy.

We know that media are important. Over the years, we have held numerous hearings in these chambers about how exposure to media violence affects childhood aggression. We passed legislation to maximize the documented benefits of exposure to educational media, such as the Children's Television Act which requires broadcasters to provide educational and informational television programs for children. Can we foster children's moral values when they are exposed to prosocial programs that foster helping, sharing, and cooperating like those that have come into being as a result of the Children's Television Act? We acted to protect our children from unfair commercial practices by passing the Children Online Privacy Protection Act which provides safeguards from exploitation for our youth as they explore the Internet, a popular pastime for them. Yet the Internet has provided new ways to reach children with marketing that we barely know is taking place, making our ability to protect our children all the more difficult. We worry about our children's inadvertent exposure to online pornography—about how that kind of exposure may undermine their moral values and standards of decency. In these halls of Congress, we acted to protect our children by passing the Communications Decency Act, the Child Online Protection Act, and the Children's Internet Protection Act to shield children from exposure to sexually-explicit online content that is deemed harmful to minors. While we all agree that we need to protect our children from online pornography, we know very little about how to address even the most practical of questions such as how to prevent children from falling prey to adult strangers who approach them online. There are so many areas in which our understanding is preliminary at best, particularly in those areas that involve the effects of our newer digital media

In order to ensure that we are doing our very best for our children, the behavioral and health recommendations and public policy decisions we make should be based on objective behavioral, social, and scientific research. Yet no Federal research agency has responsibility for oveseeing and setting a coherent media research agenda that can guide these policy decisions. Instead, federal agencies fund media research in a piecemeal fashion, resulting in a patch work quilt of findings. We can do better than that.

The bill we are introducing today would remedy this problem. The CAMRA Act will provide an overarching view of media effects by establishing a program devoted to Children and Media within the Centers for Disease Control. This program of research, to be vetted by the National Academy of Sciences, will fund and energize a coherent program of research that illuminates the role of media in children's cognitive, social, emotional, physical,

and behavioral development. The research will cover all forms of electronic media, including television, movies, DVDs, interactive video games, cell phones, and the Internet, and will encourage research involving children of all ages—even babies and toddlers. The bill also calls for a report to Congress about the effectiveness of this research program in filling this void in our knowledge base. In order to accomplish these goals, we are authorizing $90 million dollars to be phased in gradually across the next five years. The cost to our budget is minimal and can well result in significant savings in other budget areas.

Our Nation values the positive, healthy development of our children. Our children live in the information age, and our country has one of the most powerful and sophisticated information technology systems in the world. While this system entertains them, it is not harmless entertainment. Media have the potential to facilitate the healthy growth of our children. They also have the potential to harm. We have a stake in finding out exactly what that role is. We have a responsibility to take action. Access to the knowledge that we need for informed decision-making requires us to make an investment: an investment in research, an investment in and for our children, an investment in our collective future. The benefits to our youth and our nation's families are immeasurable.

By passing the Children and Media Research Advancement Act, we can advance knowledge and enhance the constructive effects of media while minimizing the negative ones. We can make future media policies that are grounded in a solid knowledge base. We can be proactive, rather than reactive. In so doing, we build a better nation for our youth, fostering the kinds of values that are the backbone of this great nation of ours, and we create a better foundation to guide future media policies about the digital experiences that pervade our children's daily lives.

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. 1902

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 ''Children and Media Research Advancement Act'' or the ''CAMRA Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress has recognized the important role of electronic media in children's lives when it passed the Children's Television Act of 1990 (Public Law 101–437) and the Telecommunications Act of 1996 (Public Law 104–104), both of which documented public concerns about how electronic media products influence children's development.

(2) Congress has held hearings over the past several decades to examine the impact of specific types of media products such as violent television, movies, and video games on children's and adolescents' health and development. These hearings and other public discussions about the role of media in children's and adolescents' development require behavioral and social science research to inform the policy deliberations.

(3) There are important gaps in our knowledge about the role of electronic media and in particular, the newer interactive digital media, in children's and adolescents' healthy development. The consequences of very early screen usage by babies and toddlers on children's cognitive growth are not yet understood, nor has a research base been established on the psychological consequences of high definition interactive media and other format differences for child and adolescent viewers.

(4) Studies have shown that children who primarily watch educational shows on television during their preschool years are significantly more successful in school 10 years later even when critical contributors to the child's environment are factored in, including their household income, parent's education, and intelligence.

(5) The early stages of childhood are a critical formative period for development. Virtually every aspect of human development is affected by the environments and experiences that one encounters during his or her early childhood years, and media exposure is an increasing part of every child's social and physical environment.

(6) As of the late 1990's, just before the National Institute of Child Health and Human Development funded 5 studies on the role of sexual messages in the media on children's and adolescents' sexual attitudes and sexual practices, a review of research in this area found only 15 studies ever conducted in the United States on this topic, even during a time of growing concerns about HIV infection.

(7) In 2001, a National Academy of Sciences study group charged with studying Internet pornography exposure on youth found virtually no literature about how much children and adolescents were exposed to Internet pornography or how such content impacts their development.

(8) In order to develop strategies that maximize the positive and minimize the negative effects of each medium on children's physical, cognitive, social, and emotional development, it would be beneficial to develop a research program that can track the media habits of young children and their families over time using valid and reliable research methods.

(9) Research about the impact of the media on children and adolescents is not presently supported through one primary programmatic effort. The responsibility for directing the research is distributed across disparate agencies in an uncoordinated fashion, or is overlooked entirely. The lack of any centralized organization for research minimizes the value of the knowledge produced by individual studies. A more productive approach for generating valuable findings about the impact of the media on children and adolescents would be to establish a single, well-coordinated research effort with primary responsibility for directing the research agenda.

(10) Due to the paucity of research about electronic media, educators and others interested in implementing electronic media literacy initiatives do not have the evidence needed to design, implement, or assess the value of these efforts.

(b) PURPOSE.—It is the purpose of this Act to enable the Centers for Disease Control and Prevention to—

(1) examine the role and impact of electronic media in children's and adolescents' cognitive, social, emotional, physical, and behavioral development; and

(2) provide for a report to Congress containing the empirical evidence and other results produced by the research funded through grants under this Act.

SEC. 3. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. RESEARCH ON THE ROLE AND IMPACT OF ELECTRONIC MEDIA IN THE DEVELOPMENT OF CHILDREN AND ADOLESCENTS.

''(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention (referred to in this section as the 'Director') shall enter into appropriate arrangements with the National Academy of Science in collaboration with the Institute of Medicine to establish an independent panel of experts to review, synthesize and report on research, theory, and applications in the social, behavioral, and biological sciences and to establish research priorities regarding the positive and negative roles and impact of electronic media use, including television, motion pictures, DVD's, interactive video games, and the Internet, and exposure to that content and medium on youth in the following core areas of child and adolescent development:

''(1) COGNITIVE.—The role and impact of media use and exposure in the development of children and adolescents within such cognitive areas as language development, attention span, problem solving skills (such as the ability to conduct multiple tasks or 'multitask'), visual and spatial skills, reading, and other learning abilities.

''(2) PHYSICAL.—The role and impact of media use and exposure on children's and adolescents' physical coordination, diet, exercise, sleeping and eating routines, and other areas of physical development.

''(3) SOCIO-BEHAVIORAL.—The influence of interactive media on children's and adolescents' family activities and peer relationships, including indoor and outdoor play time, interaction with parents, consumption habits, social relationships, aggression, prosocial behavior, and other patterns of development.

''(b) PILOT PROJECTS.—During the first year in which the National Academy of Sciences panel is summarizing the data and creating a comprehensive research agenda in the children and adolescents and media area under subsection (a), the Secretary shall provide for the conduct of initial pilot projects to supplement and inform the panel in its work. Such pilot projects shall consider the role of media exposure on—

''(1) cognitive and social development during infancy and early childhood; and

''(2) the development of childhood and adolescent obesity, particularly as a function of media advertising and sedentary lifestyles that may co-occur with heavy media diets.

''(c) RESEARCH PROGRAM.—Upon completion of the review under subsection (a), the Director of the Centers for Disease Control and Prevention shall develop and implement a program that funds additional research determined to be necessary by the panel under subsection (a) concerning the role and impact of electronic media in the cognitive, physical, and socio-behavioral development of children and adolescents with a particular focus on the impact of factors such as media

content, format, length of exposure, age of child or adolescent, and nature of parental involvement. Such program shall include extramural and intramural research and shall support collaborative efforts to link such research to other Department of Health and Human Services research investigations on early child health and development.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) agree to use amounts received under the grant to carry out activities that establish or implement a research program relating to the effects of media on children and adolescents pursuant to guidelines developed by the Director relating to consultations with experts in the area of study.

''(e) USE OF FUNDS RELATING TO THE MEDIA'S ROLE IN THE LIFE OF A CHILD OR ADOLESCENT.—An entity shall use amounts received under a grant under this section to conduct research concerning the social, cognitive, emotional, physical, and behavioral development of children or adolescents as related to electronic mass media, including the areas of—

''(1) television;

''(2) motion pictures;

''(3) DVD's;

''(4) interactive video games;

''(5) the Internet; and

''(6) cell phones.

''(f) REPORTS.—

''(1) REPORT TO DIRECTOR.—Not later than 12 months after the date of enactment of this section, the panel under subsection (a) shall submit the report required under such subsection to the Director.

''(2) REPORT TO CONGRESS.—Not later than December 31, 2011, the Director shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and Committee on Education and the Workforce of the House of Representatives a report that—

''(A) summarizes the empirical evidence and other results produced by the research under this section in a manner that can be understood by the general public;

''(B) places the evidence in context with other evidence and knowledge generated by the scientific community that address the same or related topics; and

''(C) discusses the implications of the collective body of scientific evidence and knowledge regarding the role and impact of the media on children and adolescents, and makes recommendations on how scientific evidence and knowledge may be used to improve the healthy developmental and learning capacities of children and adolescents.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2006;

''(2) $15,000,000 for fiscal year 2007;

''(3) $15,000,000 for fiscal year 2008;

''(4) $25,000,000 for fiscal year 2009; and

''(5) $25,000,000 for fiscal year 2010.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 282—SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH AND EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD RAISE AWARENESS OF DOMESTIC VIOLENCE IN THE UNITED STATES AND ITS DEVASTATING EFFECTS OF FAMILIES

Mr. BIDEN (for himself, Mr. ROCKEFELLER, Mr. JOHNSON, Mrs. MURRAY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. BAYH, Mr. KOHL, Mrs. CLINTON, Ms. STABENOW, Mr. CORZINE, Mr. AKAKA, Mrs. BOXER, Ms. MIKULSKI, Mr. DAYTON, Mr. CORNYN, Mr. SARBANES, Mr. STEVENS, Mr. SPECTER, Mr. LEAHY, Mr. TALENT, Mr. KERRY, Mr. BYRD, Mr. NELSON of Florida, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 282

Whereas 2005 marks the 11th anniversary of the enactment of the Violence Against Women Act of 1994 (Public Law 103-322, 108 Stat. 1902);

Whereas since the passage of the Violence Against Women Act of 1994, communities have made significant progress in reducing domestic violence such that between 1993 and 2001, the incidents of nonfatal domestic violence fell 49 percent;

Whereas the Violence Against Women Act of 1994 cost $15.50 per woman to implement, and has been estimated to save $159 per woman, totaling a savings of nearly $14,800,000,000 since its creation in averted costs of victimization;

Whereas since it was created by the Violence Against Women Act of 1994, the National Domestic Violence Hotline has been used to answer over 1,000,000 calls;

Whereas States have passed over 660 State laws pertaining to domestic violence, stalking, and sexual assault;

Whereas the Violence Against Women Act of 1994 has helped make strides toward breaking the cycle of violence, but there remains much work to be done;

Whereas the Senate recently passed the Violence Against Women Act of 2005 which reauthorized critical components of the original Act and established additional protections for battered immigrants and victims of human trafficking in order to further combat domestic violence and sexual assault;

Whereas domestic violence affects women, men, and children of all racial, social, religious, ethnic, and economic groups in the United States;

Whereas protecting the economic security of victims can help break the cycle of domestic violence;

Whereas abusers frequently seek to control their partners by actively interfering with the ability of their partners to work, including by preventing their partners from going to work and harassing their partners at work;

Whereas only 28 States and the District of Columbia have laws that explicitly provide unemployment insurance to victims of domestic violence under certain circumstances;

Whereas, on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse, and sexually transmitted infections, including HIV/AIDS;

Whereas only about 10 percent of primary care physicians routinely screen for domestic violence during new patient visits, and 9 percent routinely screen during periodic checkups;

Whereas each year, about 324,000 pregnant women in the United States are battered by the men in their lives, leading to pregnancy complications, such as low-weight gain, anemia, infections, and first and second trimester bleeding;

Whereas every 2 minutes, someone in the United States is sexually assaulted;

Whereas almost 25 percent of women surveyed had been raped or physically assaulted by a spouse or boyfriend at some point in their lives;

Whereas in 2002 alone, 250,000 women and girls older than the age of 12 were raped or sexually assaulted;

Whereas 64 percent of women have reported being raped, physically assaulted, or stalked since age 18 by their current or former intimate partner;

Whereas 1 out of every 12 women has been stalked in her lifetime;

Whereas approximately 503,000 women are stalked by an intimate partner annually in the United States;

Whereas the influence of cultural norms, economics, language barriers, and limited access to legal services and information may render some immigrant women particularly vulnerable to abuse;

Whereas 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend;

Whereas approximately 8,800,000 children in the United States witness domestic violence each year;

Whereas witnessing domestic violence increases the risk of developing long-term physical and mental health problems, future struggles with substance abuse, and experiencing domestic abuse as a victim;

Whereas a boy who witnesses his father's domestic violence is 10 times more likely to engage in domestic violence than a boy from a nonviolent home;

Whereas almost 37 percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend;

Whereas the cost of domestic violence, including rape, physical assault, and stalking, exceeds $5,800,000,000 each year, of which $4,100,000,000 is spent on direct medical and mental health care services;

Whereas 44 percent of the mayors of the United States have identified domestic violence as a primary cause of homelessness;

Whereas over 50 percent of abused women lose at least 3 days of work per month due to domestic violence, 60 percent of battered women endure reprimands for arriving late to work and displaying other work-related problems associated with abuse, and 70 percent report difficulties in performing their work due to the effects of domestic violence;

Whereas existing statistical data suggests that forced prostitution, trafficking for sex, and sex tourism has increased throughout the world;

Whereas the need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children continues to exist;

Whereas the month of October 2005 has been recognized as National Domestic Violence Awareness Month, a month for activities furthering awareness of domestic violence; and

Whereas the dedication and successes of those working tirelessly to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved, That the Senate

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating impact on families.

SENATE RESOLUTION 283—RECOGNIZING THE CONTRIBUTIONS OF KOREAN AMERICANS TO THE UNITED STATES AND ENCOURAGING THE CELEBRATION OF ''KOREAN AMERICAN DAY''

Mr. ALLEN (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 283

Whereas on January 13, 1903, the arrival of 102 pioneer immigrants to the United States initiated the first chapter of Korean immigration to the United States;

Whereas members of the early Korean American community served with distinction in the Armed Forces of the United States during World War I, World War II, and the conflict in Korea;

Whereas in the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities;

Whereas Korean Americans, like waves of immigrants to the United States before them, have taken root and thrived as a result of strong family ties, robust community support, and countless hours of hard work;

Whereas the contributions of Korean Americans to the United States include the invention of the first beating heart operation for coronary artery heart disease, development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, architecture, medicine, acting, singing, sculpture, and writing;

Whereas Korean Americans play a crucial role in maintaining the strength and vitality of the United States-Korean partnership;

Whereas the centennial year of 2003 marked an important milestone in the now more than 100-year history of Korean immigration; and

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13th of each year as ''Korean American Day'' to memorialize the more than 100-year journey of Korean Americans in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of a ''Korean American Day'';

(2) commemorates the 103rd anniversary of the arrival of the first Korean immigrants to the United States; and

(3) encourages the people of the United States to—

(A) share in such commemoration in order to greater appreciate the valuable contributions Korean Americans have made to the United States; and

(B) to observe ''Korean American Day'' with appropriate programs, ceremonies, and activities.

Mr. DURBIN. Mr. President, I am pleased to join Senator ALLEN as an original cosponsor in submitting a resolution recognizing the contributions of Korean Americans and encouraging the celebration of ''Korean American Day.''

On January 13, 1903, a group of 102 men, women and children arrived on the shores of Honolulu, HI, after a long journey across the Pacific Ocean from Korea. The story of these pioneers is a familiar one to all of us who trace our roots to a foreign nation.

Like countless other immigrant groups before them, Koreans came to America in search of a better future. Others came to flee a devastating war, repressive government, and poverty. They traded in their sweat equity and homesickness for the priceless opportunity to achieve better economic and educational opportunities and freedom for themselves and for their families in America.

During the past century, the Korean American population has grown to over one million, and Korean Americans now live in every single State of our union. Today, they represent one of the largest Asian American populations in the Nation. I am proud to note that my State of Illinois is home to over 50,000 Korean Americans, making it the fourth most populated State for Korean Americans, according to the 2000 census data.

The contributions made by Korean Americans to our Nation include numerous achievements in the fields of economics, education, science, architecture, medicine, athletics, religion, and the arts. Their entrepreneurial spirit and dedication to hard work have allowed Korean American-owned businesses to become the commercial and economic foundations in countless American cities and counties. The unique traditional customs, cultures, and the foods of the ''Land of the Morning Calm'' have enhanced the mosaic of our society.

Thousands of Korean Americans have served in our Armed Services, from the two World Wars to the current wars in Iraq and Afghanistan. They have also served in public and private ways to enhance the long standing relationship between the United States and Korea that is based on our shared economic and security interests.

The 102 pioneers who made that fateful decision to leave their home country in 1902 for Hawaii probably wished for not much more than a chance to live on the rich American soil. Never in their wildest imagination could they have known that, a century later, and just a few miles from where they landed in Honolulu, a sixteen-year-old Korean American girl would announce to an eagerly awaiting world that she would become a professional golfer.

Michelle Wie's announcement from earlier this month instantly places her among the most recognizable American celebrities, and makes her the third highest-paid female athlete in any sport, based on commercial endorsement deals she has accepted. Yet, in her very first act as a professional golfer, Michelle donated $500,000 to the hurricane relief effort. And, she will continue to attend high school where she is an honors student.

Korean Americans have indeed come a long way in their rich one hundred year history. In January 2003, Korean Americans all across the Nation celebrated this centennial anniversary. Leading up to that significant milestone, the United States Senate unanimously adopted a resolution during the 107th Congress.

To continue recognizing this history of Korean Americans, I believe it is appropriate to celebrate the 13th day of each January as ''Korean American Day.'' The Allen-Durbin resolution would encourage such a tradition.

I ask my colleagues to support this resolution honoring the continuing contributions of Korean Americans to our great Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2149. Ms. STABENOW proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 2150. Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra.

SA 2151. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2152. Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2155. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2156. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2157. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. SARBANES, Mr. GRAHAM, Mr. REED, Ms. SNOWE, Mr. SCHUMER, Mr. OBAMA, Mr. KOHL, Mr. DORGAN, Mr. NELSON, of Florida, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. JEFFORDS, Mr. DODD, Ms. STABENOW, Mr. CORZINE, Mr. SALAZAR, Mrs. CLINTON, Mr. DURBIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. KENNEDY, Mr. DEWINE, Mr. SANTORUM, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. DAYTON, Ms. CANTWELL, Mr. SPECTER, Mr. BINGAMAN, Ms. LANDRIEU, Mr. GRASSLEY, Mr. BAYH, Ms. MIKULSKI, Mr. JOHNSON, Mr. CHAFEE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2158. Mr. ENSIGN (for himself and Mr. VITTER) proposed an amendment to amendment SA 2133 proposed by Mr. DORGAN (for himself, Mr. CRAIG, Mr. ENZI, and Mr. BAUCUS) to the bill H. R. 3058, supra.

SA 2159. Mr. NELSON, of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2160. Mr. GRASSLEY (for himself, Mr. DORGAN, and Mr. BOND) proposed an amendment to the bill H.R. 3058, supra.

SA 2161. Ms. CANTWELL (for herself, Mr. COLEMAN, Mr. HARKIN, Mr. BAYH, Mr. LUGAR, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2162. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2163. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2164. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2166. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2167. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra.

SA 2168. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra.

SA 2169. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2170. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2171. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2172. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2173. Mr. COLEMAN (for himself, Mr. LEVIN, Mr. AKAKA, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2174. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2175. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2176. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2177. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2178. Mr. BOND (for Mr. REID) proposed an amendment to the bill H.R. 3058, supra.

SA 2179. Mr. BOND (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 3058, supra.

SA 2180. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2181. Mr. STEVENS (for himself, Ms. MURKOWSKI, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2182. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra.

SA 2183. Mr. BOND (for Mr. FRIST (for himself, Mrs. DOLE, and Mrs. BOXER)) proposed an amendment to the bill H.R. 3058, supra.

SA 2184. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2185. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2186. Mr. BOND (for Mr. NELSON, OF FLORIDA (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 3058, supra.

SA 2187. Mr. BOND (for Mr. LOTT (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 3058, supra.

SA 2188. Mr. BOND (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3058, supra.

SA 2189. Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE)) proposed an amendment to the bill H.R. 3058, supra.

SA 2190. Mr. BOND (for Mr. COBURN) proposed an amendment to the bill H.R. 3058, supra.

SA 2191. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2192. Mr. BINGAMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2149. Ms. STABENOW proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 277, line 18, ''strike activities;'' and insert the following: ''activities; pursuant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed $1,000,000 is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to governments and trade violations involving currency manipulation and other trade violations;''.

SA 2150. Ms. SNOWE (for herself, Mr. THUNE, Ms. COLLINS, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____.(a)(1) This section shall apply to an employee of the Federal Aviation Administration, who—

(A) would be involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who is being involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and is eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

SA 2151. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of

Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 9, strike the colon, and all through line 17 on page 252 and insert the following: ''.

DIVISION—AMTRAK

SECTION 1. SHORT TITLE.

This division may be cited as the ''Passenger Rail Investment and Improvement Act of 2005''.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this division is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Authorization for the Federal Railroad Administration.
Sec. 103. Repayment of long-term debt and capital leases.
Sec. 104. Excess railroad retirement.
Sec. 105. Other authorizations.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.
Sec. 208. Metrics and standards.
Sec. 209. Passenger train performance.
Sec. 210. Long distance routes.
Sec. 211. Alternate passenger rail service program.
Sec. 212. Employee transition assistance.
Sec. 213. Northeast Corridor state-of-good-repair plan.
Sec. 214. Northeast Corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
Sec. 216. Study of compliance requirements at existing intercity rail stations.
Sec. 217. Incentive pay.
Sec. 218. Access to Amtrak equipment and services.
Sec. 219. General Amtrak provisions.
Sec. 220. Private sector funding of passenger trains.
Sec. 221. On-board service improvements.
Sec. 222. Management accountability.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Federal rail policy.
Sec. 305. Rail cooperative research program.

TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

Sec. 401. Systemwide Amtrak security upgrades.
Sec. 402. Fire and life-safety improvements.
Sec. 403. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 404. Northern border rail passenger report.
Sec. 405. Passenger, baggage, and cargo screening.

TITLE V—RAIL BOND AUTHORITY

Sec. 501. Intercity rail facility bonds.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2006, $580,000,000.
(2) For fiscal year 2007, $590,000,000.
(3) For fiscal year 2008, $600,000,000.
(4) For fiscal year 2009, $575,000,000.
(5) For fiscal year 2010, $535,000,000.
(6) For fiscal year 2011, $455,000,000.

(b) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak to bring the Northeast Corridor as defined in section 24102(a) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants to states under section 301 of this Act, the following amounts:

(1) For fiscal year 2006, $813,000,000.
(2) For fiscal year 2007, $910,000,000.
(3) For fiscal year 2008, $1,071,000,000.
(4) For fiscal year 2009, $1,096,000,000.
(5) For fiscal year 2010, $1,191,000,000.
(6) For fiscal year 2011, $1,231,000,000.

(c) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 301 of this Act, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2006.
(2) 11 percent for fiscal year 2007.
(3) 23 percent for fiscal year 2008.
(4) 25 percent for fiscal year 2009.
(5) 31 percent for fiscal year 2010.
(6) 33 percent for fiscal year 2011.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this division for fiscal years 2006 through 2011.

SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2006, $130,200,000.
(B) For fiscal year 2007, $140,700,000.
(C) For fiscal year 2008, $156,000,000.
(D) For fiscal year 2009, $183,800,000.
(E) For fiscal year 2010, $156,100,000.
(F) For fiscal year 2011, $193,500,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2006, $148,100,000.
(B) For fiscal year 2007, $141,500,000.
(C) For fiscal year 2008, $133,800,000.
(D) For fiscal year 2009, $124,000,000.
(E) For fiscal year 2010, $113,900,000.
(F) For fiscal year 2011, $103,800,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2006, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2006 through 2011 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2006, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2007, for the use of Amtrak in conducting the evaluation required by section 216 of this Act.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) , (4) , and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

''(5) 'national rail passenger transportation systems' means—

''(A) the segment of the Northeast Corridor between Boston, Massachusetts, and Washington, D.C.;

''(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

''(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2005; and

''(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

''(i) Amtrak; or

''(ii) another rail carrier that receives funds under chapter 244.''.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

''§ 24702. Transportation requested by States, authorities, and other persons

''(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto my agree.

''(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons''.

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this division is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

''(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).''.

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

''§ 24302. Board of directors

''(a) COMPOSITION AND TERMS.—

(1) The Board of Directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

''(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or State government.

''(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

''(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

''(5) The Secretary may be represented at board meetings by the Secretary's designee.

''(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

''(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

''(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a) (1)(C) must be filled not later than 120 days after the vacancy occurs.

''(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

''(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.''.

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on January 1, 2006. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices; and

(2) shall implement a modern financial accounting and reporting system that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations;

(C) to allow the analysis of ticketing and reservation information on a real-time basis;

(D) to provide Amtrak cost accounting data; and

(E) to allow financial analysis by route and service.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this division.

(d) ASSESSMENT BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) ASSESSMENT TO BE FURNISHED TO THE CONGRESS.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this division, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) REVIEW AND APPROVAL.

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) METHODOLOGY DEVELOPMENT.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) SUBMITTAL TO CONGRESS.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) CONSIDERATION OF RECOMMENDATIONS.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this division to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) PIONEER ROUTE.—Within 2 years after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of the Pioneer Route formerly operated by Amtrak to determine, using methodologies adopted under subsection (c), whether a level of passenger demand exists that would warrant consideration of reinstating the entire Pioneer Route service or segments of that service.

SEC. 208. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, and Amtrak employees, as appropriate, develop new or improve existing metrics and minimum standards for measring the performance and service quality of intercity train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity train operations, including cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) IN GENERAL.—Section 24308 is amended by adding at the end the following:

''(f) PASSENGER TRAIN PERFORMANCE AND OTHER STANDARDS.—

''(1) INVESTIGATION OF SUBSTANDARD PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board shall investigate whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be, addressed by a rail carrier over the tracks of which the intercity passenger train operates or reasonably addressed by the intercity passenger rail operator. In carrying out such an investigation, the Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the service, quality,' and on-time performance of the train.

''(2) PROBLEMS CAUSED BY HOST RAIL CARRIER.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation under subsection (c), then the Board shall enforce its recommendations for relief under this section.

''(3) PENALTIES.—

''(A) IN GENERAL.—The Board shall publish a schedule of penalties which will—

''(A) fairly reflect the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

''(B) will adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak.

''(B) ASSESSMENT.—The Board may assess these penalties upon a host rail carrier.

''(C) USE.—The Board shall make any amounts received as penalties under this paragraph available to Amtrak or a State contracting with Amtrak, as applicable, for capital or operating expenditures on such routes.''.

(b) CHANGE OF REFERENCE.—Section 24308 is amended—

(1) by striking ''Interstate Commerce Commission'' in subsection (a)(2)(A) and inserting ''Surface Transportation Board'';

(2) by striking ''Commission'' each place it appears and inserting ''Board'';

(3) by striking ''Secretary'' the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting ''Board''.

SEC. 210. LONG DISTANCE ROUTES.

(a) IN GENERAL.—Chapter 247 is amended by adding at the end thereof the following:

§ 24710. Long distance routes

''(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall—

''(1) evaluate annually the performance of each long distance passenger rail route operated by Amtrak; and

''(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

''(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop a performance improvement plan for its long distance passenger rail routes based on the data collected through the application of the financial and performance 29 metrics developed under section 208 of that Act. The plan shall address—

''(1) on-time performance;

''(2) scheduling, frequency, routes, and stops;

''(3) the feasibility of restructuring service into connected corridor service;

''(4) performance-related equipment changes and capital improvements;

''(5) on-board amenities and service, including food, first class, and sleeping car service;

''(6) State or other non-Federal financial contributions; and

''(7) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

''(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

''(1) beginning in fiscal year 2007 for those routes identified as being in the worst performing third under subsection (a)(3);

''(2) beginning in fiscal year 2008 for those routes identified as being in the second best performing third under subsection (a)(3); and

''(3) beginning in fiscal year 2009 for those routes identified as being in the best performing third under subsection (a) (3).

''(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

''(1) shall notify Amtrak of its determination under this subsection;

''(2) shall provide an opportunity for a hearing with respect to that determination; and

''(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

''24710. Long distance routes''.

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

§ 24711. Alternate passenger rail service program

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

''(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

''(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

'' (3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

''(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

''(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this Act; and

''(B) an operating subsidy—

''(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

''(ii) for any subsequent years at such level, adjusted for inflation; and

''(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

''(b) IMPLEMENTATION.—

''(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

''(A) during fiscal year 2007 for operations commencing in fiscal year 2008; and

''(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

''(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2008 nor to more than 2 such routes for operations beginning in fiscal year 2010 and subsequent fiscal years.

''(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—-

''(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

''(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

''(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 and such additional performance standards as the Administration may establish;

''(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

''(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

''(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

''(d) CESSATION OF SERVICE.—If a rail carrIer or rail carriers awarded a route under this section'.cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

''(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the

Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

''24711. Alternate passenger rail service program''.

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Cor- poration from funds authorized by section 102 of this Act for termination-related payments to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the Northeast Corridor to a state of good repair by the end of fiscal year 2011, consistent with the funding levels au- thorized in this division and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

''§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee.

''(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

''(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

''(A) members representing the National Railroad Passenger Corporation;

''(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

''(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

''(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

''(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

''(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

''(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(6) The Chairman of the Commission shall be elected by the members.

''(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

''(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

''(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

''(10) The commission shall consult with other entities as appropriate.

''(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning northeast corridor rail infrastructure and operations including proposals addressing, as appropriate—

''(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

''(2) future funding requirements for capital improvements and maintenance;

''(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

''(4) opportunities for additional non-rail uses of the Northeast Corridor;

''(5) scheduling and dispatching;

''(6) safety and security enhancements;

''(7) equipment design;

''(8) marketing of rail services; and

''(9) future capacity requirements.

''(c) ACCESS COSTS.—

''(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2005, the Commission shall—

''(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for northeast corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

''(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

''(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

''(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

''(C) transmit the proposed timetable to the Surface Transportation Board; and

''(D) at the party's request, petition the Surface Transportation Board to appoint a mediator to assist the parties through nonbinding mediation to reach an agreement under this section.

''(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the northeast corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the parties fail to implement such new agreements in accordance with the timetable, the parties shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such

services in accordance with section 24904(c) of this title.

''(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

''(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

''(A) the Secretary;

''(B) Amtrak;

''(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

''(D) commuter agencies;

''(E) rail passengers;

''(F) rail labor;

''(G) the Transportation Security Administration; and

''(H) other individuals and organizations the Secretary decides have a significant interest in rail safety.

''(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

''(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.''

(3) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(A) inserting ''commuter rail passenger'' after ''between''; and

(B) striking ''freight'' in the second sentence.

SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on January 1, 2007.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of Treasury shall assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by June 1, 2007—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2007, along with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this Act.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2006 through 2011.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Within 1 year after metrics and standards are established under section 208 of this Act, Amtrak shall develop and implement a plan to improve on-board service pursuant to the metrics and standards for such service developed under that section.

(b) REPORT.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

§ "24310. Management accountability

''(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

''(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

''(1) effectiveness improving annual financial planning;

''(2) effectiveness in implementing improved financial accounting;

''(3) efforts to implement minimum train performance standards;

''(4) progress maximizing revenues and minimizing Federal subsidies; and

''(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

''24310. Management accountability''.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

''CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

''Sec.
''24401. Definitions.
''24402. Capital investment grants to support intercity passenger rail service.
''24403. Project management oversight.
''24404. Use of capital grants to finance first-dollar liability of grant project.
''24405. Grant conditions.

§ "24401. Definitions

''In this subchapter:

''(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

''(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

''(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

''(C) costs associated with developing State rail plans; and

''(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

''(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

"§ 24402. Capital investment grants to support intercity passenger rail service.

''(a) GENERAL AUTHORITY.—

''(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide or improve intercity passenger rail transportation.

''(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005.

''(b) PROJECT AS PART OF STATE RAIL PLAN.—

''(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

''(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

''(3) If an applicant has not selected the pro- posed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

''(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

''(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

''(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005;

''(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

''(4) ensure that each project is compatible with, and is operated in conformance with—

''(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

''(B) the national rail plan (if it is available); and

''(5) favor the following kinds of projects:

''(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

''(B) Projects that also improve freight or commuter rail operations.

''(C) Projects that have significant environmental benefits.

''(D) Projects that are—

''(i) at a stage of preparation that all pre-commencement compliance with environmental protection requirements has already been completed; and

''(ii) ready to be commenced.

''(E) Projects with positive economic and employment impacts.

''(F) Projects that encourage the use of positive train control technologies.

''(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

''(H) Projects that involve donated property interests or services.

''(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

''(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

''(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

''(C) An obligation or administrative commitment may be made only when amounts are appropriated.

''(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

''(i) establish the terms of participation by the United States Government in a project under this section;

''(ii) establish the maximum amount of Government financial assistance for the project;

''(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

''(iv) make timely and efficient management of the project easier according to the law of the United States.

''(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be

specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

''(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2005, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

''(f) FEDERAL SHARE OF NET PROJECT COST.—

''(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

''(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

''(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

''(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

''(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service in fiscal years 2004 and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

''(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year beginning in 2006 for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average of expenditures made for such service in fiscal years 2004 and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

''(g) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

''(A) the applicant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

''(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

''(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

''(i) PUBLIC-PRIVATE PARTNERSHIPS.''—

''(1) IN GENERAL.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

''(2) FORMS OF PARTICIPATION.—Participation by an entity under paragraph (1) may consist of—

''(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

''(B) cost-sharing of any project expense;

''(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

''(D) any other form of participation approved by the Secretary.

''(3) SUB-ALLOCATION.—A State may allocate funds under this section to any entity described in paragraph (1).

''(j) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

''(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

''(k) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2005 beginning in fiscal year 2007 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

''§ 24403. Project management oversight

''(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

''(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

''(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

''(3) a construction schedule for the project;

''(4) a document control procedure and recordkeeping system;

''(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

''(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

''(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

''(8) material testing policies and procedures;

''(9) internal plan implementation and reporting requirements;

''(10) criteria and procedures to be used for testing the operational system or its major components;

''(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

''(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

''(b) SECRETARIAL OVERSIGHT.—

''(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

''(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

''(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

''(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

''§ 24404. Use of capital grants to finance first-dollar liability of grant project

''Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

''§ 24405. Grant conditions

''(a) DOMESTIC BUYING PREFERENCE.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

''(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

''(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

''(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

''(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

''(A) such requirements are inconsistent with the public interest;

''(B) the cost of imposing the requirements is unreasonable; or

''(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

''(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

''(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

''(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

''(2) the Railway Labor Act (43 U.S.C. 151 et seq.).

''(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

''(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

''(A) any compensation for such use;

''(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; and

''(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor;

''(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

''(2) the applicant agrees to comply with—

''(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

''(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

''(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

''(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

''(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

''(B) establishes a procedure for notifying such an employee of such positions;

''(C) establishes a procedure for such an employee to apply for such positions; and

''(D) establishes rates of pay, rules, and working conditions.

''(2) IMMEDIATE REPLACEMENT SERVICE.—

''(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

''(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

''(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

''(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

''(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

''(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

''(2) the Alaska Railroad or its contractors; or

''(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

''244. Intercity passenger rail service capital assistance ..... 24401''.

''(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

''244. Intercity passenger rail service capital assistance ..... 24401''.

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

''CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

''Sec.
''22501. Definitions
''22502. Authority
''22503. Purposes
''22504. Transparency; coordination; review
''22505. Content
''22506. Review

''§ 22501. Definitions

''In this subchapter:

''(1) PRIVATE BENEFIT.—

'' (A) IN GENERAL.—The term 'private benefit'—

''(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(2) PUBLIC BENEFIT.—

''(A) IN GENERAL.—The term 'public benefit'—

''(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

''(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.''.

''§ 22502. Authority

''(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

''(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

''(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

''(2) establish or designate a State rail plan approval authority to approve the plan;

''(3) submit the State's approved plan to the Secretary of Transportation for review; and

''(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

''§ 22503. Purposes

''(a) PURPOSES.—The purposes of a State rail plan are as follows:

''(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

''(2) To establish the period covered by the State rail plan.

''(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

''(4) To serve as the basis for Federal and State rail investments within the State.

''(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

''§ 22504. Transparency; coordination; review

''(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

''(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

''§ 22505. Content

''(a) IN GENERAL.—Each State rail plan shall contain the following:

''(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

''(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

''(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

''(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land use, energy use, and community impacts.

''(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

''(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

''(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

''(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

''(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

''(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

''(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

''(12) A statement that the State is in compliance with the requirements of section 22102.

''(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

''(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

''(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

''(B) A detailed funding plan for those projects.

''(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

''(A) a description of the anticipated public and private benefits of each such project; and

''(B) a statement of the correlation between—

''(i) public funding contributions for the projects; and

''(ii) the public benefits.

''(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

''(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

''(B) Rail capacity and congestion effects.

''(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

''(D) Regional balance.

''(E) Environmental impact.

''(F) Economic and employment impacts.

''(G) Projected ridership and other service measures for passenger rail projects.

''§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2005 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter''.

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

''225. State rail plans ..... 22501''.

''(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

''225. State rail plans ..... 24401''.

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting ''IN GENERAL.—'' before ''The Federal'' in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting ''ADMINISTRATOR.—'' before ''The head'' in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

''(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.'';

(5) by inserting ''POWERS AND DUTIES.—'' before ''The'' in subsection (d), as redesignated;

(6) by striking ''and'' after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

''(2) the duties and powers related to railroad policy and development under subsection (e); and'';

(8) by inserting ''TRANSFERS OF DUTY.—'' before ''A duty'' in subsection (e), as redesignated;

(9) by inserting ''CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—'' before ''Subject'' in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

''(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

''(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

''(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

''(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005;

''(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

''(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

''(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

''(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

''(h) PERFORMANCE GOALS AND REPORTS.—

''(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities under-taken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

''(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

''(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2007 and each fiscal year thereafter, the Secretary shall submit to Congress, at the Isame time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.'' .

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMNT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

''24910. Rail cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

''(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new highspeed wheel-on-rail systems and rail security;

''(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

''(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

''(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to desgnated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

''(b) CONTENT.—The program to be carried out under this section shall include research designed—

''(1) to identify the unique aspects and attributes of rail passenger and freight service;

''(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

''(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

''(4) to recommend priorities for technology demonstration and development;

''(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

''(6) to explore improvements in management, financing, and institutional structures;

''(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account thei impact of such options on operations;

''(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

''(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

''(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations; and

''(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation agencies;

''(B) transportation and environmental economists, scientists, and engineers; and

''(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.''

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

''24910. Rail cooperative research program''.

TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

SEC. 401. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Secretary of Transportation, is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;
(3) to secure Amtrak stations;
(4) to obtain a watch list identification system approved by the Secretary;
(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;
(6) to hire additional police and security officers, including canine units;
(7) to expand emergency preparedness efforts; and (8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—
(1) $63,500,000 for fiscal year 2006;
(2) $30,000,000 for fiscal year 2007; and
(3) $30,000,000 for fiscal year 2008.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 402. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—
(A) $190,000,000 for fiscal year 2006;
(B) $190,000,000 for fiscal year 2007;
(C) $190,000,000 for fiscal year 2008;

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—
(A) $19,000,000 for fiscal year 2006;
(B) $19,000,000 for fiscal year 2007;
(C) $19,000,000 for fiscal year 2008;

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—
(A) $13,333,000 for fiscal year 2006;
(B) $13,333,000 for fiscal year 2007;
(C) $13,333,000 for fiscal year 2008;

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2006 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—
(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and
(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—
(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;
(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and
(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 403. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

''(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

''(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

''(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

''(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

''(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

''(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

''(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

''(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

''(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(f) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2006 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24316. Plan to assist families of passengers involved in rail passenger accidents.'' .

SEC. 404. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of

Homeland Security, the Assistant Secretary of Homeland Security (Transportation Security Administration), heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating United States Customs and Border Patrol rolling inspections onboard international Amtrak trains.

SEC. 405. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, shall—

(1) study the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains including an analysis of any passenger train screening pilot programs undertaken by the Department of Homeland Security; and

(2) report the results of the study, together with any recommendations that the Secretary of Homeland Security may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $1,000,000 for fiscal year 2006 to carry out this section.

TITLE V—RAIL BOND AUTHORITY

SEC. 501. INTERCITY RAIL FACILITY BONDS.

(a) IN GENERAL.—Chapter 261 is amended by adding at the end the following:

''§ 26106. Rail infrastructure bonds

''(a) DESIGNATION.—The Secretary may designate bonds for purposes of section 54A of the Internal Revenue Code of 1986 if—

''(1) the bonds are to be issued by—

''(A) a State, if the entire railroad passenger transportation corridor containing the infrastructure project to be financed is within the State;

''(B) 1 or more of the States that have entered into an agreement or an interstate compact consented to by Congress under section 410(a) of Public Law 105–134 (49 U.S.C. 24101 note);

''(C) an agreement or an interstate compact described in subparagraph (B); or

''(D) Amtrak, for capital projects under its 5–year plan;

''(2) the bonds are for the purpose of financing projects that make a substantial contribution to providing the infrastructure and equipment required to complete or improve a rail transportation corridor (including projects for the acquisition, financing, or refinancing of equipment and other capital improvements, including the introduction of new high-speed technologies such as magnetic levitation systems, track or signal improvements, the elimination of grade crossings, development of intermodal facilities, improvement of train speeds or safety, or both, and station rehabilitation or construction), but only if the Secretary determines that the projects are part of a viable and comprehensive rail transportation corridor design for intercity passenger service included in a State rail plan under chapter 225 (except for bonds issued under paragraph (1)(D)); and

''(3) for a railroad passenger transportation corridor not operated by Amtrak that includes the use of rights-of-way owned by a freight railroad, a written agreement exists between the applicant and the freight railroad regarding such use and ownership, including compensation for such use and assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations, and including an assurance by the freight railroad that collective bargaining agreements with the freight railroad's employees (including terms regulating the contracting of work) shall remain in full force and effect according to their terms for work performed by the freight railroad on such railroad passenger transportation corridor.

''(b) PROJECT SELECTION CRITERIA.—The Secretary shall give preference to the designation under this section of bonds for projects selected using the criteria in chapter 244.

''(c) TIMELY DISPOSITION OF APPLICATION.—The Secretary shall grant or deny a requested designation within 9 months after receipt of an application.

''(d) REFINANCING RULES.—Bonds designated by the Secretary under subsection (a) may be issued for refinancing projects only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by the issuer—

''(1) after the date of the enactment of this section;

''(2) for a term of not more than 3 years;

''(3) to finance projects described in subsection (a)(2); and

''(4) in anticipation of being refinanced with proceeds of a bond designated under subsection (a).

''(e) APPLICATION OF CONDITIONS.—Any entity providing railroad transportation (within the meaning of section 20102) that begins operations after the date of the enactment of this section and that uses property acquired pursuant to this section (except as provided in subsection (a)(2)(B)), shall be subject to the conditions under section 24405.

''(f) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, the Secretary shall issue regulations for carrying out this section.

''(g) SECTION 54A BOND DEFINED.—In this section, the term 'section 54A bond' means a bond designated by the Secretary under subsection (a) for purposes of section 54A of the Internal Revenue Code of 1986 (relating to credit to holders of qualified rail infrastructure bonds).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

''26106. Rail infrastructure bonds.''

SA 2152. Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ALL-TERRAIN VEHICLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any person to import into the United States or any manufacturer or wholesale distributor to distribute in commerce any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of the American National Standard for Four Wheel All-Terrain Vehicles—Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA–1–2001) or any applicable provision of a revision of such Standard; or

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C)(i) was submitted to the Commission and implemented prior to September 23, 2005; or

(ii) is approved by the Commission and is substantially implemented at the time of the import into the United States or the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term ''ATV'' means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, IMPORT, UNITED

STATES.—The terms ''Commission'', ''distribution in commerce'', ''to distribute in commerce'', ''import'', and ''United States'' have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) VIOLATION OF CUSTOMS LAWS.—The importation of an ATV into the United States in violation of subsection (a) shall be a violation of the customs laws of the United States and any applicable provisions thereof.

(e) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

SA 2153. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8___. No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or

(2) a bridge joining the Island of Gravina to the community of Ketchikan.

SA 2154. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.

None of the funds made available in this Act shall be used by the Department of Housing and Urban Development for programs and activities not in compliance with section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300), including any programs under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

SA 2155. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 227, line 7, strike the period and insert the following: ''*: Provided further,* That not later than December 31, 2015, public-use airports shall improve their runway safety areas to comply with the Federal Aviation Administration design standards.''.

SA 2156. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

SEC. ___. AMENDMENTS TO EXCLUDE SOLID WASTE DISPOSAL FROM THE JURISDICTION OF THE BOARD.

Section 10501 of title 49, United States Code, is amended—

(1) in subsection (b)(2), by inserting ''except solid waste management facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)),'' after ''facilities,''; and

(2) in subsection (c)(2)—

(A) by striking ''over mass'' and inserting the following: ''over—

''(A) mass''; and

(B) by striking the period at the end and inserting the following: ''; or

''(B) the processing or sorting of solid waste.''.

SA 2157. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. SARBANES, Mr. GRAHAM, Mr. REED, Ms. SNOWE, Mr. SCHUMER, Mr. OBAMA, Mr. KOHL, Mr. DORGAN, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. JEFFORDS, Mr. DODD, Ms. STABENOW, Mr. CORZINE, Mr. SALAZAR, Mrs. CLINTON, Mr. DURBIN, Ms. COLLINS, Mrs. FEINSTEIN, Mr. VOINOVICH, Mr. KENNEDY, Mr. DEWINE, Mr. SANTORUM, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. DAYTON, Ms. CANTWELL, Mr. SPECTER, Mr. BINGAMAN, Ms. LANDRIEU, Mr. GRASSLEY, Mr. BAYH, Ms. MIKULSKI, Mr. JOHNSON, Mr. CHAFEE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 298, on line 13 strike ''$1,500,000,000'' and insert ''$2,100,000,000''.

On page 299, line 14 strike the period and insert the following: '': Provided further, That notwithstanding the foregoing provisos, of the amounts recaptured from amounts appropriated in prior years under this heading, such amounts are provided as follows:

''(1) $200,000,000 for activities provided for under the heading 'Tenant-based rental assistance', including $130,000,000 for the renewal of expiring section 8 contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), and not to exceed $70,000,000 for the conversion of section 811 vouchers to tenant-based rental assistance vouchers.

''(2) $200,000,000 to be equally divided for activities provided for under the headings 'Public Housing Capital Fund' and 'Public Housing Operating Fund'.

''(3) $200,000,000 for activities provided for under the heading 'Community Development Fund' to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).''.

SA 2158. Mr. ENSIGN (for himself and Mr. VITTER) proposed an amendment to amendment S. 2133 proposed by Mr. DORGAN (for himself, Mr. CRAIG, Mr. ENZI, and Mr. BAUCUS) to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

____. (a) SHORT TITLE.—This section may be cited as the ''Child Custody Protection Act''.

(b) TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec.

''2431. Transportation of minors in circumvention of certain laws relating to abortion

''§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.

''(b) EXCEPTIONS.—

''(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the minor or other compelling facts, that before the minor obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been

required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides.

''(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a 'law requiring parental involvement in a minor's abortion decision' means a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(2) 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 117 the following new item:

''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431''.

SA 2159. Mr. NELSON of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, insert the following:

SEC. 221. It is the sense of Congress that the Secretary of the Treasury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

SA 2160. Mr. GRASSLEY (for himself, Mr. DORGAN, and Mr. BOND) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408. (a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 90 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

SA 2161. Ms. CANTWELL (for herself, Mr. COLEMAN, Mr. HARKIN, Mr. BAYH, Mr. LUGAR, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1____. (a) In this section:

(1) The term ''flexible fuel mixture'' means any mixture of gasoline and ethanol up to 85 percent of which is ethanol, or any mixture of diesel and biodiesel of which 85 percent is biodiesel, as measured by volume.

(2) The term ''light truck'' has the meaning given that term in section 523.5 of title 49, Code of Federal Regulations (or a successor regulation).

(b) Not later than 90 days after the date of enactment of this Act, using funds made available to the National Highway Traffic Safety Administration, the Secretary of Transportation shall prepare and submit to Congress a report describing the feasibility and marginal production costs of making all new passenger automobiles and light trucks sold in the United States capable of using a flexible fuel mixture.

SA 2162. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, add the following:

SEC. ___. APPLICATION OF ARBITRAGE BOND REGULATIONS TO CERTAIN STATE REVOLVING FUNDS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to provide a legal basis for the application of section 1.148-1(c) of the United States Treasury Regulations (regarding arbitrage bond regulations) to the reserve funds held by the Clean Water and Safe Drinking Water State revolving funds which generally contain replacement proceeds but not bond proceeds.

SA 2163. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. DISTRICT JUDGESHIP FOR THE DISTRICT OF NEBRASKA.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of Nebraska.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table under section 133(a) of title 28, United States Code, is amended by striking the item relating to Nebraska and inserting the following:

''Nebraska ..... 4''.

SA 2164. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

SEC. 1_____. Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) (as amended by section 103 of the Energy Policy Act of 2005 (Public Law 109–58)) is amended by adding at the end the following:

''(f) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION BY CERTAIN FEDERAL AGENCIES.—

''(1) DEFINITION OF AFFECTED AGENCY.—In this subsection, the term 'affected agency' means—

''(A) the Department of Transportation;

''(B) the Department of the Treasury;

''(C) the Department of Housing and Urban Development; and

''(D) any agency of the judicial branch of the Federal Government.

''(2) REDUCTION OF EMPLOYEE VEHICLE FUEL CONSUMPTION.—Each affected agency shall take such actions as are necessary to reduce the level of fuel consumed by vehicles of employees of the affected agency (other than fuel used for military purposes), in connection with the employment of the employees, by (to the maximum extent practicable) at least 10 percent during the 1-year period beginning on the date of enactment of this subsection.

''(3) METHODS.—An affected agency may use such methods as the agency determines are appropriate to achieve the target established by paragraph (2), including—

''(A) telework;

''(B) carpooling;

''(C) bicycling and walking to work;

''(D) fuel-efficient trip planning;

''(E) public transportation use; and

''(F) limiting travel days for vehicle travel outside the office.

''(4) MEASUREMENT.—An affected agency may use such measures as the affected agency determines are appropriate to determine whether the affected agency has achieved the target established by paragraph (2), including certification of the methods described in paragraph (3).''.

SA 2165. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, add the following: Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking ''for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska'' and inserting ''for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana'';

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) Item number 14 of the table contained in section 1302 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking ''AK'' and inserting ''LA''; and

(2) by striking ''Planning, design, and construction of Knik Arm Bridge'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''.

(c) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 406—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana'';

(2) in item number 2465—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Planning, design, and construction of Knik Arm Bridge'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana'';

(3) in item number 3323—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Earthwork and roadway construction Gravina Access Project'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''; and

(4) in item number 3677—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Planning, design, and construction of Knik Arm Bridge'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''.

(d) Item number 2 of the table contained in section 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) by striking ''AK'' and inserting ''LA''; and

(2) by striking ''Improvements to the Knik Arm Bridge'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''.

(e) Sections 1949, 4410, and 4411 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) are repealed.

(f) No funds made available under this Act shall be used to plan, design, or construct, in the State of Alaska—

(1) the Knik Arm Bridge; or

(2) a bridge joining the Island of Gravina to the community of Ketchikan.

(g) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

SA 2166. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. HOME MORTGAGE PROTECTION REVOLVING LOAN FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Home Mortgage Protection Revolving Loan Fund (hereafter referred to in this section as the ''Fund'') to carry out the lending and guarantee functions authorized under this section.

(b) CAPITAL.—Except as provided under subsection (j), the capital of the Fund shall remain available until expended.

(c) AUTHORITIES, SCOPE, AND PURPOSES; CONDITIONS; INTEREST RATE; REPAYMENT.—

(1) LOANS AUTHORIZED.—The Secretary is authorized to make or guarantee loans, either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis, to eligible financial institutions, for the purposes described in subsection (e).

(2) CONDITIONS.—No loans, guarantees, or other financial assistance shall be provided under this section unless the Secretary determines that—

(A) there is reasonable assurance of repayment of the loan;

(B) the loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

(C) the amount of the loan, together with other funds available, is adequate to assure completion or achievement of the purposes for which the loan is made.

(3) LIMITATIONS.—

(A) IN GENERAL.—The Secretary may not loan amounts out of the Fund to an eligible financial institution for mortgage payments deferred under subsection (g) in an amount in excess of the sum of 6 deferred mortgage payments.

(B) EXCLUSION.—The amount calculated under subparagraph (A) shall not include any deferrals that an eligible financial institution granted to a mortgagor prior to the date of enactment of this section.

(C) OUTSTANDING LOAN AMOUNT.—The total amount of outstanding loan amounts under this section may not exceed $2,000,000,000.

(4) INTEREST RATE.—Loans made by the Secretary pursuant to this section shall bear interest at a rate equal to not less than a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program, as the Secretary may determine to be consistent with its purposes.

(5) REPAYMENT.—All loans made under this section shall be repayable within a period of not more than 30 years.

(6) ADJUSTMENT OF INTEREST RATES, MORATORIUM ON PRINCIPAL AND INTEREST.—The Secretary is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by the Secretary, and to take such other actions in respect to such loans as the Secretary shall determine to be necessary or appropriate, consistent with the purposes of this section.

(d) APPLICATION.—An eligible financial institution seeking a loan under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including providing proper documentation to the Secretary that—

(1) such financial institution is the holder of a mortgage;

(2) mortgage payments have been deferred for 6 months under subsection (g);

(3) the property secured by the mortgage is located in an affected area;

(4) the property secured by mortgage was rendered unusable or uninhabitable, or was completely destroyed, as a result of Hurricane Katrina or Hurricane Rita; and

(5) such financial institution has not initiated any foreclosure proceeding against any property held by a mortgagor for which the financial institution is seeking a loan.

(e) USE OF FUNDS.—Amounts in the Fund may only be used to provide loans to eligible financial institutions to reimburse such financial institutions for mortgage payments deferred under subsection (g).

(f) FORECLOSURES.—

(1) IN GENERAL.—An eligible financial institution that does not seek a loan under this section, may not foreclose on property held by a mortgagor in an affected area, if the mortgagor can demonstrate that the property meets the requirements listed under subsection (d).

(2) REIMBURSEMENT FROM FUND.—If an eligible financial institution is unable to foreclose under paragraph (1), such financial institution may seek a loan under this section in accordance with the provisions of this section.

(3) LIMITATION.—An eligible financial institution may not receive a loan under this section for mortgage payments deferred under subsection (g) for any foreclosure proceeding initiated prior to August 26, 2005.

(4) REPAYMENT FOR ANY PROPERTY SEIZED.—If an eligible financial institution forecloses, or otherwise seizes or disposes of, property held by a mortgagor in an affected area, such financial institution shall repay to the Fund any loan amounts received under this section.

(g) DEFERRAL OF MORTGAGE PAYMENTS.—

(1) IN GENERAL.—An eligible financial institution shall extend for an additional 6 months any deferral of mortgage payments of a mortgagor initiated prior to August 26, 2005.

(2) REIMBURSEMENT FOR EXTENSION.—An eligible financial institution that extends the deferral of any mortgage payments under paragraph (1) may seek a loan under this section for reimbursement for the deferral of such mortgage payments.

(3) REFINANCE, REAMORTIZATION, OR RESTRUCTURING OF MORTGAGES.—An eligible financial institution may refinance, reamortize, or restructure any mortgage deferred under paragraph (1) to extend the term of such mortgage to cover any mortgage payments missed or deferred under that paragraph.

(4) LIMITATION ON REFINANCING.—If an eligible financial institution exercises its authority to refinance, reamortize, or restructure a mortgage under paragraph (3), such institution shall repay to the Fund any amounts received under paragraph (2).

(5) INELIGIBILITY OF CERTAIN MORTGAGORS.—An eligible financial institution shall not extend the deferral of any mortgage payments under paragraph (1), if the mortgagor has a homeowners or other insurance policy that includes coverage of mortgage payments.

(h) CREDIT PROTECTION.—A failure by a mortgagor to make a mortgage payment on any property located in an affected area shall not be reported to any consumer reporting agency, as such term is defined under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a).

(i) DEPOSITS.—

(1) INVESTMENT.—To the extent that amounts in the Fund at any time exceed the immediate needs of the Fund, the excess shall be invested in short-term obligations of the United States.

(2) INTEREST.—To the extent that interest accrues on any funds invested under paragraph (1), that interest shall remain in the fund and shall be made available for the purposes of this section.

(j) REVERSION OF FUNDS TO THE TREASURY.—Any amounts in the Fund that are unexpended and unobligated after March 30, 2007, shall be covered into the General Fund of the Treasury as miscellaneous receipts, and the Fund shall be terminated.

(k) REGULATIONS.—Not later than 15 days after the date of enactment of this section, the Secretary shall issue regulations necessary to carry out the administration of this section and to ensure that the purposes of this section are accomplished.

(l) DEFINITIONS.—In this section, the following definitions shall apply:

(1) AFFECTED AREA.—The term ''affected area'' means any area—

(A) with respect to which the President has declared a major disaster pursuant to title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina or Hurricane Rita; or

(B) that is determined to be eligible for disaster relief under other Federal law by reason of damage related to Hurricane Katrina or Hurricane Rita.

(2) ELIGIBLE FINANCIAL INSTITUTION.—The term ''eligible financial institution'' means any—

(A) commercial bank;

(B) community bank;

(C) mortgage bank;

(D) credit union;

(E) enterprise, as that term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502);

(F) Bank, as that term is used in the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.); or

(G) other lender approved by the Secretary as eligible for insurance under section 2 of the National Housing Act (12 U.S.C. 1703).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(m) FUNDING.—The Fund shall consist of the remaining amounts provided for in the Disaster Relief Fund under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as in effect on the date of enactment of this section, and includes such funds as may be deposited in the Disaster Relief Fund from funds made available by this or any other Act.

SA 2167. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 219, line 14, insert after ''$15,000,000'' the following: '', of which $5,000,000 shall be made available to provide a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and municipal governments in the State of Louisiana that experience a significant spike in population because of an unexpected influx of hurricane evacuees, as determined by the Louisiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic congestion and to address increased transportation demands in the affected communities''.

SA 2168. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 276, after line 24, add the following:

SEC. 1___. (a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) as of the date of enactment of this Act, of the amounts made available by this Act, $1,000,000 shall be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended—

(1) in subsection (a)—

(A) by inserting after ''evacuation plans'' the following: ''(including the costs of the plans)''; and

(B) by inserting ''and other catastrophic events'' before ''impacting'';

(2) in subsection (b), by striking ''and local'' and inserting ''parish, county, and municipal''; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''safe and'' before ''practical'';

(B) in paragraph (2), by inserting after ''States'' the following: ''and adjoining jurisdictions'';

(C) in paragraph (3), by striking ''and'' after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

''(6) the time required to evacuate under the plan; and

''(7) the physical and mental strains associated with the evacuation.''.

SA 2169. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. UPDATED FUEL ECONOMY LABELING PROCEDURES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, as appropriate and in consultation with the Administrator of the National Highway Traffic Safety Administration, update and revise the process used to determine fuel economy values for labeling purposes as set forth in sections 600.209–85 and 600.209.95 of title 40, Code of Federal Regulations, to take into consideration current factors such as speed limits, acceleration rates, braking, variations in weather and temperature, vehicle load, use of air conditioning, driving patterns, and the use of other fuel consuming features. The Administrator shall use existing emissions test cycles and, or, updated adjustment factors to implement the requirements of this subsection.

(b) DEADLINE.—The Administrator of the Environmental Protection Agency shall—

(1) publish a notice of proposed rulemaking not later than March 31, 2006, to carry out subsection (a); and

(2) promulgate a final rule not later than 18 months after the date on which the Administrator issues the notice under paragraph (1).

(c) REPORT.—Three years after issuing the final rule required by subsection (b), and every 3 years thereafter, the Administrator of the Environmental Protection Agency shall reconsider the fuel economy labeling procedures required under subsection (a) to determine if the changes in the factors require revisiting the process. The Administrator shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the outcome of the reconsideration process.

SA 2170. Mr. CARPER submitted an amendment intended to be proposed by

him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: ''*Provided further*, That the Comptroller General shall submit a report to Congress that describes the potential liabilities, operational and capital costs, tax implications, administrative costs, and other costs associated with the Corporation creating a wholly owned Northeast Corridor subsidiary and transferring the Northeast Corridor infrastructure to such subsidiary before the Corporation takes further steps toward creating such a subsidiary:''.

SA 2171. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, between lines 11 and 12, insert the following: ''*Provided further*, That the Corporation shall submit a report to Congress that describes the costs, including staffing costs, associated with creating a wholly owned Northeast Corridor subsidiary and transferring the Northeast Corridor infrastructure into such subsidiary before the Corporation takes any further steps toward creating such a subsidiary:''.

SA 2172. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, after line 22, insert the following:

SEC. 143. (a) The Senate finds the following:

(1) Only 1 member of the Board of Directors of the Corporation has been confirmed by the Senate.

(2) Two other members of the Board were recess appointments whose terms expire at the end of the first session of the 109th Congress.

(3) Three seats on the Board are vacant and no nominations have been submitted to the Senate to fill these vacancies.

(4) The Corporation's ability to take major actions is compromised by having only 1 member of the Board who has been confirmed by the Senate.

(b) It is the sense of the Senate that—

(1) the President should appoint sufficient new members to the Board of Directors of the Corporation to fill all existing and anticipated vacancies and submit such appointments to the Senate not later than December 31, 2005; and

(2) the Senate should act on such nominations as quickly as possible.

SA 2173. Mr. COLEMAN (for himself, Mr. LEVIN, Mr. AKAKA, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy Program.

SEC. 520. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each agency undertaken at the expense of the Federal Government.

(b) CONTENTS.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class fare available under contract with the General Services Administration or, if no contract is available, the lowest coach class fare available.

(c) AGENCY DEFINED.—(1) Except as provided in paragraph (2), in this section, the term ''agency'' has the meaning given such term in section 5701(1) of title 5, United States Code.

(2) The term does not include any element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SA 2174. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 384, after line 13, insert the following:

SEC. ____. The Administrator of General Services shall require that all credible sustainable building rating systems that award credits for certified wood products in the rating system be included in the published building design criteria or specifications of any solicitation for offers issued by the General Services Administration (GSA) for construction of a Federal building or courthouse: *Provided*, That the Administrator may only consider sustainable forest management certification programs that are currently in use in the United States and consistent with the Federal government's goals of environmental stewardship: *Provided further*, That not later than 90 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the appropriateness of individual forest management certification programs for use within GSA's sustainable building program, including a schedule for incorporating any additional such programs into the system through regulations.

SA 2175. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 216, after line 23, insert the following:

DIVISION A—TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SA 2176. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 436, line 11, strike ''Act'' and insert in lieu thereof ''division''.

SA 2177. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. Section 14711(c) of title 49, United States Code, is amended by—

(1) striking ''; and'' at the end of paragraph (1) and inserting '';'';

(2) striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) inserting the following after paragraph (2):

''(3) be substituted, upon the filing of a motion with the court, for the State as parens patriae in the action.''.

SA 2178. Mr. BOND (for Mr. REID) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) In this section:

(1) The term ''Conservation Area'' means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term ''County'' means Clark County, Nevada.

(3)(A) The term ''helicopter tour'' means a commercial helicopter tour operated for profit.

(B) The term ''helicopter tour'' does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term ''Secretary'' means the Secretary of the Interior.

(5) The term ''Wilderness'' means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled ''Clark County Public Heliport Facility'' and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) ⅔ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

(ii) ⅓ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

SA 2179. Mr. BOND (for Mr. DURBIN (for himself and Mr. OBAMA)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. REPORT ON EVERGREEN TERRACE.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study and prepare a report that describes the progress, if any, in improving the living conditions of the tenants of the Evergreen Terrace I and Evergreen Terrace II housing complexes located in Joliet, Illinois, by the owners of such complexes.

(b) INTERIM REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress an interim report on the findings of the study required under subsection (a).

(c) FINAL REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a final report that describes—

(1) the findings of the study required under subsection (a); and

(2) any conclusions and recommendations of such study.

SA 2180. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 432, line 22, strike ''2006.'' and insert ''2007.''

On page 433, line 5, strike ''$6,000,000'' and insert ''$10,000,000''

On page 433, line 9, insert after ''upgrades'' the following: '', including the replacement of the fuel farm facility''

SA 2181. Mr. STEVENS (for himself, Ms. MURKOWSKI, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. No funds provided under Section 1702 of the Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) for the construction or reconstruction of any bridge shall be expended until nonemerging funds have been made available for the repair of the Twin Spans Bridge connecting New Orleans and Slidell, Louisiana.

SA 2182. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, add the following:

SEC. ___. PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.

(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SA 2183. Mr. BOND (for Mr. FRIST (for himself, Mrs. DOLE, and Mrs. BOXER)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 310, line 16, after ''tribal areas'', insert the following: '', and of which $5,000,000 shall be for capacity building activities administered by Habitat for Humanity International''.

SA 2184. Mr. BOND (for Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, after line 22, insert the following:

''SEC. ____. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho.''

SA 2185. Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 383, strike line 21 and all that follows through line 6 on page 384.

SA 2186. Mr. BOND (for Mr. NELSON of Florida (for himself and Mr. SMITH)) proposed an amendment to bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 293, after line 25, insert the following:

SEC. 221. It is the sense of Congress that the Secretary of the Treasury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

SA 2187. Mr. BOND (for Mr. LOTT (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 250, line 9, strike ''*Provided,* That,'' and all that follows through page 252, line 17, and insert ''*Provided,* That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: *Provided further,* That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: *Provided further,* That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further,* That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation.''.

SA 2188. Mr. BOND (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 227, line 7, strike the period and insert the following: '': *Provided further,* That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: *Provided further,* That the Federal Aviation Administration shall report annually to the Congress on the agency's progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.''

SA 2189. Mr. BOND (for Mr. COLEMAN (for himself, Mr. DAYTON, and Mr. DEWINE)) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. ALL-TERRAIN VEHICLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any manufacturer or wholesale distributor to distribute in commerce in the United States any new assembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use by single operator only, such ATV complies with any applicable provision of—

(i) the American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA–1–2001);

(ii) a revision of such Standard; or

(iii) a mandatory rule promulgated by the Consumer Product Safety Commission; or

(iv) such alternative standard that may be accepted by the Commission;

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles or such alternative standard that may be accepted by the Commission;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that is sent not more than 30 days after the date of enactment of this Act—

(A) applies to such ATV;

(B) includes actions to promote ATV safety; and

(C) has been approved by the Commission and is substantially implemented at the time of the distribution in commerce of such ATV; and

(3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term ''ATV'' means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, UNITED STATES.—The terms ''Commission'', ''distribution in commerce'', ''to distribute in commerce'', and ''United States'' have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and remedies available for prohibited acts under the Consumer Product Safety Act.

(d) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

SA 2190. Mr. BOND (for Mr. COBURN) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 406, between lines 7 and 8, insert the following:

SEC. 724. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.

(a) ESTIMATE.—The Secretary of Housing and Urban Development shall estimate improper payments for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) pursuant to section 2 of the Improper Payments Information Act of 2002 (Public Law 107-300).

(b) REPORT.—Not later than 60 days after the date of enactment of this section, the Secretary shall report to Congress on specific actions taken to estimate improper payments in the community development block grant program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

(c) FAILURE TO REPORT.—If the Secretary fails to report to Congress on specific actions taken to estimate improper payments as required under subsection (b), funds for the community development block grant program shall be halted until such report is submitted.

SA 2191. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

SEC. 321. EMERGENCY ASSISTANCE FOR UNANTICIPATED INCREASES IN UTILITY RATES.

(a) PUBLIC HOUSING AGENCIES.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated $362,000,000, to public housing agencies for the operation and management of public housing, as authorized under section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)).

(2) DISTRIBUTION OF FUNDS.—Public housing agencies shall be entitled to reimbursement for utility cost increases from funds made available under paragraph (1), upon submission of proof to the Secretary of such increases.

(b) SECTION 8 RESIDENTS.—

(1) IN GENERAL.—To address unanticipated increases in utility rates, there are appropriated $498,000,000, to be available to residents receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) DISTRIBUTION OF FUNDS.—Public housing agencies administering tenant-based rental assistance under section 8 shall be entitled to additional funds made available under paragraph (1) to provide for utility allowance increases for section 8 participants upon submission of proof to the Secretary of such utility allowance cost increases.

(3) PAYMENT STANDARD.—The payment standard limitation under section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) may be exceeded without prior approval by the Secretary in instances where an increase in the utility allowance of a resident under paragraph (1) causes the assistance needs of that resident to rise above such limit.

(c) EMERGENCY DESIGNATION.—The amounts appropriated under subsections (a) and (b) are designated as an emergency requirement under section 402 of H. Con. Res. 95 (109th Congress).

SA 2192. Mr. BINGAMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 290, between lines 14 and 15, insert the following:

SEC. _____. Of the funds made available by this Act to the Internal Revenue Service, not less than $10,000,000 shall be available for grants to provide matching funds for the development, expansion, or continuation of not-for-profit and volunteer tax return preparation clinics serving low-income taxpayers under a program similar to the low-income taxpayer clinics program under section 7526 of the Internal Revenue Code of 1986.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 20, 2005, at 10 a.m. to conduct a hearing on ''Implementation of the Exon-Florio Amendment and the Committee on Foreign Investment in the United States.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 20, 2005, at 10 a.m., on Domestic Passenger and Freight Rail Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 20, 2005, at 2 p.m., on pending Committee business. Senate Commerce Committee Chairman Ted Stevens, R-Alaska, and Co-Chairman Daniel Inouye, D-Hawaii, have rescheduled this week's Full Committee mark-up for Thursday, October 20, 2005 at 2 p.m., previously scheduled for Wednesday, October 19, 2005, at 2:30 p.m. The mark-up is open to the public. A location for this mark-up will be announced when available. Following is the agenda, not necessarily in order of consideration: S. ____, The DTV bill; S. 1753, The Warning, Alert, and Response Network Act; S. 967, The Truth in Broadcasting Act of 2005; and S. 1063, The IP—Enabled Voice Communications and Public Safety Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 20 at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes; and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 20, 2005, at 9:30 a.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, October 20, 2005 at 2 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, October 20, 2005, at 9:30 a.m. for a hearing titled, ''Hurricane Katrina in New Orleans: A Flooded City, a Chaotic Response.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 20, 2005, at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations

Susan Neilson to be U.S. Circuit Judge for the Sixth Circuit;

John Richard Smoak to be U.S. District Judge for the Northern District of Florida;

Brian Edward Sandoval to be U.S. District Judge for the District of Nevada.

Harry Sandlin Mattice, Jr. to be U.S. District Judge for the Eastern District of Tennessee;

Margaret Mary Sweeney to be a Judge of the United States Court of Federal Claims;

Thomas Craig Wheeler to be a Judge of the United States Court of Federal Claims;

Wan Kim to be an Assistant Attorney General, Civil Rights Division;

Steven G. Bradbury to be an Assistant Attorney General for the Office of Legal Counsel;

Sue Ellen Wooldridge to be an Assistant Attorney General, Environment and Natural Resources Division; and

Thomas O. Barnett to be an Assistant Attorney General, Antitrust Division.

II. Bills

S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch;

S. 1789, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feinstein, Feingold;

S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl;

S. 1326, Notification of Risk to Personal Data Act, Sessions;

S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden, Schumer;

S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn;

S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold;

S. 1095, Protecting American Goods and Services Act of 2005, Cornyn, Leahy;

H.R. 683, Trademark Dilution Revision Act of 2005, Smith—TX;

S. 443, Antitrust Criminal Investigative Improvements Act of 2005, DeWine, Kohl, Leahy;

S. 1787, Relief to Victims of Hurricane Katrina and Other Natural Disasters Act of 2005, Vitter, Grassley, Cornyn, DeWine;

S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein; and

S. , Budget Reconciliation [Chairman's Mark].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, October 20, 2005, for a committee hearing titled ''IT Management by the VA: Is it Ready for the 21st Century?''

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 20, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meeting during the session of the Senate on Thursday, October 20, 2005, at 2:30 p.m. to hold a hearing on U.S. Foreign Policy, Petroleum, and the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on ''An Examination of the Constitutional Amendment on Marriage'' on Thursday, October 20, 2005 at 2 p.m. in SD226.

Witness List:

Panel I: Scott FitzGibbon, Professor of Law, Boston College, Boston, MA; Christopher E. Harris, M.D., Assistant Professor of Pediatrics, Vanderbilt University School of Medicine, Nashville, TN; Louis Michael Seidman, John Carroll Research Professor of Law, Georgetown University Law Center, Washington, DC; Richard Wilkins, Professor of Law, Brigham Young University, Provo, UT; Christopher Wolfe, Professor of Political Science, Marquette University, Milwaukee, WI.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—S. 3058

The PRESIDING OFFICER. The Chair appoints Mr. BOND, Mr. SHELBY, Mr. SPECTER, Mr. BENNETT, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mr. DOMENICI, Mr. BURNS, Mr. ALLARD, Mr. COCHRAN, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID of Nevada, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. LEAHY, Mr. HARKIN, Ms. LANDRIEU, and Mr. INOUYE.

Mr. FRIST. For the purposes of the Transportation, Treasury appropriations, I ask consent that the following Members be considered as conferees for Division A of the bill: Mr. BOND, Mr. SHELBY, Mr. SPECTER, Mr. BENNETT, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mr. DOMENICI, Mr. BURNS, Mr. COCHRAN, Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. LEAHY, Mr. HARKIN, and Mr. INOUYE.

I further ask consent that the following members be considered as conferees for Division B of the bill: Mr. BROWNBACK, Mr. DEWINE, Mr. ALLARD, Mr. COCHRAN, Ms. LANDRIEU, Mr. DURBIN, Mr. INOUYE.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 1904, H.R. 554

Mr. FRIST. I understand there are two bills at the desk and I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title.

The legislative clerk read as follows:

A bill (S. 1904) to provide elementary and secondary education assistance to students in schools impacted by Hurricane Katrina.

A bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

Mr. FRIST. I now ask for a second reading in order to place the bills on the calendar, and under the provisions of rule XIV, I object to my own request en bloc.

The PRESIDING OFFICER. The bills will be read a second time on the next legislative day.

RELIEF FOR DISPLACED STUDENTS

Mr. ENZI. Mr. President, I join my colleagues in the introduction of a bill to continue our efforts to provide relief for the school children whose lives have been uprooted by Hurricane Katrina and for the all of the schools that were affected by the storm—those along the gulf coast and those who have generously taken in displaced students across the country.

I would first like to thank my colleagues, Senator ALEXANDER, Senator KENNEDY, and Senator DODD, who have joined me today to explain our intent in crafting this legislation.

I am pleased that we were able to work together to develop and introduce this bipartisan compromise. The bill provides relief for displaced students in a time of crisis, without opening political or ideological battles.

Mr. KENNEDY. Will the distinguished Senator yield?

Mr. ENZI. Of course.

Mr. KENNEDY. Mr. President, I commend our Chairman, Senator ENZI, for his leadership throughout this process. The hearings and meetings he convened to enable us to hear directly from the persons most affected by the devastation of Hurricane Katrina have been invaluable to the development of this bipartisan legislation.

I also commend Senator ALEXANDER and Senator DODD for their leadership in working with us to draft this one-time, temporary impact aid for displaced students attending public and nonpublic schools. We all agree that all displaced students deserve help in continuing their education, and we all agree on the extraordinary circumstances and unprecedented scope of this disaster.

The aid provided by this bill flows through the public school system to ensure greater accountability for the money. It enables these schools to make payments to accounts set up for displaced students in nonpublic schools, as well, which can then use those funds to provide services to the displaced students enrolled in their schools.

Mr. ALEXANDER. Wi1l the Senator yield?

Mr. KENNEDY. Certainly.

Mr. ALEXANDER. Mr. President, I would also like to thank my colleagues for working together to craft this temporary emergency program to provide one-time assistance to all displaced school children in public and nonpublic schools. I am also pleased that we were able to develop this legislation in a way that provides financial assistance for all displaced school children without getting into ideological battles.

Mr. DODD. Will the Senator yield?

Mr. ALEXANDER. Of course.

Mr. DODD. Mr. President, I cannot underscore enough what my colleagues have already stated—that this is a one-time, emergency aid program. All of the authors of the bill have agreed that next school year, in terms of assistance to nonpublic schools, we will go back to the way things are done today. We are reaching out to all of the students affected by Katrina here, no matter what type of school they attend, because it makes sense under these extraordinary conditions, because it gets kids back on their feet as quickly as possible. In no way is this bill meant to undermine or amend current law or set any type of precedent for future legislation.

Mr. ENZI. Will the Senator yield?

Mr. DODD. Of course.

Mr. ENZI. Mr. President, I would just like to echo the sentiments of the senior Senator from Connecticut. We have all agreed and have explicitly stated in the bill, that the level and type of assistance we are providing to both public and nonpublic schools is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of the assistance.

Mr. ALEXANDER. Will the Senator yield?

Mr. ENZI. Certainly.

Mr. ALEXANDER. Mr. President, as you know, Hurricane Katrina had a devastating and unprecedented impact on students and schools not only in the disaster areas, but across the country. There are over 45,000 displaced students enrolled in Texas schools and over 3,900 enrolled in schools in my home State of Tennessee. This is an unprecedented situation, and it requires an appropriate response for students in public and nonpublic schools. But that response must be a temporary, one-time only program to address the particular needs of this situation, and that is what this bill accomplishes. It is not intended to set a precedent for anything except another disaster in which over 370,000 school children are displaced. Katrina did not discriminate among schoolchildren, and neither should we.

Mr. KENNEDY. Would the Senator yield for a question?

Mr. ALEXANDER. Of course.

Mr. KENNEDY. Mr. President, I agree with the sentiments of my colleagues and want to point out that we have clearly stated in the bill our intentions with regard to the temporary nature of this program. Would the Senator from Tennessee please explain the provisions we have included to ensure that the program is not extended?

Mr. ALEXANDER. Certainly. The bill creates one-time only emergency aid for the 2005–2006 school year. The bill explicitly states that the funds provided can only be used for expenses incurred during the current school year, and the entire bill sunsets on August 1, 2006.

Mr. KENNEDY. I thank the Senator from Tennessee. Would the Senator yield for a follow-up question?

Mr. ALEXANDER. Yes.

Mr. KENNEDY. Isn't it true that in addition to these provisions in the bill, we have all agreed to stand together against attempts to extend this program beyond this school year or beyond this context?

Mr. ALEXANDER. Yes, that is true.

Mr. ENZI. Will the Senator yield?

Mr. ALEXANDER. Yes.

Mr. ENZI. Mr. President, as my colleagues and I have made clear, we have come together in a spirit of bipartisan compromise to accomplish a common goal. This bill will provide the relief necessary to support the instruction and services that students displaced by this terrible storm need in order to continue their education, regardless of whether it was a public school or a nonpublic school that opened its doors to a given student. Mr. President, we hope that our colleagues in the Senate will work quickly with us to pass this bill and put these to work providing an education to our children as soon as possible.

Mr. President, today I join my colleagues Senators ALEXANDER, KENNEDY and DODD in the introduction of the Hurricane Katrina Elementary and Secondary Education Recovery Act.

This bill is a comprehensive legislative approach to address the needs of the hundreds of thousands of students who have been displaced by Hurricane Katrina. We have developed a bill that includes strategies to meet the immediate needs of those students, families and communities that have been affected by the heavy toll that Hurricane Katrina exacted from the gulf region, and the States that have responded with help.

My top concern was to make sure that all the displaced students get back into school so that they can continue their education. Returning to school gives children a sense of routine that is important in assuring them that things will return to normal. School provides them with access to a support system of friends and teachers, which is invaluable as they and their families continue to come to grips with the aftereffects of the storm.

With this bill we have attempted to address the needs that have been identified by the impacted communities directly affected by the storm as well as by those communities across the country that received the displaced students. The bill provides support for all displaced students, ensures accountability, and is fiscally responsible.

In addition to the support for displaced students in both public and nonpublic schools, the bill includes provisions for supplemental services, restart services for schools in the most heavily impacted states, teacher and paraprofessional reciprocity, and assistance for homeless youth and displaced adolescent students. This bill is a bipartisan product that reflects what we heard from over 100 representatives of the education community and what we saw firsthand in the areas devastated by the storm.

This is a daunting task as we have limited resources, but are faced with an almost unlimited need. We must focus our efforts on ensuring that the educational needs of the children affected by this unprecedented emergency are addressed. I believe that this legislation achieves that goal.

Mr. KENNEDY. Mr. President, we need to address the urgent school needs of the hundreds of thousands of children affected by the deadly storm that hit the gulf coast, and the bill that Senator ALEXANDER, Senator DODD, Chairman ENZI and I have introduced will begin to do so.

As we continue to see images of Hurricane Katrina and Hurricane Rita and the troubled process of rebuilding along the gulf coast, we are reminded that we are all part of the American family, and we have a responsibility to help members of that family when they are in need.

Part of that responsibility is to do all we can to see that children and youth do not lose a year of their education. Hundreds of thousands of school children attended classes in buildings that have been damaged or destroyed. In Mississippi, 271 schools have been damaged; and in Louisiana over 130,000 students have been affected. Hurricane Katrina alone displaced 372,000 children, and damaged or destroyed 700 schools. Our legislation will provide urgently needed resources to help these schools get back on track and help these displaced students to resume their education, wherever they've temporarily landed.

People across the country have opened their homes. Communities have opened their schools. We owe a great debt of gratitude to all the principals and superintendents who stepped up to the plate so quickly.

But they need realistic help from Congress as they struggle to accommodate these students. We need to do all we can to assist already hard-pressed schools as they attempt to meet the massive new challenge of including hundreds or thousands of new students in their local schools.

This bill will provide the relief necessary to support the instruction, after-school programs, and other school services the students need, when everything in their lives has been turned upside-down. It provides needed funding to help schools on the gulf coast to reopen soon, so that these children can return to their own schools as quickly as possible.

The bill provides $900 million for special school reopening grants for affected districts. These grants will supplement FEMA funding to assure effective use of Federal funds. They can be used to re-purchase textbooks and instructional materials, establish temporary facilities while repairs are being made, help reestablish the data that was destroyed, and pay the salaries of teachers and other personnel who are working to reopen these schools.

The bill also provides $2.4 billion to help ease the temporary transition of students into new school districts and relieve the financial burden on these schools through one-time emergency impact aid for receiving districts. Districts will report the number of affected public and private school students they have enrolled, including students with special needs, and receive supplemental aid in quarterly payments, for a maximum of $6,000 a pupil, or $7,500 a pupil for those with disabilities.

These funds will be used to help the districts cover the additional costs they have incurred as a result of enrolling displaced students, and can be used for purposes such as supporting basic instruction, purchasing educational materials and supplies, and helping schools temporarily expand facilities to avoid overcrowding.

Given the extraordinary circumstances and unprecedented scope of this disaster, we need to support the families whose lives have been destroyed by this storm by helping them to continue their children's education. We should do so even if their children ended up in a private school. But we must do so in a way that is non-ideological and responsible.

Our bill is a bipartisan compromise to support children who enrolled in the private schools that opened their doors to students displaced by Katrina. Through this temporary, one-time emergency impact aid, funds will go to public school districts, which will make payments on behalf of dislocated children enrolled in private schools in their area.

Under current law, Federal funding is available in certain circumstances to support the education of disadvantaged and disabled students in private schools. Our bill follows that model, which will expedite relief to affected families and provide accountability for public funds.

The aid provided by the bill flows through the public school system, not to parents. States must establish income eligibility criteria for aid to students enrolled in private schools. Under the bill, the public school makes payments to an account set up for displaced students in a private school. The private schools can then access those funds to provide services on behalf of the displaced students enrolled in their schools.

Our bill contains strong civil rights protections. Schools that participate in the program are not allowed to discriminate in enrollment on the basis of race, color, national origin, disability, or sex. The bill explicitly states that existing civil rights laws apply to recipients of these funds, and it prohibit Federal funds from being used for religious purposes.

The bill explicitly states that this type and level of aid to public and private schools is being provided only because of the unprecedented circumstances and massive dislocation of students caused by the hurricanes. As sponsors of the bill, we agree that this will be a temporary program, and that it is not intended to be a precedent for anything except another disaster in which over 370,000 school children are displaced.

The bill sunsets at the end of the school year, and funds provided can be used only for expenses incurred during the 2005–2006 school year.

The bill also includes $100 million for after-school programs and supplemental services for displaced children, and $50 million to help children who are newly homeless as a result of the hurricane.

In addition, the bill creates a new one-year authority for a program for high school juniors and seniors. Grants will go to state and local education agencies alone, or in partnership with colleges and community-based organizations, to offer alternative programs that provide instruction, test preparation and assistance with college applications, and job readiness skills.

Our bill will relieve the immediate and short term needs of these schools and children. But we may need to do more to help the communities along the gulf coast rebuild. We must ensure that schools and communities have adequate resources to meet their construction needs, and we must ensure that communities are able to bring their quality teachers and workforce back home. As the process of rebuilding moves forward, we will continue to look for ways the Federal Government can help make these communities better than ever.

Our bill is a bipartisan, compromise that will give relief to schools and children as soon as possible. I urge Congress and the administration to enact this legislation as soon as possible, so that these funds can do their job. The children and schools affected by the hurricanes cannot wait any longer.

Mr. ALEXANDER. Mr. President, Hurricane Katrina displaced more than 1 million people, at least 20 times more than in any other disaster handled by the Federal Emergency Management Agency, and 372,000 of those displaced by Katrina are school-aged children, in kindergarten through the 12th grade. According to the U.S. Department of Education, schools in 49 States and the District of Columbia have opened their doors to help these children.

The legislation that Senators ENZI, KENNEDY, DODD and I introduce today will help all of Katrina's 372,000 displaced school children. Katrina did not discriminate among school children, and neither do we. We propose providing up to $6,000 per student during this school year to help States, school districts and schools defray the costs of receiving any child displaced by Katrina. In the case of children with disabilities, the maximum amount will be $7,500 per student. This legislation will help children attending both public and nonpublic schools. Our bill is temporary, one time impact aid, makes no permanent change Federal education laws and will not be extended after this school year. It minimizes costs by making payments quarterly, taking into account the fact that during the year many children are returning to their home communities.

It also requires the Secretary of Education to verify head counts of students eligible for aid, and the States must return to the U.S. Treasury any unused funds. States, as part of their application process, will be able to look at the income of families attending nonpublic schools when determining what aid should be available, although it is my strong hope that in doing this, the States will remember that almost any displaced family is suffering hardship and that burdensome means testing requirements could slow down much needed humanitarian help.

Nine States have received more than a thousand of these displaced students, with the largest number being in Louisiana and Mississippi, the two States most heavily damaged by Katrina. In addition, Texas has enrolled as many as 60,000 students. Houston Independent School District, which has enrolled roughly 4,700 displaced students, has hired 180 new teachers, added 37 new bus routes and ordered about 10,000 new textbooks to accommodate the students. Georgia has accepted more than 9,000 students, Alabama almost 5,400 students, and my home State of Tennessee has enrolled almost 4,000 students.

While most of these children are in public schools, private schools have also been essential to this humanitarian effort. This should not surprise us because in the four Louisiana parishes hit the hardest by Katrina nearly one third or 61,000 of the 187,000 students attended nonpublic schools. According to the Department of Education, immediately after the hurricane, 50,000 students from the Catholic Archdiocese of Greater New Orleans were displaced. In Texas 4,000 of the 60,000 displaced students enrolled in private schools. In Tennessee, about 3,500 were in public schools and 500 in nonpublic schools.

In Baton Rouge according to a report on National Public Radio, immediately after the hurricane there were suddenly 5,000 to 10,000 displaced private school students who had no school to attend. To accommodate them, the Catholic Diocese in Baton Rouge struggled to establish satellite schools—some located great distances away—which these students attended at night.

In Memphis, where so many displaced students have gone, the willingness of private schools to accept these students is an enormous help to overcrowded public schools. The Memphis City schools have enrolled over 650 students and the adjacent Shelby County Public School District has enrolled over 600 new children, a difficult burden in a school system already growing by 1,000 students and one new school building each year. The Memphis Catholic Diocese has enrolled over 250 students to help share the load.

During the last 6 weeks, some of these children are returning home as schools reopen. But severe problems of displacement remain. For example, school officials in Baton Rouge and Livingston, LA, expect to receive a new influx of children moving to shelters in Houston and other locations. The schools in the three hardest hit parishes—Orleans, St. Bernard and Plaquemines—enrolled 81,196 public and 27,886 private and religious school students. Many of these schools are expected to remain closed for the entire school year.

In additional to helping all of Katrina's displaced school children, in fashioning this proposal we have sought to respect traditional State and local education prerogatives, to meet Federal constitutional requirements, to make the provisions simple enough that this aid could be administered quickly, and to avoid spending more taxpayer dollars than absolutely necessary.

This is how our proposal would work. To begin with, a State would submit to the U.S. Department of Education an

application identifying the number of Katrina displaced students attending public schools, Bureau of Indian Affairs—BIA—schools, and nonpublic schools in that State. The application will also describe the process for establishing and providing payments to student accounts for displaced students at nonpublic schools. After receiving Federal dollars, States would in turn make payments to school districts based upon the number of displaced students temporarily enrolled in public schools or nonpublic schools in that district. These payments would be up to $6,000 annually for each displaced student, except that for students receiving IDEA services the total payment would be as much as $7,500.

In the case of students enrolled in nonpublic schools, school districts would make payments to student accounts on behalf of each such displaced student. The amount of the payment to each of these student accounts would be the same as that for each student enrolled at a public school unless the tuition, fees, or transportation expenses for the nonpublic student are less than $6,000, or $7,500 in the case of a student receiving IDEA services.

This has not been an easy piece of legislation to write because the four of us do not agree on whether or how Federal dollars should follow children to private schools, including religious schools. But we do agree that there must be a one-time, temporary solution to help all of Katrina's displaced children. Therefore, we have found a way to create this one-time temporary impact aid that makes no permanent change in Federal education law and, insofar as we are concerned establishes no precedent—except perhaps for some other hurricane that displaces 372,000 children.

In other words, we have set aside disputing our ideological differences for another day and hope that our colleagues will do the same. We have done this in the spirit suggested by a Washington Post editorial last month which appeared shortly after the hurricane:

> Just as it's important not to sneak in an enormous new federal program for ideological reasons, it's also important that neither Democrats, teachers unions nor anyone else rule out for ideological reasons what could be a useful tool for distributing relief funds. There could be pragmatic reasons to put displaced students in private or parochial schools: if, say, school districts are overcrowded, if students have special needs or if that happens to be where they ended up. So it might make sense to attach a sum to each student—whether it's called a voucher or something else—as long as that sum is given out in a limited number of places and for a limited time, certainly not longer than the current school year.
>
> . . . any solution that would allow students to finish the year with a minimum of fuss and disruption to themselves and their families, and that would prevent school districts in Texas and elsewhere from unduly burdened, should be welcomed.

If each of us maintains our traditional positions, there would be no way to help all of Katrina's displaced children. There was nothing traditional about what happened in Hurricane Katrina. We urgently need to help all children on a one-time, emergency basis.

Mr. DODD. Mr. President, I support the Hurricane Katrina Elementary and Secondary Education Recovery Act introduced by myself, Senator ENZI, Senator KENNEDY and Senator ALEXANDER. This bill will provide much needed relief to the children, families and schools devastated by Hurricane Katrina.

Hundreds of thousand of children have been displaced by this disaster. Schools across the country are taking students in offering them some sense of normalcy in an otherwise abnormal situation. We have heard stories of schools all over the country that have opened their doors to new students, including schools in Connecticut. These collective examples point to our education system as an integral part of our communities. Better than any other entity, schools know that children need a safe place to develop and learn in the wake of disaster.

Among the provisions today, is one that will provide financial assistance for displaced students regardless of where they go to school. Public and nonpublic schools will receive assistance that can be used to pay for additional personnel, curricular materials, portable classrooms and even health and mental health services as long as the services provided are secular and neutral in nature and are not used for religious instruction, indoctrination or worship.

This is not a voucher bill. Through a number of mechanisms, this bill maintains public control of public dollars. This bill prohibits Federal dollars from going to religious instruction. And, this bill preserves civil rights protections.

Most important, this bill is temporary in nature. The bill provides temporary emergency impact aid for displaced students. It is temporary in that it sunsets at the end of the current school year, emergency in that it is necessary because of the extraordinary circumstances that we have been presented with, and impact aid as it is assistance for those schools that have been impacted as thousands of children and their families have left the devastated areas.

I cannot underscore this enongh—the provisions in this bill are a departure from Federal law but they are a temporary departure in light of extraordinary events. Next school year, in terms of assistance to nonpublic schools, we will go back to the ways things are. We are reaching out to all students here, today, because it makes sense, because it gets kids back on their feet as quickly as possible. We are not changing the generic laws. As we explicitly state in the bill, the level of assistance we are providing to nonpublic schools is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of the assistance.

FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1905, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1905) to clarify Foreign Service Grievance Board procedures.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1905) was read the third time and passed, as follows:

S. 1905

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

SECTION. 1. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting ''the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a)),'' after ''considering''; and

(2) by striking ''the grievant or'' and inserting ''the grievant, or''.

CALLING FOR FREE AND FAIR PARLIAMENTARY ELECTIONS IN THE REPUBLIC OF AZERBAIJAN

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 260 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. 260) calling for free and fair parliamentary elections in the Republic of Azerbaijan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I further 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. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 260

Whereas the Republic of Azerbaijan is scheduled to hold elections for its parliament, the Milli Majlis, in November 2005;

Whereas Azerbaijan has enjoyed a strong relationship with the United States since its independence from the former Soviet Union in 1991;

Whereas international observers monitoring Azerbaijan's October 2003 presidential election found that the pre-election, election day, and post-election environments fell short of international standards;

Whereas the International Election Observation Mission (IEOM) in Baku, Azerbaijan, deployed by the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, found that there were numerous instances of violence by both members of the opposition and government forces;

Whereas the international election observers also found inequality and irregularities in campaign and election conditions, including intimidation against opposition supporters, restrictions on political rallies by opposition candidates, and voting fraud;

Whereas Azerbaijan freely accepted a series of commitments on democracy, human rights, and the rule of law when that country joined the OSCE as a participating State in 1992;

Whereas, following the 2003 presidential election, the Council of Europe adopted Resolution 1358 (2004) demanding that the Government of Azerbaijan immediately implement a series of steps that included the release of political prisoners, investigation of election fraud, and the creation of public service television to allow all political parties to better communicate with the people of Azerbaijan;

Whereas, since the 2003 presidential election, the Government of Azerbaijan has taken some positive steps by releasing some political prisoners and working to create public service television;

Whereas the United States supports the promotion of democracy and transparent, free, and fair elections consistent with the commitments of Azerbaijan as a participating State of the OSCE;

Whereas the United States is working with the Government of Azerbaijan, the political opposition, civil society, the OSCE, the Council of Europe, and other countries to strengthen the electoral process of Azerbaijan through diplomatic efforts and nonpartisan assistance programs, including support for international and domestic election observers, voter education and election information initiatives, training for candidates and political parties, and training for judges and lawyers on the adjudication of election disputes;

Whereas the Government of the United States has awarded a contract to conduct exit polling throughout Azerbaijan;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and opportunity to exercise their civil and political rights, free from intimidation, undue influence, threats of political retribution, or other forms of coercion by national or local authorities or others;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties; and

Whereas the establishment of a transparent, free and fair election process for the 2005 parliamentary elections is an important step in Azerbaijan's progress toward full integration into the democratic community of nations: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of the Republic of Azerbaijan to hold orderly, peaceful, and free and fair parliamentary elections in November 2005 in order to ensure the long-term growth and stability of the country;

(2) calls upon the Government of Azerbaijan to guarantee the full participation of opposition parties in the upcoming elections, including members of opposition parties arrested in the months leading up to the November 2005 parliamentary elections;

(3) calls upon the opposition parties to fully and peacefully participate in the November 2005 parliamentary elections, and calls upon the Government of Azerbaijan to create the conditions for the participation on equal grounds of all viable candidates;

(4) believes it is critical that the November 2005 parliamentary elections be viewed by the people of Azerbaijan as free and fair, and that all sides refrain from violence during the campaign, on election day, and following the election;

(5) calls upon the Government of Azerbaijan to guarantee election monitors from the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), Azeri political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic, unimpeded access to all aspects of the election process;

(6) supports recommendations made by the Council of Europe on amendments to the Unified Election Code of Azerbaijan, specifically to ensure equitable representation of opposition and pro-government forces in all election commissions;

(7) urges the international community and domestic nongovernmental organizations to provide a sufficient number of election observers to ensure credible monitoring and reporting of the November 2005 parliamentary elections;

(8) recognizes the need for the establishment of an independent media and assurances by the Government of Azerbaijan that freedom of the press will be guaranteed; and

(9) calls upon the Government of Azerbaijan to guarantee freedom of speech and freedom of assembly.

ORDERS FOR FRIDAY, OCTOBER 21, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, October 21. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to the immediate consideration of H.R. 3010, the Labor-HHS appropriations bill. I further ask consent that the committee-reported amendment be agreed to as original text for the purpose of further amendment, that no points of order be waived by virtue of this agreement, and that during tomorrow's session the bill be considered for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will begin consideration of our final—our final—appropriations bill for this fiscal year. We will not have any rollcall votes during tomorrow's session, and the next vote will occur Monday evening at approximately 5:30. I do want to congratulate Senators BOND and MURRAY for getting the Transportation-Treasury appropriations bill completed today. And I thank all of my colleagues for allowing the Senate to make orderly, steady progress during today's session.

I encourage all Senators to notify the bill managers if they do have amendments to the Labor-HHS appropriations bill as quickly as possible so that we can finish that bill in a timely manner next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. 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 9:01 p.m., adjourned until Friday, October 21, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO EUGENE R. McGRATH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Eugene R. McGrath, a distinguished member of the business community.

Mr. Speaker, Eugene R. McGrath is Chairman of the Board and Chief Executive Officer of Consolidated Edison, Inc., the holding company; and Chairman and Chief Executive Officer of its largest subsidiary, Con Edison of New York, the regulated utility. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. McGrath joined Con Edison of New York as an engineer following college graduation in 1963. He eventually held key executive positions in the utility's major operating and customer service areas and managed fossil-fired and nuclear generating plants. He was elected Vice President in 1978, Executive Vice President in 1982, and President and Chief Operating Officer in 1989. He became Chairman and Chief Executive Officer in September 1990.

Mr. McGrath serves on the board of directors of many organizations that advance economic development, human services, culture and education. He is chairman of the Union Square Partnership; director of AEGIS Insurance Services, Atlantic Mutual Insurance Company, Barnard College, the Business Council of New York State, the Fresh Air Fund, the Hudson River Foundation for Science and Environmental Research, Inc., Manhattan College, the Partnership for New York City, Schering-Plough Corporation, and the Wildlife Conservation Society. He is a member of the Council on Foreign Relations, the Economic Club of New York, the Development Advisory Council for the Lower Manhattan Development Corporation, the National Academy of Engineering, and the Mayor's Fund to Advance New York City.

Within the energy industry, Mr. McGrath is a director of the Edison Electric Institute and a member of the Energy committee of the New York Building Congress.

A native New Yorker, Mr. McGrath earned a mechanical engineering degree from Manhattan College in 1963, a Masters in Business Administration from Iowa College in 1980 and completed the Advanced Management Program at Harvard University in 1989.

Consolidated Edison, Inc., one of the nation's largest investor-owned energy companies, with approximately $10 billion in annual revenues and $24 billion in assets, provides a wide range of energy-related products and services to its customers. Its subsidiaries include Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Con Edison Solutions, Con Edison Energy, Con Edison Development, and Con Edison Communications.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments and selfless service of Eugene R. McGrath, as he is more than worthy of our recognition today.

RECOGNIZING THE SERVICE OF WESTMINSTER CITY COUNCILMAN DAVE DAVIA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the service of out-going Westminster City Councilman Dave Davia.

Although Dave has been on the Council only since 2004, his involvement in the Westminster community began long before then. He has served on the Westminster Human Services Board since December 2002 and became the chair in 2004. Dave also takes part in the Westminster Rotary, Adams County Inter-faith Hospitality Network, Adams County District 50 Community Education Foundation, and the CedarBridge Homeowners Association,

Currently, Dave is employed as a business systems consultant at Wells Fargo. In addition to this he has also served on the Wells Fargo Education Committee and the Wells Fargo Bank Cup Committee.

As a Westminster City Councilman, Dave's focus has been on diversifying the city's tax base, redeveloping blighted areas, monitoring water supply and responding to growth through participation in transportation projects for the city. He has been vigilant in his quest for these projects and has gained a well-deserved reputation for expertise and thoughtfulness.

Mr. Speaker, in addition to recognizing the ethic of public service among other Westminster City Council members, I ask my colleagues to join with me in acknowledging Mr. Dave Davia.

We often debate and pass legislation at the Federal level that has far-reaching, significant, and sometimes unintended consequences, for local governments. That is one reason I believe it is so important to recognize and honor the men and women who work hard by holding office at the county and municipal level. Many of these individuals are among the best and brightest public policy advocates in our country, but they are not always recognized for the long hours, minimal pay, and difficult work they undertake.

Dave Davia is one of these people. He has worked hard on behalf of the people in his community and I wish him every success in the future.

RECOGNIZING BRANDON K. SNEED

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ROGERS of Alabama. Mr. Speaker, Sergeant First Class Brandon K. Sneed, 33, originally of Norman, Oklahoma, died on October 10, 2005, in Iraq. Sergeant First Class Sneed was assigned to B Company, 1st Battalion, 30th Infantry Regiment, 3rd Infantry Division, at Fort Benning, Georgia. According to initial reports, Sergeant First Class Sneed died when an improvised explosive device detonated near his military vehicle. His survivors include his wife, children, and parents.

Brandon Sneed was a devoted husband and father and was eager to serve his country, Mr. Speaker. Like every other soldier, he dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and the gratitude our country feels for his service. Sergeant First Class Sneed died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule. He was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

IN REMEMBRANCE OF JOHN TUCKER

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to extend my deepest sympathies to the family, friends, and colleagues of John Tucker, a constituent and citizen of Baytown, Texas, who passed away September 25, 2005, at the age of 83.

Born in Victoria County, Mr. Tucker served in the Army Air Corps as a gunnery instructor during World War II. He also served in Japan during the Korean War. After the war, he went to work for ExxonMobil, where he stayed for 33 years, retiring in 1980.

But it is not only his distinguished careers in the Armed Forces and at ExxonMobil that I wish to honor today. John Tucker's service to the community of Baytown as one of its greatest philanthropists is also worthy of our recognition. Mr. Tucker established and chaired the "Friends of Lee College" organization with 14 of his friends in 1986. In 2000, he raised over a million dollars for the college for an admirable purpose: to establish a childcare center at the college so that single mothers could

attend classes and finish their educations. These are just two examples of the many acts of generosity and kindness he performed for the citizens of Baytown. He also served as board chair for the Baytown Museum and served on the boards of the American Diabetes Association, the Lee College Foundation, the Hospice Advisory, and the Texas Exes of Baytown, receiving several awards from these organizations in recognition of his service.

Honored as the 1999 Baytown Sun Citizen of the Year and the 2001 ExxonMobil Refiner of the Year, Mr. Tucker was best known for his uncanny fundraising abilities, his exceptionally happy demeanor, and his dedication to his family, especially his wife Jane.

He will be greatly missed by the citizens of Baytown and all those who knew him, and I ask that you remember the Tucker family in your thoughts and prayers.

RECOGNIZING WORLD WAR II AND KOREAN WAR VETERANS ARTHUR NIELSON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize Arthur Neilson, a proud veteran who served during both World War II and the Korean War.

Within two days of the Japanese bombing of Pearl Harbor, Mr. Neilson volunteered to serve and defend America. During his eight years in the Marines, Mr. Neilson served in the Solomons, Bismarck Island and the Philippines.

Following his retirement from the Marines in 1949, Mr. Neilson once again answered the call to duty and volunteered to join the Army in 1950. Deployed to Korea, Mr. Neilson was wounded by North Korean soldiers during a gun battle. Hiding in a foxhole and covered only by a tarp, Mr. Neilson hid from the approaching North Korean troops and the massive snowfall that enveloped his hiding spot.

Suffering from the gunshot wound and frostbite, Mr. Neilson was eventually saved by passing American troops. For his sacrifices over his twenty-five year military career, some of Mr. Neilson's awards include the Purple Heart, three Bronze Stars and the Combat Infantryman Badge.

I know that Mr. Neilson's wife of more than 50 years, Joyce, and their four children are extremely proud of the career and accomplishments of Mr. Neilson. They have traveled throughout the world with him and have been at his side when he has been recognized with many awards for a job well done.

Mr. Speaker, true American heroes like Arthur Neilson should be honored for their service to our Nation and for their commitment and sacrifices in battle. They are truly part of America's greatest generation.

A TRIBUTE TO BERNARD B. BEAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Bernard B. Beal, a distinguished member of the business community. It behooves us to pay tribute to this outstanding leader and hope my colleagues will join me in recognizing his impressive accomplishments.

Mr. Speaker, Bernard B. Beal is Chief Executive Officer of M.R. Beal & Company, a nationally recognized investment banking firm. Mr. Beal founded the minority-owned firm in 1988 following a successful career in municipal and corporate finance at Shearson Lehman Hutton. The oldest continuously operating African-American investment bank in the United States, the firm offers investment banking, financial advisory and broker-dealer services to municipalities, state governments and numerous corporations in the telecommunications, media, technology, energy and financial services industries.

M.R. Beal & Company is headquartered in New York City, with offices in Sacramento, Chicago, Dallas, Baltimore, New Orleans and Washington, DC. Through the end of 2004, the firm has co-managed municipal financings exceeding $450 billion, senior-managed over $7 billion and has served as an underwriter in over 3,200 municipal transactions. For the past decade, M.R. Beal & Company has been ranked as one of the top twenty underwriters of municipal securities nationwide. In addition, the firm has consistently been a member of the Black Enterprise 100 List and was named BE's Finance Company of the Year in June of 2001.

Mr. Beal serves on several boards. He is the Chairman of the A Better Chance Foundation whose mission is to increase the number of well-educated minority youth capable of assuming positions of responsibility and leadership in American society. Mr. Beal serves on the Municipal Executive Committee of the Bond Market Association and is a Trustee of the National Foundation for Affordable Housing.

Mr. Beal has received numerous professional and civic awards. He has the distinction of being one of only three people listed on both the Black Enterprise list of the 25 Hottest Blacks on Wall Street in 1992 and the Top 50 Blacks on Wall Street in 2003.

A graduate of Carleton College, Northfield, Minnesota with a Bachelor of Arts degree in Economics, Mr. Beal also received a Masters of Business Administration with a concentration in Finance from the Stanford University School of Business. He was recently awarded an Honorary Doctorate of Humane Letters from the Sacred Heart University.

Mr. Beal is married to Valerie Lancaster Beal and is the proud father of two children, Michael, a senior at Harvard University and Erica, a senior at Horace Mann High School.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Bernard B. Beal as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Bernard B. Beal's selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

HONORING SAMANTHA ''SAM'' DIXION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to express my thanks and appreciation to Ms. Samantha ''Sam'' Dixion for her exemplary public service as Westminster City Councilwoman for the past sixteen years. Her tireless efforts have made a positive difference in the lives of many people in Westminster and the surrounding communities. Although she is stepping down from the Westminster City Council, I know that she will continue to stay involved in important community matters.

Ms. Dixion began serving on the Westminster City Council in 1989 and has served as mayor pro tem twice, from 1995 to 1997 and again from 2000 to 2002. In addition to serving on the City Council, she has been involved in a variety of community boards and councils. Among these include the Economic Development and Private Industry Councils of both Adams and Jefferson Counties, Arvada High School's Cooperative Occupational Education Program, Westminster Community Artist Series, Colorado Municipal League's Policy Committee, and the Westminster Human Services Board. She is also a founding member of Front Range Foundation for Educational Excellence and Westminster DARE Foundation. She served as a council liaison to the city Human Services Board and the City's representative to the Adams County Economic Development Board, which she chaired in 1997.

Ms. Dixion's passion for her community extends to important issues affecting the entire region, especially the cleanup and closure—and future use—of the former U.S. Department of Energy's (DOE) Rocky Flats nuclear weapons production facility west of Westminster. She has been an early and active voice on addressing the environmental issues at this site, and has been working with her colleagues in the surrounding communities to make sure the cleanup and closure of this site is thorough, safe and effective. The expertise she developed on this issue resulted in her being selected as the City's primary liaison on Rocky Flats issues. In that capacity, she has been a member of the Rocky Flats Coalition of Local Governments (Coalition) since its creation and also served on many predecessor community oversight groups and committees.

Her work at Rocky Flats lead to her selection as Chair of the Energy Communities Alliance (Alliance) in 1999 after having served as vice-Chair from 1998 to 1999. The Alliance is composed of local governmental officials and others from across the country to advise DOE on the environmental aspects and other issues associated with nuclear weapons production facilities. Her work on the Alliance is a testament to her dedication to making sure that the public's health and safety is protected around these facilities.

Ms. Dixion also finds time to be a teacher-tutor with the Cooperative Occupational Education Program at Arvada High School. Her commitment to quality education can be observed through her participation in the Arvada Senior High School's Drop-Out Program and the Jefferson County District 1 Judicial Review Committee where she is a past chair.

Ms. Dixion is a well-recognized leader in the Westminster community. Her honors and awards include Jefferson County Mother of the Year, Metro North Chamber Volunteer of the Year and several marketing achievement awards.

Mr. Speaker, I ask my colleagues to join with me in expressing my gratitude to Ms. Dixion for her tireless work. Although her work and the issues she has championed are serious and important, she brought a refreshing, positive outlook that was infectious. Through all of this work—at times difficult and controversial—she maintained a sense of humor and humility in her interactions with others, without compromising professionalism or respect of others and their views. In a time when faith in our political system is faltering, we should recognize and acknowledge people like Ms. Dixion who have an innate devotion to enhancing the quality of life in our communities. I am proud to offer my appreciation for her work and wish her continued success in all her future endeavors.

IN RECOGNITION OF THE AUBURN EARLY EDUCATION CENTER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ROGERS of Alabama. Mr. Speaker, on behalf of myself and Congressman BACHUS, we would like to extend our sincerest congratulations to the Auburn Early Education Center in Auburn, Alabama, for its receipt of the prestigious Intel Corporation and Scholastic ''School of Distinction'' Award. This school, through the hard work of its faculty and staff, has set a national standard in literacy achievement through innovation. We are proud to commend its laudable accomplishments.

The Auburn Early Education Center serves the needs of all kindergarten students enrolled in Auburn City Schools. This school, in developing its curriculum, focuses on a child-centered approach to learning. It is this focus, along with the integration of reading in all subject areas, that led Intel and Scholastic to recognize the Auburn Early Education Center from among 3,000 excellent competitors as one of twenty schools worthy of being designated as a ''School of Distinction.''

Mr. Speaker, because of the Auburn Early Education Center's success in the area literacy achievement, they will receive a grant of $10,000 and will share in a host of technological prizes designed to further improve learning opportunities at the school. It is our sincere belief that this institution will continue to serve as a guiding example to primary schools across the United States of what is possible in literacy education when faculty, staff and parents come together with the common purpose of providing the best education to students. We are honored to recognize the Auburn Early Education Center before this body and this nation for their devotion and commitment to quality education. Congratulations on your well deserved recognition as a ''School of Distinction.''

HONORING CHANNEL INDUSTRIES MUTUAL AID ON THEIR 50TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize one of the largest mutual aid organizations in the world, Channel Industries Mutual Aid, for their 50 years of service to Houston and the surrounding areas.

Formed in 1955 under the name of the ''Houston Ship Channel Industries Disaster Aid Organization,'' in 1960 it became the non-profit corporation ''Channel Industries Mutual Aid.'' Its objective remained the same: to provide mutual assistance in case of emergency situations, whether natural or man-made.

With over 100 industrial, municipal, and governmental members such as Shell Oil, Celanese, the City of Houston Fire Dept., and the U.S. Coast Guard, CIMA joins these together to respond to fire, hazardous material, rescue and medical emergencies along the Houston Ship Channel.

CIMA provides disaster assistance not only to the Houston Ship Channel, but cooperates with mutual aid organizations all along the Texas and Louisiana coastlines, and has shared its response readiness procedures with international organizations such as the International Red Cross, and countries such as Germany, Switzerland, and Austria.

For its invaluable service to the City of Houston, the 29th District of Texas, the Gulf Coast, and the rest of the world, I extend CIMA my deepest gratitude, and my heartfelt congratulations on 50 years of excellence.

RECOGNIZING WORLD WAR II VETERANS OF POLK COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the brave soldiers of Polk County, Florida who served during World War II.

At a ceremony to be held Saturday, October 22, 2005, Congressman ADAM PUTNAM and I will present representatives from each of the five United States Armed Forces with commemorative coins honoring their service during World War II.

As General George Patton once said, ''Wars may be fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gains the victory.''

The Polk County veterans we are honoring this weekend clearly met General Patton's description above. They proved themselves in battle in Europe, Africa and the Far East. Their sacrifices on the battlefield preserved liberty and freedom for millions throughout the world.

Mr. Speaker, true American heroes like these Polk County World War II veterans should be honored for their service to our Nation and for their commitment and sacrifices in battle. They are truly part of America's Greatest Generation.

A TRIBUTE TO DR. ATUL B. CHOKSHI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a member of the Brooklyn community and distinguished member of the healthcare profession, Dr. Atul B. Chokshi. It is an honor to represent Dr. Chokshi in the House of Representatives and it behooves us to pay tribute to this outstanding leader in American Medicine.

Mr. Speaker, on Dr. Atul B. Chokshi's resume he states that his life's goals are to ''be as complete a cardiologist as possible'' and ''to be as nice and loving a human being as possible.'' To the thousands of people of the Interfaith Medical Center community who have been touched by Dr. Chokshi's gentleness and caring nature, he has already met his life's goals.

Born and trained in India, with an 18-month stint in England, Dr. Chokshi has been with Interfaith Medical Center for nearly his entire medical career. Joining one of Interfaith Medical Center's predecessor hospitals, Jewish Hospital and Medical Center of Brooklyn, or ''Brooklyn Jewish'' in the summer of 1978 as an Intern in Internal Medicine. Dr. Chokshi has served in a variety of positions leading up to his being named the Director of the Cardiac Catheterization Lab.

As head of Interfaith Medical Center's Cardiac Cath Lab since 1993, Dr. Chokshi has pioneered thoughtful and gentle cardiology care. In November 2004, Dr. Chokshi launched the City's first Walk-in-Walk-out transradial cardiac catheterization program. Virtually painless and allowing the patient to go home to resume normal activity within an hour, Interfaith Medical Center's Walk-in-Walk-out service involves inserting the catheter into the radial artery at the wrist for complete cardiac evaluation and even a peripheral angiogram can be done at the same time without the use of the femoral artery.

In addition to being a brilliant physician, Dr. Chokshi is an ardent student of the Bhagawad Gita, which inspired him to combine his devotion to the teachings of Lord Krishna with his cardiology expertise to help establish The Krishna Heart Institute in Ahmedabad, India. Since its opening in 2000, The Krishna Heart Institute has performed more than 4,000 open heart surgeries and 25,000 other life-saving procedures.

Dr. Chokshi is married to Dr. Vandana Chokshi, a radiologist with a subspecialty in Nuclear Medicine and Chief of both Radiology and Nuclear Medicine at Interfaith Medical Center. Drs. Atul and Vandana Chokshi have a daughter, Krishna.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments and selfless service of Dr. Chokshi as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Dr. Chokshi has continuously demonstrated a level of altruistic dedication

that makes this kind gentleman and master scientist most worthy of our recognition today.

HONORING BUTCH HICKS FOR YEARS OF PUBLIC SERVICE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge Westminster City Councilman Butch Hicks. Butch's efforts have greatly helped Adams County Coloradans and he deserves recognition for the many contributions he has made to public service.

Butch and Julia Hicks have been activist citizens. They exemplify what it means for people to participate in democracy, and although they are active Democrats, it is not Butch's partisan work that causes me to acknowledge him, but rather, his boundless enthusiasm for community service.

I am proud to know Butch and have counted him as a friend and advisor on many issues. His official duties as a member of the Westminster City Council have included many projects that we care about, including improving watersheds, parks and recreational opportunities in Colorado's Second Congressional District.

Butch was appointed to the Westminster City Council in 1999 and was elected to serve a 2-year term. He was then re-elected in November 2001 to serve a 4-year term. In addition to the City Council, Butch also serves in the Adams County Democrats as treasurer and on the Permanent Organization Committee, the Colorado State Democrats and the State Outreach Committee. Civil rights is a very important issue to Butch and drives him to monitor civil rights problems in Colorado and Westminster. He is a member of the NAACP and the Southern Poverty Law Center.

Butch's career in home improvement retail allowed him to travel across the United States and finally settle in Colorado. Once in Westminster, Butch became the department manager for Home Depot and now works for the Regional Transportation District. In his spare time Butch promotes youth awareness and volunteers for battered women shelters.

Mr. Speaker, I ask my colleagues to join in acknowledging Mr. Butch Hicks for touching the community in far-reaching ways. In a time when public faith in our political system is faltering, we should recognize that there are people like Butch who have an innate devotion to furthering the progress of their communities. I'm proud to offer warm congratulations to Butch, to honor his achievements, and wish him continued success in all his future endeavors. He stands out as a symbol of hope, optimism and generosity in public service.

TRIBUTE TO LANCE CORPORAL DANIEL McVICKER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. REGULA. Mr. Speaker, I rise today to pay tribute to Lance Corporal Daniel McVicker, a constituent from my district who died on October 6th when the humvee he was driving was hit by a roadside bomb. Daniel joined the Marines in 2003 and was serving in Iraq by providing security for convoys.

Daniel was a graduate of West Branch High School where he was active in chorale and many of the school's plays. The community fondly remembers him as always smiling and as having the ability to brighten everyone's day.

He showed true courage and the ultimate sacrifice by giving his life in the pursuit for freedom and security. He is a hero and through his memory, continues to brighten the lives of those who had the privilege of knowing him.

I would like to extend my deepest sympathy to his parents and all of his family and friends who are mourning the loss of his life.

I pray for the safe return of all of our servicemen and women and thank them for the sacrifice they make every day defending our country.

HONORING CITIGROUP

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to recognize Citigroup and commend them on their leadership in aiding Hurricane Katrina and Rita relief efforts during the recovery and rebuilding of the affected area.

Citigroup and Citigroup Foundation donated $2 million to Habitat for Humanity International in support of "Operation Home Delivery." In addition to a $1 million immediate donation, the Citigroup Foundation is matching eligible Citigroup employee donations dollar for dollar to the American Red Cross up to $3 million, for a potential total of $7 million.

Hundreds of Citigroup volunteers are building and helping to organize the Habitat for Humanity build in Humanity Plaza where NBC News' "Today" show hosted the construction of Habitat homes as part of Make a Difference Today. In addition, to help the Red Cross in its nationwide telethon on September 9th, calls were routed to Citigroup call centers in St. Louis, Dallas and Jacksonville. Over 900 Citigroup employees answered more than 8,500 calls and helped to raise over $900,000.

Citigroup is committed to working with affected customers to alleviate the temporary financial impact of this disaster. They are implementing business-specific initiatives for customers in FEMA designated Individual Assistance Areas including deferred and eliminated interest and payments, elimination of interest and fees on current and delinquent accounts, suspension of collection calls and negative credit bureau reporting, implementation of disaster credit line increases, no foreclosures on mortgages, and other solutions as appropriate.

At the Citi Cards site in Boise, Idaho, where I recently visited, employees donated more than $139,000 to the United Way of Treasure Valley during their 2006 pacesetter campaign in July. Site President Tod Wingfield said, "The strength of an organization comes from the people within it. The same holds true for the health of a community. We are so proud to have employees who demonstrate their passion and generosity for others by contributing to programs that benefit so many people in our valley. This sense of community and sincere desire to help others is part of what makes Citi a great place to work." Citi Cards presented a check to United Way and recognized employees at the United Way Community Campaign Kick-off event in August.

I want to thank and congratulate Citigroup and employees for their commitment to building strong communities.

HEALTH CARE FOR ALL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TOWNS. Mr. Speaker, over $1.6 trillion is spent on health care annually in the U.S., which is over 13% of the GDP. According to the National Coalition on Health Care, U.S. health care spending increased to $1.7 trillion in 2003 and was projected to reach $1.8 trillion in 2004. Furthermore, our country spent 15.3% of the GDP on health care in 2003 and a projected increase of 18.7% is expected within the next 10 years.

Even though the U.S. spends more on health care than any other industrialized nation, and those countries provide universal health coverage to all of their citizens, approximately 45 million Americans are uninsured. Nevertheless, the U.S. remains the only industrialized nation that does not guarantee health care for all of its citizens.

Clearly, universal health care is needed for all American citizens and a universal health care plan is certainly in the best economic interest of our country.

When one considers that health care spending accounted for only 9.7% of the GDP in our sister nation Canada, it becomes apparent that we are not best managing our resources and serving the interest of our Nation as a whole.

As members of Congress we are entrusted with the responsibility of protecting and advancing the Nation's health. It is a given that health care costs are rising for all American citizens. Let us not deceive ourselves. We are all interconnected as human beings and the health status of one impacts the health status of all regardless of one's ability to pay for health services or not.

Disease, especially communicable and infectious, has no boundaries. The current health disparities and unnecessary suffering experienced by vulnerable populations such as the poor, elderly, uninsured, women and children and racial and ethnic minorities is outright immoral. It is a national disgrace and international embarrassment that America, a country with astounding wealth and means, chooses not to provide universal health care to her citizens while her sister country Canada does so for her citizens, as does the country of Cuba whose wealth is not even comparable to that of the U.S. and other industrialized nations.

I urge Congress today to fully assume its responsibility as the defender of our Nation's health, and exercise its political will and sincerely work towards the implementation of a universal health care system and guarantee universal health care as a right for all American citizens.

RECOGNIZING THE ACCOMPLISHMENTS OF THE UNIVERSITY OF COLORADO SOLAR DECATHLON TEAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the accomplishments of a talented group of students from the University of Colorado who designed and built the winning entry at the Department of Energy's Second Solar Decathlon. CU's win is all the more notable because it is their second, after also winning the first Solar Decathlon competition in 2002. I am submitting for the RECORD a recent article from the Daily Camera describing the team's achievement.

The Solar Decathlon is a competition organized by the Department of Energy that gives college students an opportunity to demonstrate practical uses of solar power. This October, 18 university teams from around the country and the world competed in the second Solar Decathlon to build the most energy-efficient, solar-powered house. Each team was required to use solar energy to power the entire house, and was judged on how well its house was able to produce energy for heating, cooling, hot water, lighting, appliances, computers, and charging an electric car. The houses were also critiqued on their overall aesthetic design.

As a "zero energy home," CU's house combines advanced solar energy systems and energy efficient appliances and thus produces more energy than it consumes over the course of a year. In addition, as CU's official Decathlon handout stated, "The CU home is one that you can truly "sink your teeth into. Materials used in the home's construction and furnishings read like a health food menu," including such natural "ingredients" as soy, corn, sunflower, canola, coconut, wheat, citrus oil, and even chocolate. Using these natural materials was one of the team's five design goals, along with modularity, accessibility, innovation, and energy efficiency.

Colorado's core team consists of about 20 engineering and architecture students, among them Jeff Lyng, Frank Burkholder, Kristin Field, Mark Cruz, Drew Bailey, Jacob Uhl, Jon Previtali, Bryce Colwell, Jimmy Chambers, James Dixon, Ryan Drumm, Kathy Clegg, Geoffrey Berlin, Koki Hashimoto, Isaac Oaks, Greg Shoukas, Adam Courtney, Seth Kassels, Abby Watrous, Tim Guiterman, and Scott Horowitz. Many more students contributed in other ways. The students were assisted by faculty advisers Julee Herdt, Mike Brandemuehl, and Rick Sommerfeld.

CU's team had a challenge—to take advanced architectural and engineering concepts, put them together in a design, and build a house that could be a model of our energy future. These students met that challenge—and met it better than any of the other teams. I'm proud of these students and I'm proud that the University of Colorado produced such a talented team. Most of all, I am proud to represent these young people who are working so hard to make our way of life a sustainable one.

[From the Daily Camera, Oct. 15, 2005.

CU TEAM CLINCHES SECOND SOLAR WIN

(By Todd Neff)

The University of Colorado repeated as international Solar Decathlon champ on Friday, thanks to a combination of stubborn cloud cover in Washington, DC, and a bold decision when the outlook was particularly gray.

The CU team's 800-square-foot, solar-powered BioS(h)IP mobile home won over entries by teams from 17 universities in the United States and Puerto Rico, Canada and Spain.

"I'm shocked," winning project manager Jeff Lyng, a master's student in CU's civil engineering school, said by cell phone. "The weather held, and it was really just dumb luck that our strategy worked."

The team made its own luck. The second-ever Solar Decathlon—CU won the first title in 2002—was dogged by clouds. The CU team's energy-saving house, capable of socking away 36 kilowatt hours a day in the Colorado sunshine, could manage only about 5 kilowatt hours a day on the shadowed National Mall.

That was less than CU's and other teams needed to boil water, launder towels, refrigerate food and fuel the electric car, among other things.

The competition, sponsored by the U.S. Department of Energy, was fierce.

"There are some spectacular houses here," said Michael Brandemuehl, who with architecture professor Julee Herdt served as CU faculty advisers in both competitions. "No disrespect to the 2002 competitors, but the architectural quality is head and shoulders above what we had in 2002."

As of Tuesday morning, CU stood in eighth place. The team decided on a risky strategy: participate in a variety of competitions—where small numbers of points can be won for doing such things as boiling water and cooking meals—and run down the house's batteries.

Battery level mattered because the last of the Solar Decathlon's 10 competitions offered 100 points—of a total of 1,100 possible points—to those who generated as much energy as they used. Had the sun begun to shine, more conservative teams could have refueled and leapt past CU in the standings.

CU team ended up with 853 points, followed by Cornell University's 826 and California State Polytechnic University's 809 points.

CU won three categories: documentation, communication and "getting around," which involved team members Scott Horowitz and Isaac Oaks driving the team's electric car up to eight hours a day. They racked up 319 miles in five days at a speed of about 15 miles per hour.

"It was totally grueling," said project manager Lyng.

CU's documentation effort was bolstered by three-dimensional computer renderings showing the operation of the CU house's removable roof, done by undergraduate architecture student Mark Cruz.

The home is bio-friendly to its core, built with a raft of natural materials including everything from corn to coconut. Its defining innovation were Bio-SIPs, for which CU has applied for a patent. These structurally insulated panels are made of soybean-oil-based polyurethane, sandwiched between hard sheets of recycled paper.

Frank Burkholder, one of 20 core team members and among the dozen who made the trip to the nation's capital, said the Bio-SIPs held heat so well that the house lost just four degrees overnight.

"It saved us a lot of energy," he said.

Team faculty adviser Herdt said the home's strong "branding" as a bastion of bio-based materials probably helped in the eyes of judges. But it was a strong student squad that made the difference, she said.

"I always ask them if they are athletes," she said. "You have to be a long-distance runner. You have to be consistent in your work and conserve energy. That's what helped this time—strategizing and staying strong all the way through."

The team's efforts got attention in high places. Lyng said Energy Secretary Samuel Bodman quipped, "I could see myself living here," when walking through the CU home.

The Department of Energy is increasing support to individual teams from $5,000 this year to $100,000 for the 2007 competition.

The CU solar home will host tours through Sunday on the National Mall. Its doors also will be open for tours on the CU campus following a 2,500 mile, biodiesel-fueled trek back to the Front Range. Its final destination is Prospect New Town in Longmont.

TRIBUTE TO LANCE CORPORAL CARL L. RAINES

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to an American hero from my congressional district who recently gave his life in defense of freedom.

Lance Corporal Carl L. Raines II, age 20, of Enterprise, Alabama, died October 6 from an improvised explosive device while conducting combat operations against enemy forces near Al Qaim, Iraq.

He was assigned to Combat Service Support Detachment 21, 2nd Force Service Support Group, II Marine Expeditionary Force, Cherry Point, North Carolina. As part of Operation Iraqi Freedom he was attached to Regimental Combat Team 2, 2nd Marine Division, II Marine Expeditionary Force.

I am very sorry to hear about the loss of Lance Corporal Raines and I pass along my condolences to his family, Mr. and Mrs. Carl Raines of Enterprise.

Lance Corporal Raines' courage and selfless service will be an inspiration, to all who treasure freedom. May our grateful Nation always honor the memory of his brave service and sacrifice.

TRIBUTE TO IRENE P. DELOS SANTOS GONZALEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a true American patriot: Irene De Los Santos from Brownsville, Texas. On October 22, 2005, Ms. De Los Santos will be 99 years young. She has seen the greater part of the 20th century and has been at the forefront of numerous historical events while serving as an outstanding example for her community.

Since she had a profound understanding of what the early 20th Century was like, before women were finally given citizenship in this great Nation, and allowed to vote. As. De Los Santos cherishes this precious right and never lets an election pass her by.

She has voted in every Brownsville election since 1929 and remembers her $1.75 poll tax vividly. What is most amazing and admirable is the fact that Ms. De Los Santos is still an active member of the community and encourages everyone to participate fully in our democracy by both voting and working at the polls. Her daughter remembers riding along in the back of the car as they went from house to house encouraging members of the community to vote when she was only 8 years old.

Ms. De Los Santos is a powerhouse of politics in the South Texas community, and her support for various candidates is sought and cherished. I am so proud that she has been one of my strongest supporters throughout my 23 years in Congress.

Irene has lived a long and rewarding life, and watched our most important national events unfold: the passage of the 19th Amendment, the rise and fall of dictators around the world, the passage of the Civil Rights Act, and countless other memorable events in our Nation's history. Through it all, Ms. De Los Santos says she has enjoyed her life and would not change anything.

Her extended family includes three sons and two daughters, 16 grandchildren, 29 great-grandchildren, 11 great-great grandchildren, and 10 great-great-great grandchildren. Everyone, that totals to 71 potential votes, and we all know that elections have been won or lost by fewer votes. Even now, Ms. De Los Santos encourages her entire family to vote and continues to look on as her fellow voters come in and out of the polls.

Today I ask my colleagues to join me in recognizing this extraordinary woman for her contributions to her community and our Nation, and for her active participation our Nation's history. May the next century be as wonderful for her as the past 99 years.

PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT OF 2005

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, an trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity, with Mrs. MILLER of Michigan in the chair.

Ms. DELAURO. Madam Chairman, encouraging personal responsibility is something we all support in this institution—particularly with respect to rising rates of obesity. With two-thirds of premature deaths in the U.S. due to poor nutrition, physical inactivity and tobacco use, Americans do need to be more mindful of what they put in their bodies.

But with only 12 percent of Americans eating a healthy diet and diabetes rates having risen 61 percent in the last decade alone, it is becoming increasingly clear that Congress is abdicating a responsibility of its own—we are failing to fashion policies that support Americans' efforts to adopt healthier lifestyles.

Instead of shielding companies from litigation, we should be giving people the information they need to make the informed choices that exercise that personal responsibility. Today, Americans are eating out more frequently, spending about half of their food dollars at restaurants—a figure that has doubled since 1970. And everyone knows how much harder it is to eat healthily when they eat out. Little wonder children eat almost twice as many calories when they eat at a restaurant as they do when they eat at home—studies have shown that even trained nutritionists cannot estimate the calorie and fat content in a meal they do not prepare themselves.

We need to be creative. For instance, I will be reintroducing legislation shortly, The Meal Education and Labeling Act, that would extend the kind of nutrition labeling you find on packaged foods at the store to include foods at fast food and other chain restaurants. It would require these chain restaurants to list calories, saturated plus trans fat and sodium on printed menus and calories on menu boards, giving consumers the necessary nutritional information to make healthy choices for themselves.

That is the kind of balanced, innovative approach this body should be considering today to address obesity—that would be a real step toward helping encourage personal responsibility in food consumption while protecting industry and our Mom n' Pop restaurants. Instead, as we have seen countless times before, this majority has again chosen to use a very important public health issue to pursue a narrow and completely unrelated political agenda.

Madam Chairman, we should do something about obesity in this country by empowering people to make informed decisions for themselves. But this bill is not the way to go about it.

HONORING LIEUTENANT MICHAEL P. MURPHY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. BISHOP of New York. Mr. Speaker, it is an honor to rise with the New York Congressional Delegation to recognize an American hero. Today I am introducing legislation to name a post office in my district—in Patchogue, New York—in honor of Lieutenant Michael P. Murphy.

Lieutenant Murphy, U.S. Navy, was killed in Afghanistan when he and three other SEALs were ambushed by Taliban insurgents. Many of you may recall the reports during the week of June 27 about the heroic rescue attempt of Lt. Murphy's unit, when an Army MH–47 Chinook helicopter was shot down by a rifle-propelled grenade in the Kunar province with 16 special operations troops aboard.

Lt. Murphy was only 29 years old when he died. Already having achieved his dreams of attending Penn State University and becoming a Navy SEAL, he had deferred another dream of attending law school until his tour had ended. He was also engaged to be married upon his return in November.

Lt. Murphy was universally admired and loved. His parents, teachers, and commanding officers all praise his intelligence, dedication and kindness. Perhaps the commanding officer of the Navy's SEAL Recruiting program who mentored Lt. Murphy and prepared him for SEAL training best summed up this young hero's essence when he said:

> He achieved something most of us don't have the courage to attempt . . . He was a very focused young man with a terrific attitude, quiet intensity and determination.

After learning of his tragic loss, Lt. Murphy's father reflected on what the memory of his son left behind:

> We were just honored to have him as a son for 29 years. He's our herd, and I think he is everybody else's hero . . . He squeezed more life in 29 years than I will ever see.''

This past summer, my district lost a beloved friend and our nation lost one of its bravest sons to the War on Terror.

Mr. Speaker, on behalf of all Americans, I thank the House for honoring St. Murphy's service, valor and ultimate sacrifice for this Nation by renaming the post office located at 170 East Main Street in Patchogue, New York as the ''Lieutenant Michael P. Murphy Post Office.''

HOT JAZZ SATURDAY NIGHT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. MORAN of Virginia. Mr. Speaker, over 25 years, jazz enthusiasts in the Washington region have tuned to one program for their weekly jazz entertainment. Musicians such as Duke Ellington, Ina Ray Hutton, and the Boswell Sisters fill the radio waves every Saturday evening thanks to Rob Bamberger, creator, producer, and host of Hot Jazz Saturday Night.

Rob Bamberger began as a volunteer for WAMU in 1978, where he presented the first of several features on jazz performers during the news show, Morning Line. Two years later, in 1980, he created his own show, Hot Jazz Saturday Night, which he has hosted ever since. Rob's passion and dedication goes on display every Saturday night for three hours as he shares his love for jazz, swing, and big band music with WAMU listeners.

Rob's interest in vintage jazz and swing came at an early age. While at an elementary school book fair in 1963, he purchased, for a dime, a two-record set featuring broadcast performances by the Tommy Dorsey Orchestra. This seminal moment in young Rob's life sparked a consuming and scholarly fascination with American music from the '20s, '30s, and '40s and became the cornerstone of a record collection which fills the basement of his Arlington, Virginia home.

By day, Rob Bamberger serves Congress as a senior policy analyst with the Congressional Research Service. While Rob takes great pride in his work with CRS, his true love becomes evident to listeners both locally and abroad through broadcasts on WAMU, NPR, and the Armed Forces Network.

Over the years, Rob's passion for music has led him to give talks before audiences at the Library of Congress, the Smithsonian, and the Cosmos, Maryland and University Clubs. When discussing topics ranging from, the history of repertory jazz, to the meeting of jazz

and third stream of Hoagy Carmichael and Bix Beiderbecke, he clearly demonstrates not only his mastery of jazz history, but also his deep passion for this uniquely American art form.

I would like to thank Rob for his efforts to keep jazz alive in the hearts of enthusiasts and casual listeners alike who find too few options today when they turn on the radio. As Rob states, and I quote, ''There are virtually no places left on radio where someone like me is given three hours weekly to program music free of focus-group driven playlists and to present it as I hope works best for listeners and artists who might otherwise be totally forgotten.''

Mr. Speaker, I wish to take this opportunity to congratulate Rob for spending these past 25 years sharing his passion with us through the radio. Hot Jazz Saturday Night is the highlight of the week for many local and international jazz aficionados. With a large and loyal listener ship, I am confident that we will continue to hear Hot Jazz Saturday Night for many years to come.

THE 60TH ANNIVERSARY OF THE HANDLEY-MEADOWBROOK LIONS CLUB

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. GRANGER. Mr. Speaker, I rise today to recognize an outstanding civic organization in Fort Worth, Texas on its 60th anniversary, the Handley-Meadowbrook Lions Club.

The Handley-Meadowbrook Lions Club was chartered on November 8, 1945 by Marlow C. Fisher. The club had 44 charter members. Since its founding, the Handley-Meadowbrook Lions Club has been associated with Lions Clubs International, the world's largest service organization.

Over the last 60 years, the Handley-Meadowbrook Lions Club has been a vital part of the Fort Worth and Tarrant County community. Club members have been involved continually in humanitarian efforts and public service projects that not only have improved the community but also the lives of an untold number of people.

The work of the Handley-Meadowbrook Lions Club has resulted in direct financial contributions to such outstanding programs as the Texas Lions Camp for Handicapped and Diabetic Children, the Texas Lions Foundation and the Lions Club International Foundations. These foundations provide humanitarian and disaster aid in Texas and worldwide. In addition the club's work supports the Texas Eyeglass Recycling Center, the Leader Dog for the Blind and the Lions World Services for the Blind programs that provide blind persons with a guide dog, the Lions Organ and Eye Bank, the Lions Drug Awareness Council and the Julian C. Hyder Youth Camp for youth.

Members of the Handley-Meadowbrook Lions Clubs today continue to be committed to involvement in the community through a wide array of activities that make Fort Worth and Tarrant County a great place to live and work.

Fort Worth and Tarrant County have been fortunate to have the Handley-Meadowbrook Lions Clubs in its midst for the last six decades.

Mr. Speaker, it is my honor to recognize Handley-Meadowbrook Lions Club on its 60th Anniversary and to offer appreciation for the excellent work it has rendered to Fort Worth, Texas, the United States and around the globe.

MOURNING LOSS OF LIFE CAUSED BY EARTHQUAKE THAT OCCURRED ON OCTOBER 8, 2005, IN PAKISTAN AND INDIA

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. SCHIFF. Madam Speaker, I regret that I was not able to be here to vote on this important measure. Sadly, I was attending the funeral of one of my constituents, a young Marine named Sergio Escobar, who died October 7 while serving our Nation in Iraq. But I want to take this opportunity to join my colleagues in expressing my condolences to all of those who have been affected by the massive earthquake that struck Southeast Asia on October 8, 2005.

The effects of this 7.6 magnitude earthquake have been devastating. At least 38,000 lives have been lost, with the death toll continuing to rise. Nearly 3 million people have been left homeless and are living in tents or on open ground in freezing temperatures. In some areas, entire villages have been buried in rubble. The Pakistani government estimates $5 billion in damages to its infrastructure.

The areas worst hit by the earthquake, Pakistan-administered Kashmir and the NorthWest Frontier province, are in remote, mountainous regions. According to the U.N. Office for the Coordination of Humanitarian Affairs, the terrain presents a logistical challenge unprecedented for any humanitarian operation. There is an urgent need for additional helicopters to deliver supplies and evacuate victims. Meanwhile, thousands of people are awaiting rescue, food, and medical attention.

The United States has rushed food and medical supplies to the region, and has committed $50 million in initial aid for the relief and reconstruction effort. Nations around the globe have sent rescue workers, search and rescue dogs, tents, and equipment. Private aid organizations are also dispatching volunteers and assistance. Together, I know that we can make a difference and help people rebuild their lives.

Tragedies such as this earthquake and last year's horrific tsunami remind us that we must help one another—both before tragedies strike and also once rebuilding has begun. Nations were very generous in offering help for victims of Hurricane Katrina and I pledge to work with thy colleagues in Congress to ensure that our friends in India and Pakistan have what they need to recover from this tragic event.

My thoughts and prayers go out to all of the victims and their families.

TRIBUTE TO DR. JULIUS PERR

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. PENCE. Mr. Speaker, the State of Indiana lost a giant of the engineering community last month. On Sunday, September 25, Dr. Julius Perr passed away in his home country of Hungary where he revolted against a Soviet-led communist regime before coming to the United States as a refugee of the 1956 Hungarian Revolution.

Julius Perr and his wife Elizabeth, made Columbus, Indiana their home and found peace from the unrest in Eastern Europe. It was also in Columbus where Julius began a 41-year career as a mechanical engineer for Cummins Engine Company. In this time, he distinguished himself by submitting more than 300 patents on engine technology improvements, 80 of which are still in use today.

Cummins recognized Julius's extraordinary accomplishments by establishing an award in his honor. Each year, Cummins presents the Dr. Julius P. Perr Innovation Award to acknowledge innovative contributions of Cummins personnel.

Mr. Speaker, on behalf of the State of Indiana, I extend heartfelt sympathies to the family of Dr. Julius Perr, specifically his wife Elizabeth; his sons Andrew and Victor Perr; his daughters Maria Garrison, Elisabeth Perr-McColm and Karolina Perr; and his eight beloved grandchildren.

Julius Perr was commended by the U.S. Patent Office for setting an example for future generations of inventors. But it is his love of culture and allegiance to his community that will be most missed by those who know him the best. The State of Indiana was fortunate to call him one of its own.

WHATEVER IT TAKES TO REBUILD ACT, PART II

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mrs. MALONEY. Mr. Speaker, today Representatives CHARLIE MELANCON, WILLIAM JEFFERSON and I are introducing the Whatever It Takes to Rebuild Act, Part II.

On September 15, 2005, President Bush addressed the nation from Jackson Square in New Orleans, LA and offered the following pledge on behalf of the American people:

> Tonight I also offer this pledge of the American people: Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes, to help citizens rebuild their communities and their lives.—President Bush, September 15, 2005, New Orleans, LA.

Just three weeks later, on October 7, 2005, Congress and the President broke this pledge by adding a clause to Public Law 109–88, the Community Disaster Loan Act of 2005, that requires Gulf Coast Communities who receive assistance from the federal government for lost tax revenues (to assist in the payment for police officers, firefighters, school teachers and other essential services) to pay back the

aid with interest. Never before has Congress or the President required the repayment of this aid. That is why we are introducing the ''Whatever It Takes to Rebuild Act, Part II.''

The ''Whatever It Takes to Rebuild Act, Part II'' would repeal the provision in Public Law 109–88 that requires Gulf Coast Communities to repay the assistance they receive under the Community Disaster Loan Program. This legislation would permanently repeal the $5 million cap on these loans, would make states eligible for this assistance, repeal the cap that limits loans to 25 percent of a municipalities operating expenses, and would provide this assistance as grants when a disaster has been declared an ''Incident of National Significance'' under the National Response plan (Hurricanes Katrina and Rita were both declared ''Incidents of National Significance'').

This legislation is similar to H.R. 1795, the ''Whatever it Takes to Rebuild Act'', which would provide federal assistance for lost tax revenues to New York following the terrorist attacks of 9/11. Following 9/11, President Bush also promised New York and the country that we will do whatever it takes to rebuild.

I urge all of my colleagues to support this important legislation to provide real relief to the Gulf Coast and let's do what it takes to rebuild.

TRIBUTE TO MARY BOURDETTE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this month, Mary Bourdette, a great champion for America's children and families took a leave from her job advocating for parents, and it is important that we take the time to mark her extraordinary career. In her 30 year career, Mary has been an ever-present voice and an unyielding force, reminding everyone around her that we must do much more for children—especially for the most disadvantaged children in our country.

I first met Mary back in California when she was working on improving education in the state. My wife Cynthia and I have long valued Mary for her friendship as well as for her passion for her work. Mary and I worked closely together when I chaired the Select Committee on Children, Youth and Families in the 1980's. She is a skilled lobbyist and negotiator and her vision and persistence were critical to my efforts on child welfare policy in addition to numerous other issues.

One of the reasons Mary is so effective in fighting for children is that she is an idealistic pragmatist. She would always fight to the end for what she knew was right. But she was just as committed to getting the different sides together and fostering communication—particularly when the situation was at its most polarized.

Mary advocated for children and families in many capacities here in Washington, DC over the past 30 years. She first fought for the Legal Services Corp. to help ensure that our poorest citizens have access to the legal system that our Constitution promises. She later worked tirelessly at the Children Defense Fund on the first major expansion of the Earned Income Credit and the original enactment of Child Care and Development Block Grant—programs that have made an enormous difference for America's poorest families. Her work with the Child Welfare League of America as Director of Public Policy also proved vital for the well-being of America's children and families. And her 8 years with the Clinton Administration allowed Mary to play a central and critical role in the many federal policies that affect children.

So I commend Mary for her impressive career and thank her both for the assistance she has provided to me over the years and on behalf of the millions of children who have benefited from her intelligence and passion.

TRIBUTE TO SERGEANT LARRY W. PANKEY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to Sergeant Larry W. Pankey of Morrison, Colorado. Sergeant Pankey died October 3 at Walter Reed Army Medical center here in the Washington, D.C. area, in support of Operation Iraqi Freedom.

Sergeant Pankey was assigned to the 467th U.S. Anny Reserve Engineer Battalion, Greenwood, Mississippi. He is survived by his wife and daughter in Morrison, Colorado, and his mother in Louisiana.

Mr. Speaker, we owe Sergeant Pankey a great debt of gratitude for his service to America. My heartfelt sympathy goes out to friends and family of Sergeant Pankey.

He will be missed by all who knew and loved him.

FORMER TAIWANESE PRESIDENT LEE'S VISIT TO D.C.

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. BROWN of Ohio. Mr. Speaker, I would join all Americans in welcoming President Lee, during his historic visit to our Nation's capital from Taiwan.

I am pleased to know he will have the opportunity to meet with Members of Congress.

Taiwan is a beacon of democracy and freedom in the Pacific.

It is my hope Taiwan will continue to shine despite the continued threats across the Strait from China.

I hope in the near future all restrictions on high-level visits from Taiwan would be lifted, so that Members of Congress will be able to welcome the current president of Taiwan to DC as well.

It is important these visits take place so that a balanced understanding of both sides of the Taiwan Strait will be directly available to Congress, the Administration, and the American public.

Congress and the American people remain unequivocally committed in their support for the people of Taiwan.

The Taiwanese should be praised for their continued commitment to freedom, human rights and democracy.

Through the tireless efforts of President Lee, Taiwan will continue to shine as a beacon of democracy and freedom.

Again, we welcome President Lee to Washington, DC during this historic visit.

INTRODUCING THE IMPROVE INTEROPERABLE COMMUNICATIONS FOR FIRST RESPONDERS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Improve Interoperable Communications for First Responders Act of 2005. This act provides Federal assistance to local first responders for developing an interoperable means of communications. Ensuring first responders at the local, state, and Federal level have the ability to effectively communicate with each other should be one of the Federal Government's top priorities. The ability of first responders to effectively communicate with each other, and with their counterparts at different levels of governments, is key to their ability to save lives in the crucial time immediately after a natural disaster or a terrorist attack.

My bill helps first responders by establishing a Director of Interoperability and Compatibility to help develop a national strategy and architecture for an interoperable system, as well as to bring together Federal, State, local, and tribal officials to work on a coordinated effort to develop and coordinate efforts to implement an interoperable communications system. The bill also provides a grant program so state and local governments can receive Federal assistance for planning and designing an interoperable system, as well as in training first responders how to use the system.

Rather than simply further burdening taxpayers, or increasing the already skyrocketing national debt, my legislation is financed through cuts in corporate welfare and foreign aid programs, which subsidize large corporations and even American businesses' overseas competitors such as the Export-Import Bank use of taxpayer money to underwrite trade with countries such as Communist China. It is time for the Federal Government to begin prioritizing spending by cutting unnecessary programs that benefit powerful special interests in order to met our constitutional responsibilities to ensure America's first responders can effectively respond to terrorists' attacks.

Mr. Speaker, reducing spending on corporate welfare and foreign aid to strengthen first responders' interoperable capability is a win-win for the American people. I hope my colleagues will help strengthen America's first responders' ability to help the American people in times of terrorists attacks and natural disasters by cosponsoring the Improve Interoperable Communications for First Responders Act.

TRIBUTE TO DR. EDMOND YUNIS

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise today to recognize and to pay tribute to Dr. Edmond Yunis, a professor of pathology at Harvard Medical School, who was recently named the 2005 National Hispanic Scientist of the Year by the Museum of Science and Industry, MOSI, in Tampa, FL.

Dr. Yunis is well-deserving of this prestigious national award as he has made significant contributions in scientific and medical research. This research includes the genetic mapping of human major histocompatibility complex, MHC, genes and their role in immune responses, aging, and autoimmune diseases. Dr. Yunis' laboratory work identifying genes also has been especially important for matching donors and recipients for organ and stem cell transplants.

Dr. Yunis was born in Sincelejo, Colombia, and he received his M.D. from the Universidad Nacional de Colombia in 1954. Dr. Yunis received his postdoctoral training in pathology at the University of Kansas, the University of Minnesota, and the Children's Hospital in Boston. He joined Harvard Medical School in 1976 as Professor of Pathology, and he became Chief of the Division of Immunogenetics of the Dana Farber Cancer Institute that same year. Along with being a professor of pathology at Harvard, Dr. Yunis currently is a member of the Department of Cancer, Immunology and AIDS at Dana Faber. Dr. Yunis has received numerous medical awards throughout his career for this outstanding work, and he and his wife, Borghild, have four children.

The National Hispanic Scientist of the Year award was established 5 years ago to recognize an outstanding national Hispanic scientist who promotes a greater public understanding of science and who also encourages increased interest in science education by Hispanic youth.

I'm also pleased to know the proceeds from MOSI's National Hispanic Scientist of the Year Award Gala on October 22, 2005, go toward scholarships for Hispanic boys and girls to participate in MOSI's Youth Enriched by Science program, known as the "YES! Team." Established in 1991, the YES! Team program is designed to help at-risk youth develop self esteem and to encourage them to study science and consider science-related careers.

In conjunction with the weekend gala celebration, MOSI also is hosting a "Meet the Hispanic Scientist Day" where approximately 1,000 Hispanic students from the Tampa Bay area will get a chance to hear a presentation by this year's award winner and to get access to MOSI's hands-on science exhibits. Again, I want to congratulate Dr. Yunis for receiving the 2005 National Hispanic Scientist of the Year award. He serves as an outstanding role model for students in the Tampa Bay area and his visit will help motivate them to stay in school and to realize their dreams.

H.R. 4093, THE "FEDERAL JUDGESHIP AND ADMINISTRATIVE EFFICIENCY ACT OF 2005"

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. SENSENBRENNER. Mr. Speaker, today I am Introducing the "Federal Judgeship and Administrative Efficiency Act of 2005." I urge the House to pass the legislation expeditiously.

The purpose of this bill is to provide the President with the necessary authority to appoint needed circuit and district court judges and to increase the number of authorized bankruptcy judgeships.

A further purpose is to make changes in the structure of the court of appeals system, which are required to modernize, streamline, and improve the administration of justice for nearly one in five Americans.

Mr. Speaker, the last comprehensive judgeship bill that was passed by Congress was enacted in 1990. Since that time, the volume of cases handled by the judiciary has increased substantially.

The Federal Judgeship and Administrative Efficiency Act authorizes the creation of 68 new judgeships—12 at the circuit court level and 56 at the district courts. In addition, the bill contains authority to create 24 new permanent or temporary bankruptcy judgeships.

These new judgeships will benefit districts across America. When confirmed, these new judges will be in a position to help address a growing backlog of cases that threatens to clog our courts and imposes substantial human and economic costs on our citizens.

A judiciary that fails in its basic obligation to dispense justice in a timely, fair, and dispassionate manner compromises its own credibility. A court that is too far removed from those whose disputes it is responsible for adjudicating impose severe costs on those who must appear before it. The bill before us speaks to these concerns by providing for the realignment of the Ninth Circuit Court of Appeals and the establishment of a new Twelfth Circuit Court of Appeals.

The Ninth has become so big—in geographic size, in workload, in number of active and senior judges—that it can no longer appropriately discharge its civic functions on behalf of the American people.

Consider: The Ninth has 47 judges, a figure that approaches twice the number of total judges of the next largest circuit. The Ninth represents 56 million people, or roughly one-fifth of our Nation's population. This is 25 million more people than the second largest circuit. The Ninth encompasses nearly 40 percent of the geographic area of the United States.

The Ninth Circuit also has the most number of appeals filed and the highest percentage increase in appeals filed over the past 4 years. It is the circuit-wide leader in the number of appeals still pending and ranks a close second in the longest median time until disposition.

Given these and other problems created by the mammoth breadth and size of the Ninth, I believe the responsible action is to modernize and streamline the structure of the Courts of Appeals.

Briefly, H.R. 4093 creates a new Ninth that will feature California, Guam, Hawaii, and the Northern Mariana Islands. The new Twelfth will consist of the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington.

Importantly in this regard, H.R. 4093 authorizes the President to appoint five new judges to permanent Ninth Circuit seats along with two other judges who will fill temporary seats. My bill provides that the official duty station for these newly authorized judges will be in California.

These additions are consistent with requests made by the Judicial Conference and will ensure that future caseload demands on the new Ninth will more closely mirror its judgeship resources. California is not being singled out or punished by this legislation. Quite the contrary, the district and circuit courts that affect the rights of the citizens of California are being provided with their proportionate share of resources and being liberated to become more productive.

Mr. Speaker, bigger does not always mean better. The constant expansion of the size of a court without also adopting commensurate reforms will, most assuredly, not result in improving the performance of the judiciary.

The allocation of judicial resources must be made with an eye toward achieving structural coherence within each circuit.

H.R. 4093 accomplishes that purpose and I urge its adoption.

IN SPECIAL RECOGNITION OF SHAWN BARRINGTON SILVERA

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor the bravery and service of Officer Shawn Barrington Silver of the Lino Lakes Police Department.

Officer Silvera was killed in the line of duty on September 6th, 2005, when he was struck by a stolen car driven by a convicted felon attempting to evade arrest.

Officer Silvera was a Minnesota family man in the truest sense of the words. He married his high school sweetheart, Jennifer, to whom he sent flowers every month to mark their anniversary, even after five years of marriage.

Together, Shawn and Jennifer had two children, eighteen-month-old Jordan and five-month old Madelynn.

Mr. Speaker, Officer Silvera loved giving back to his community and to society as a whole.

He joined the Lino Lakes Police Department in 1997, but took a leave of absence to work for two years with the Peace Corps in Honduras, where he helped build a community library.

Outside of police work, Officer Silvera worked with the Explorers program, to get teenagers interested in careers in law enforcement. He also served in the D.A.R.E. drug awareness program, and worked as a counselor at the local Safety Camp.

Even after all this volunteer work, Officer Silvera would often join the kids he worked with for lunch or a game of football or basketball.

Mr. Speaker, Officer Silvra knew the dangers of his profession, but he also knew of its importance. He genuinely loved helping people, and he touched countless lives before his tragic death.

Officer Silvera was a true American hero, and I extend my deepest sympathies to his family for their loss.

RECOGNIZING THE ACCOMPLISHMENT OF THE AASU TENNIS TEAM

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. KINGSTON. Mr. Speaker, I come forth today with the honor of recognizing Georgia's Armstrong Atlantic State University women's NCAA National Champion tennis team. The Armstrong Atlantic women's tennis team did an outstanding job capturing the school's third NCAA Division II National Championship in 2005, defeating BYU—Hawaii by a score of 5–3 to win the title.

The No. 2-ranked Lady Pirates ended BYU—Hawaii's NCAA record of 130-match winning streak with the victory and finished a hard undefeated season of their own at 30–0.

One of only 10 teams across every sport and division of the NCAA put together an undefeated campaign.

AASU, who's other National Championships came in 1995 and 1996, accomplished the feat with unprecedented team depth as all six starters on the squad earned All-America honors from the Intercollegiate Tennis Association (ITA).

Junior Luisa Cowper (Sutton Coldfield, England) finished the year as the No. 3-ranked singles player in the Nation and was named the Peach Belt Conference's Player of the Year.

Sophomore Dziyana Nazaruk (Minsk, Belarus) was the No. 8-ranked singles player and was named the ITA's ''Player to Watch'' in 2005.

Freshman Johanna Dahlback (Hasselby, Sweden) won the clinching match in the national championship victory and was the No. 9-ranked singles player in the Nation.

Juniors Caroline Grage (Hamburg, Germany) and Manuela Emmrich (Magdeburg, Germany) teamed together to make up the No. 8-ranked doubles team in the Nation, while senior Laura Peaty (Loughborough, England) teamed with Cowper to make up the No. 3-ranked doubles team in the Nation.

The man who provided guidance for the women's success is Head coach Simon Earnshaw. He was named the Peach Belt Conference Coach of the Year for his efforts in earning his first National Championship.

I am very proud of this team for displaying such hard work and sportsmanship throughout the season and can only hope that they might bring the National Championship title back to Georgia in 2006.

SAN BERNARDINO COUNTY FIRE MARSHALL PETER BRIERTY IS A TRUE NATIONAL FORESTRY HERO

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. LEWIS of California. Mr. Speaker, it is my pleasure today to honor San Bernardino County Fire Marshall Peter Brierty, who has been recognized this month as a National Forestry Hero. I know from personal experience that this award is justly deserved, for Peter Brierty is widely regarded among my constituents as one of the heroes who saved thousands of people and their homes from the terrible fires of 2003 in the San Bernardino Mountains.

Many of my colleagues have heard me speak on the urgent need to get rid of millions of trees killed by a drought and insect attacks in and around the San Bernardino National Forest in my district. The fire danger from these trees jeopardizes the lives and homes of tens of thousands of people and homes that make this one of the most urbanized forests in the Nation.

One of the first people to understand the potential danger from this situation was Peter Brierty. More importantly, Peter Brierty realized the need to act quickly and bring the whole community together to reduce the danger and be ready to evacuate if fires struck. For most of the past three years, Fire Marshall Brierty has worked tirelessly, pushing his staff and other public officials to develop these plans. He has become a well-known figure at countless meetings with residents, convincing them of the need to cooperate to save lives and property.

Under Fire Marshall Brierty's direction, San Bernardino County launched an ambitious effort to eliminate dead and dying trees on private and public lands outside of the national forest. The operation he created has been highly praised by the Natural Resources Conservation Service, which has funded the effort, as extremely cost-efficient and effective.

But the danger was too great in 2003, and the ''Old Fire'' struck before we could even begin to cut enough trees to stop it. Nearly 70,000 people were in danger, but the plan devised by Fire Marshall Brierty and other county, state and federal officials safely evacuated all of them. Not one life was lost in the fire, even though 350 structures and more than 800,000 acres were ravaged by the blaze.

Mr. Speaker, many people have devoted countless hours and unlimited energy to reducing the fire danger and restoring the forest in the San Bernardino Mountains. The task is far from finished, but we have seen two fire seasons now in which no major blaze has threatened homes to the extent of the Old Fire.

In recognition of the role he played in confronting this threat to whole communities, Fire Marshall Peter Brierty was presented the 2005 National Forestry Heroism Award by the STIHL Incorporated this month. I would ask you and my colleagues to join me in congratulating him for this recognition, and thanking him for his unswerving devotion to public service.

HONORING CHIEF WARRANT OFFICER PAUL PILLEN

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. HERSETH. Mr. Speaker, I am saddened to report the passing of Chief Warrant Officer Paul Pillen. He was killed while serving in Operation Iraqi Freedom.

The lives of countless people were enormously enhanced by Paul's goodwill and service. He inspired all those who knew him. Our Nation is a far better place because of his life. All Americans owe Paul, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

Every member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, Chief Warrant Officer Paul Pillen lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

Mr. Speaker, I express my sympathies to the family and friends of Chief Warrant Officer Paul Pillen. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

RECOGNIZING THOMAS SCHELLING'S NOBEL PRIZE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. HOYER. Mr. Speaker, I often talk with great pride about the University of Maryland, both as an outstanding academic institution and as my alma mater. Today is no different. While this latest achievement revolves around the concept of games, it is not Gary Williams or Ralph Friedgen who are bringing home the hardware. Instead, it's Thomas Schelling, a University of Maryland professor and 50-year expert in the concept known as ''game theory,'' who was awarded the Nobel Prize in Economic Sciences last week.

The Fifth Congressional District congratulates Professor Schelling, whose contributions to economics will influence generations of policy-makers, diplomats, and strategic thinkers. Schelling is best known for his book, ''The Strategy of Conflict,'' a groundbreaking effort to deter the use of nuclear weapons. Schelling used his ''game theory'' to explain how the Cold War could effectively be prevented from turning into a nuclear holocaust. As Michael Kinsley recently noted in the Washington Post, Schelling's theory was born to deal with interdependence. ''The other side had to be confident that it could survive and retaliate if you went first,'' he said. ''Otherwise, in a crisis, it would be sorely tempted to go first.''

Fortunately, the world averted disaster in the case of the Cold War, but many modem day security threats remain. With nuclear terrorism the most glaring and preventable

homeland security challenge of our time, world leaders would be wise to consider Professor Schelling's theory wherever possible.

Professor Schelling has spent the majority of his adult life championing the most patriotic of causes: applying behavioral and economic sciences for the promotion of peace. The Nobel Academy rightly recognized his distinguished career, and the Nation should be proud of his accomplishments. As a native of Maryland and an alumnus of the place Schelling calls home, I take special pride in saluting his success.

CONGRATULATING CITIZENS FINANCIAL GROUP ON THEIR RECEIPT OF THE 2005 SECRETARY OF DEFENSE EMPLOYER SUPPORT FREEDOM AWARD

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate Citizens Financial Group, recently chosen as a recipient of the 2005 Secretary of Defense Employer Support Freedom Award. The award recognizes employers that were nominated by their employees who voluntarily serve in the National Guard and Reserve, for exceptional support above the requirements of the Uniformed Services Employment and Reemployment Rights Act of 1994. This is the highest national award a company can receive for its support of the National Guard and Reserve.

Citizens is the first Rhode Island employer to win the highest national award for their outstanding support of colleagues serving in the National Guard and Reserve and their families. Citizens is one of only 15 employers in the United States to receive this prestigious award from among 1,492 nominees.

The Secretary of Defense Employer Support Freedom Award reflects the exceptional support, leadership, and devotion provided by employers to our brave men and women of the Reserve Forces. The importance of employers who are supportive of our enlisted men and women should never be underestimated, and Rhode Island is proud to have employers like Citizens Financial Group hard at work in our community. On behalf of my home state, I would like to thank Citizens Financial Group for their dedication, and I wish them much success in the future.

ENCOURAGE INITIATIVE AND SELF-ESTEEM

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. FILNER. Mr. Speaker, I rise today to urge support for a bill I have just introduced, H.R. 4095, the Encourage Initiative and Promote Self-Esteem Act of 2005.

There are many people in our country who receive Social Security Disability benefits (SSD) because they have a "waxing and waning" disease—Behcet's Disease, Multiple Sclerosis, Lupus, Parkinson's, Cancer, AIDS and Arthritis are examples of "waxing and waning" diseases. Eric Peterson, who lives in my Congressional District, has taught me a great deal about these diseases and the need for a better way for people to seek and keep SSD.

This process of seeking SSD and keeping it is often times an adversarial one. The climate of suspicion that applicants and recipients say they feel leaves many to view the Social Security Administration, SSA, with a jaundiced eye. Everyone who actually gains disability benefits remembers the hoops of fire they had to jump through during the application process. As a result, many people often do not consider a try at working, fearing that the SSA will use that against them to deny future benefits. With concerns over fraudulent claims, I can understand how this environment came to be. But that doesn't make it right.

For people with "waxing and waning" diseases and conditions, they know that they will have good days and bad. They know that, barring a cure, they will always be sick, but that does not diminish their spirit. There needs to be a program that encourage people in this situation to secure temporary employment when they feel they can work without placing their SSD at risk for the times they cannot work.

Currently, if a person makes more than $810 a month, disability benefits will stop. If one makes $810 but then has less money than his SSD, there is no incentive to work. H.R. 4095 would install a system based on a sliding scale. The more money one earns, the fewer benefits he or she receives. But there will be a built-in incentive to stay the course because the total monthly income when working will be more than either the work income or SSD.

In addition, if a person makes $300 or more a month, their review is put aside. This incentive will further encourage people to push themselves to continue working if at all possible.

Imagine a situation where those on SSD who have diseases that "wax and wane" could work, without fear, when able. That would be a lot of money put back into the Treasury in payroll withholdings and taxes—and more money put into the economy in increased purchasing, not to mention the contribution to society and elevated self-esteem of the workers. Think about the faith these people would have in a system of government that treats its people with dignity and respect instead of suspicion and contempt.

I urge my colleagues to support H.R. 4095 improve the lives of thousands of Americans.

HONORING SHELDON LATZ

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. WELLER. Mr. Speaker, I rise today to honor Sheldon Latz who was named the 2004 Urban County Engineer of the Year award from the National Association of County Engineers during its annual conference. Sheldon was recently named Urban Engineer of the Year by the Illinois Association of County Engineers. That nomination put him in the running for the national award.

Sheldon has been employed by Will County since June 11, 1961 and has been the County Engineer since 1996. When Sheldon first started working for the County, Interstate 55 was new and Interstate 80 did not even exist. A lot of the local roads were graveled and less than two lanes wide. Today, those same roads are paved and are four or five lanes wide. Will County has gone from a quiet rural area to one of the fastest growing counties in the United States. According to Sheldon, he is most proud of the CenterPoint development in Elwood which is located on the former Joliet Arsenal property. Bringing roads into the development has been a highlight of his career.

Sheldon's dream as a child was to be an engineer. He has a passion for road work that has never left his system. His love for the profession has prompted Sheldon to become a Joliet Junior College Adjunct Professor in 1974 where he has taught several courses in architecture, engineering and construction. Sheldon served in the United States Army as an Army medic and a Preventive Medicine Specialist teaching sewage and water treatment process and prevention of water borne diseases.

Not content to stay on the sidelines, Sheldon also serves on several local boards which includes Howell Shooting Club and the Howell Youth Shooting Camp. The camp gives girls and boys an opportunity to come together under a formal program to experience and grow in their appreciation of shooting sports. Sheldon and his wife Janice have four children and seven grandchildren.

Mr. Speaker, I urge this body to identify and recognize other individuals in their own districts whose actions have so greatly benefitted and strengthened America's families and communities.

HONORING PROFESSOR RICHARD P. BERG

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to honor Professor Richard P. Berg for 31 years of teaching, scholarship and service to the Santa Clara University School of Law.

Professor Berg has served as a Professor of Law at the Santa Clara University School of Law for 31 years. Throughout his tenure, Professor Berg has dedicated himself to serving the public and working for social justice. He was chair of the Santa Clara University School of Law Public Interest and Social Justice Endowment, which funds financial assistance programs for volunteers and attorneys working in public interest and social justice fields. Last year alone, the Endowment provided $66,750 in summer grants for 23 students working as volunteers with public interest and social justice programs, and $17,000 in Income Supplement Grants for attorneys working with similar organizations.

Professor Berg also has served on the board of directors of several public interest organizations, and has been active in international issues, particularly in the Asia-Pacific region. He has been the director of the Singapore-Bangkok summer law program since 1984 and is active in dispute resolution organizations such as the American Arbitration Association and Asia Pacific Organization for Mediation.

Prior to coming to Santa Clara University School of Law, Professor Berg earned his B.A. in Economics from the University of Michigan in 1965, and received his J.D. from the University of Michigan School of Law in 1968. He graduated Magna Cum Laude from law school, was inducted into the Order of the Coif and served on the Editorial Board of the Michigan Law Review.

After earning his J.D., Professor Berg was an Associate in Law at the University of California, Berkeley School of Law, Boalt Hall, a Reginald Heber Smith Fellow in Poverty Law, and Staff Counsel and Economic Development Specialist, at the National Housing and Economic Development Law Center in Berkeley, California. He also published an article in the San Diego Law Review on a major class action case, Zahn v. International Paper in 1974, and a short article on Prisoners' Rights and Jail Conditions in the et al Magazine in 1970.

On a personal level, I played a key role in helping Richard to marry his wonderful wife of many years, Mare, and we meet every year at the SCCS graduation to enjoy the past and plot the future of our wonderful law school as well as our wonderful country.

As an alumna of the Law School, it is an honor to recognize Professor Berg's contributions to the legal community and the Santa Clara University School of Law. Professor Berg instilled in thousands of students an awareness of social justice, and inspired countless attorneys to dedicate their careers to making "Equal Justice Under Law" a reality.

INTRODUCING THE NATIONAL EMERGENCY CENTERS ESTABLISHMENT ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Emergency Centers Establishment Act. Many of us share the belief that the Federal Government's response to Hurricane Katrina was disorganized and inadequate. FEMA was far too slow to arrive, and evacuees were left stranded in massive shelters with egregious standard of living violations. Victims of the storm are now spread all over the country, costing the government $11 million per day just to house only a portion of evacuees in hotels. Tens of thousands are still living in inadequate shelters and even tents—months after the storm—with little assurances for their safety and security.

These two problems—increasing the availability of temporary housing in times of national emergencies and improving training and preparedness for national emergencies—must be resolved to ensure that the humanitarian catastrophe that occurred in the gulf coast and continues to happen today will never occur again.

I come to the floor today to introduce the National Emergency Centers Establishment Act. My bill establishes no fewer than six National Emergency Centers spread throughout the United States. The Centers would be used, first and foremost, to provide temporary housing, medical and humanitarian assistance, including education, for individuals and families displaced due to an emergency. The Centers would also serve as a centralized location for the training and coordination of first responders in the instance of an emergency. In turn, the Centers will improve the coordination of preparedness, response and recovery efforts between government, private, not-for-profit entities and faith-based organizations.

The National Emergency Centers would be located on military bases, with a preference wherever possible for those installations closed during the most recent BRAC round. I am proposing these sites because the necessary infrastructure to house, feed, educate and care for evacuees over an extended period of time is already in place, thus limiting the cost and time needed to construct these facilities.

Mr. Speaker, our Nation was not prepared for the disastrous hurricanes that struck the gulf coast last month. The establishment of National Emergency Centers will go a long way to ensuring that our response to national emergencies are not as disastrous as the disasters that created the emergencies in the first place.

I ask for my colleagues' support and urge the House Leadership to bring this legislation to the floor for its swift consideration.

TRIBUTE TO ROSETTA JAMES

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize one North Alabama's most compassionate citizens, Mrs. Rosetta James. Mrs. James, who is celebrating her 80th birthday in Huntsville, Alabama has done a great deal to help further the quality of life for all individuals in our community.

Mrs. James was born in Akron, Alabama After 27 years in the State of New York, she returned to her home State in 1973, and has spent the last 32 years serving in various community, church, and civic roles.

Among her many accomplishments, Mrs. James has served her community and her State as the Alabama Democratic Conference Chairperson from 1992 to 1996. Additionally, she was appointed by Governor Fob James as the first volunteer Deputy Registrar in Madison County, has served on the Huntsville City Schools Advisory Council, the Family Service Center Board, and has volunteered with the Madison County Board of Volunteers and Corrections, the NAACP, and many more.

Furthermore Mr. Speaker, Mrs. James continues her extraordinary work throughout the community today. Currently, she volunteers at two community schools to help children learn to read. Mrs. James also continues to inspire others to take an active role in the community. In addition, she works to organize voter registration drives and absentee ballots for people who cannot go to the polls.

Mr. Speaker, Mrs. James has had a tremendous positive impact on our community in Huntsville. On October 21st, Mrs. James' family and friends are gathering to celebrate her 80th birthday with a surprise party. I rise, on behalf of everyone in North Alabama to thank her for everything she has done for the area and to wish her a happy and healthy 80th year.

THE 9/11 COMMISSION FINAL REPORT ONE YEAR LATER

HON. CYNTHIA McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mrs. MCKINNEY. Mr. Speaker, I wish to enter the following into the CONGRESSIONAL RECORD:

THE 9/11 COMMISSION REPORT ONE YEAR LATER

A CITIZENS' RESPONSE: DID THE COMMISSION GET IT RIGHT?

A Congressional Briefing Convened on the First Anniversary of the Release of the 9/11 Commission Report, Friday, July 22, 2005

EXCERPTS FROM THE TESTIMONY

Opening Remarks

Rep. CYNTHIA MCKINNEY: Last year, we got the final report, an extensive, prosaically impressive report, but as some of us sat down to read it, the errors and omissions immediately jumped out at us. How was it that it took over an hour after the first transponder went off before planes were scrambled to meet the threat, all of them too late? What happened to those reports that surfaced within months of September 11th stating that seven or more of the alleged hijackers had come forward and claimed they were victims of stolen identities and were alive and well, living in Saudi Arabia, Morocco, and Tunisia? Why did the Commission choose not even to address this? What about Osama bin Laden and his role in the Mujahedin backed by the CIA in the 1980s to fight the Soviets? The Commission didn't go there . . . We cannot afford to shy away from inconvenient truths. Many of you may find what you hear today to be inconvenient information. Dr. Martin Luther King, Jr. said the ultimate measure of a man is not where he stands in moments of comfort and convenience, but times of challenge and controversy. I encourage you to engage with the issues that are raised. If you don't agree or don't like what you hear, challenge it. I believe that we should take in what every reasonable person has to say, to inform our decisions, because that is the best way to find the truth. In our pursuit of the truth, I encourage you to emulate the courage and the determination of the September 11th families in their struggle to know what really happened.

9/11 Families Report

Ms. LORIE VAN AUKEN: A thorough and definitive investigation by the Commission . . . would have subpoenaed for the information it required and examined the plethora of information that other citizens and groups responsibly provided. . . . it would have reported all of its findings with its redactions blacked out and submitted to the American people. In essence, the Commission could have produced a final product where the resulting conclusions and recommendations could be trusted. Instead, at the end of the day, what we got were some statements that truly insulted the intelligence of the American people, violated our loved ones' memories, and might end up hurting us one day soon.

One such statement was that 9/11 was a failure of imagination: a failure of whose imagination? What exactly does that mean? When you have a CIA Director with his hair on fire, a system blinking red, 52 FAA warnings, an August 6, 2001 PDB entitled "Bin Laden Determined to Strike in the United States," leads on several 9/11 hijackers . . . warnings from many foreign governments, a

Phoenix memo, warning of Islamic extremists taking flying lessons, the arrest of would be terrorists Zacarias Moussaoui, facts imparted to one agent, Agent Frasca, at the RFU of the FBI, 9/11 was truly a failure, all right, but I would certainly not call it a failure of imagination. Another outrageous statement made at the time of the release of the 9/11 final report that got a fair amount of media coverage was the one ''Everyone's to blame, therefore, no one's to blame.'' The problem with that assumption is that it creates a no fault Government, and a no fault Government does nothing to ensure that things will be different or better in the future. When you hold people accountable, it serves as a deterrent for those that would repeat that same behavior in the future. For the record, I would like to see that assumption restated to read ''Everyone's to blame, therefore, everyone's to blame.'' In fact, the fact that there has been no accountability for the failures that led to the deaths of almost 3,000 people is truly unconscionable and irresponsible on the part of all of our nation's leaders. The tools of democracy available to the citizens of America to address these issues are incredibly limited. We asked for an independent commission to investigate 9/11 because that was the only tool that we, as American citizens, had access to, and hoped that our leaders, the members of Congress and the American public, would ensure its validity and that its ensuing recommendations would make us all safer, as safe as we could reasonably expect to be in the event of another attack. Sadly, as Americans, we have all been let down.

Behind the 9/11 Commission: Flaws in the Process

Mr. JOHN JUDGE: This Commission's report is not a rush to judgment. It's rather a rush to exoneration. It fails to really hold people to accountability . . . By approaching the whole matter as an intelligence failure in the report, it obscured the evidence that what was normally a standard operating procedure in the period prior to 9/11 fell apart, apparently, in the months around and on that day. It led to them pursuing leads and suspects, basically accepting earlier reports without doing further follow up, blaming certain suspects, even though the evidence is we don't yet clearly know who the suspects were that got onto the plane, and that's because several people have come forward saying that their identity was stolen, basically, by these people. We are left with a story that comes from people that we can't get to, and we are left with a story that perhaps is giving us the wrong direction in terms of how we are looking. Until we open up the report and until we can look at the actual evidence and compare it, and begin to actually investigate further on many of the areas that the Commission ignored, then we have a report that doesn't eventually serve the mandate that this Commission was required to take care of, looking at the truth of terrorist acts upon the United States.

Mr. MELVIN GOODMAN: The most important individual to me, other than a commissioner, was the staff director, Philip Zelikow. His conflicts of interest were so great that you do have to wonder why this individual was appointed to head this important staff of over 80 people. He had very strong ties to the George Herbert Walker Bush Administration. Very strong personal and political and policy ties to Condoleezza Rice. More importantly, Philip Zelikow was running the case study program at Harvard which took millions of dollars from the Central Intelligence Agency over a ten year period to write case studies on the CIA, to establish a record that was essentially untrue with the facts about the work of the CIA. Of course, the classic case study that Philip Zelikow chaired, along with Ernest May, who was his patron at the Harvard Kennedy School, was the case on the Soviet Union, how the CIA got it right. You know, the politics of getting it right. Of course, as we all know, one of the greatest disasters of politicization of intelligence that occurred even before the Iraq war was over the politicization of intelligence on the Soviet Union. Who did Philip Zelikow bring into the staff structure as a team leader on his staff? None other than Douglas MacEachin, who was serving a tour up at the Harvard Kennedy School. Who was Douglas MacEachin? Douglas MacEachin was the head of the Soviet analysis job during the 1980s . . . responsible for most of the politicization of intelligence. Here you have Philip Zelikow from Harvard and the case study program, and Douglas MacEachin, as a team leader on Zelikow's staff, making serious decisions about the need for change within the intelligence community.

Omissions and Errors in the Commission's Final Report

Mr. PAUL THOMPSON: The 9/11 Commission claims it wasn't until 9:20 when Indianapolis communicated with the FAA command center and notified them that Flight 77 was missing, and then the information started to get out to other command centers, but still, NORAD wasn't notified. We are talking over half an hour later, the plane has been missing, still no one notifies NORAD, until finally 9:34, three minutes before the plane crashes, and then it was only mentioned inadvertently in passing when talked about with something else.

In order for this to be true, the 9/11 Commission is making the claim essentially that the Indianapolis flight control center and the local FAA center that they contacted were in complete lack of contact with the outside world during this time, that they were unaware, unlike the tens of millions of people who had been watching CNN, that there was an ongoing crisis, that planes had crashed into the World Trade Center, two planes. They are saying that all the way until 9:20, there has been over half an hour now where this has been the breaking news, that nobody in this entire Indianapolis flight control center or the FAA center had any idea that any of this had been happening.

We know that just isn't true. In fact, there was one news report saying that other centers such as theirs had been notified of the crisis long before the first plane even crashed into the World Trade Center. What we see is an account coming from the 9/11 Commission that in my opinion is just frankly impossible.

Mr. JOHN NEWMAN: An FBI team working with cell phone numbers provided by Indian intelligence uncovered a new smoking gun. They learned that the chief of the ISI, Mahmood Ahmed, had ordered Saeed Sheikh to send $100,000 of the kidnapping ransom to Mohamed Atta a month before the 9/11 attacks. This ugly detail emerged when the FBI team ran traces on Saeed Sheikh's cell phone number beginning in July; the ISI chiefs number was among the regular people that Saeed Sheikh communicated with. On October 7th, President Musharraf sacked Ahmed for this notorious act. This story was widely covered in the press around the world, not covered here in the United States . . . It's hard to imagine a revelation more damaging than the fact that Pakistan's intelligence service and most powerful Army commanders were behind the 9/11 attacks and the paymaster, a known terrorist who had been able to carry out his mission because the U.S. and U.K. had set aside justice for his crimes . . . that a sovereign government and supposed ally was so directly involved in the 9/11 atrocity must have stunned and deeply embarrassed the American Administration . . . The story of Saeed Sheikh and the generals are only lightly covered in western media, and only one American newspaper, the Wall Street Journal, carried it on October 10th.

The 9/11 Commission report which carries Mustafa al-Hawsawi as the paymaster and Sheikh Saeed as the al-Qaeda CFO, has dodged the issue, and does not say if the two are the same or not. Thus, technically, even if the Commission staff knew the truth, they have not told a bald lie. The Administration officials speak on terms of anonymity and were told that the Justice Department had pressed the National Security Council to have Saeed Sheikh extradited. One might be justified in asking the question why would the National Security Council have to be pressed to extradite a murderer of U.S. citizens? By late February [2002], the issue was moot. Pearl was murdered, and Musharraf swore he would personally hang him [for Pearl's murder] before turning him over to the Americans, unlike Khalid Shaikh Mohammed and Ramzi bin al-Shibh, whom he did turn over. Of course, they had not been western penetrators of al-Qaeda . . . We can no longer say we are protecting sources and methods about a story known to the rest of this planet. We are now mocked for our ignorance about this story, and even members of Britain's Parliament poke fun at us. It is long past time to come clean about Saeed Sheikh.

9/11 in Historical Perspective: Flawed Assumptions

Ms. LORETTA NAPOLIONE: . . . we need to implement a forward looking anti-terrorist policy, one which predicts the enemy's next move. . . . a forward looking anti terrorist financing policy should look at the situation in Congo, isolated as a potential area where terrorist financing could take place. In order to prevent that, it should dismantle this business of smuggling gold . . . Of course, a forward looking approach in the fight against terrorism will require the full participation of the private sector, and a multilateral policy. One country alone, not even if it is the United States, can actually fight this war on terror alone. Among other things, this policy, if implemented, will then cut the link between crime and terror. Terror will not any longer be a very profitable partner for crime. Breaking the link between crime and terror would already be a step forward, which you have not yet made.

Ms. ANNE NORTON: Neoconservative foreign policy centers on a fear of world government and the international institutions that might lead to it, most notably, the United Nations, a rejection of multilateralism, and as they say, above all, the ability to distinguish friends from enemies. . . Europeans regard neoconservatism with special skepticism, and they do so, as you might have already realized, because they know its progenitors all too well, the desire for the combination of traditional values, the desire for an expansion of executive power, the ambition to create a new world order, and the identification of a providential enemy are all parts of a very familiar past, the shadows of German national socialism and 19th Century European empires fall very heavily on the neo conservative project. As the Administration responded to 9/11, this influence became increasingly evident.

Mr. PETER DALE SCOTT: The 9/11 report describes Ali Mohamed as ''a former Egyptian Army officer who had moved to the United States in the mid 1980s, enlisted in the U.S. Army, and became an instructor at Ft. Bragg, as well as helping to plan the

bombing of the U.S. Embassy in Kenya.'' In fact, Ali Mohamed was a very important al Qaeda agent who, as the 9/11 Commission was told, ''trained most of the al Qaeda's top leadership, including persons who would later carry out the 1993 World Trade Center bombing.'' Ali Mohamed clearly enjoyed U.S. protection. In 1993, he was detained by the RCMP in Canada, and a single phone call to the United States secured his release. This enabled him to play a role in the same year in planning the bombing of the U.S. Embassy in Kenya in 1998. Eventually, he was allowed to plea bargain and receive a secret sentence. We don't know what the sentence is . . . The amazing thing, although he was named as a conspirator in that bombing, he was not an indicted conspirator, which itself is evidence of something going on behind the scene. Congress should determine the true relationship of the U.S. Government to Ali Mohamed, who was close to Bin Laden and above all, al Zawahiri, who has been called the main player in 9/11. This is very important, I think, whereas the report focuses almost uniquely on Khalid Shaikh Mohammed and Ramzi bin Al Shibh. Many other sources independently say the main figure and the top brains in al Qaeda was al Zawahiri, who Ali Mohamed was clearly close to.

Mr. NAFEEZ AHMED: In April 1991, according to a classified U.S. intelligence report, then head of Saudi Intelligence Services, Prince Turki al Faisel, struck a secret deal with Bin Laden, despite his being under house arrest for his opposition to the presence of U.S. soldiers. Under this deal, although the regime would publicly disown him, Bin Laden was permitted to leave Saudi Arabia with his funding and supporters. Moreover, the regime would continue to fund his activities on the condition that he does not target the Saudi kingdom himself. Posner's accounts of a secret agreement between Bin Laden and Saudi intelligence is significant because he argues this was known to U.S. intelligence, this wasn't something that we didn't know. Levivier also interviewed a CIA analyst about the role of the Mujahedin. This CIA agent said ''The policy of guiding the evolution of Islam and of helping them against our adversaries worked marvelously well in Afghanistan against the Red army. The same doctrines can still be used to destabilize what remains of Russian power, and especially to counter the Chinese influence in Central Asia.'' When I read this, I was quite surprised. Could this really be possible?

Suffice it to say in conclusion, this is a phenomenon I have discovered to be paraded throughout many regions in the Middle East and Central Asia. It is a very worrying phenomenon. It fundamentally challenges the whole paradigm of the war on terror. If we are allying ourselves in some manner with al Qaeda in this rather direct way, how can we fight a war and win? It just doesn't make any sense.

Foreign Policy: Immediate Response and Recommendations

Mr. WAYNE SMITH: The 9/11 Commission report says that the United States should engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles might draw upon Article 3 of the Geneva Conventions on the law of armed conflict. That article was specifically designed for those cases in which the usual laws of war did not apply. In other words, these cases in which our Government tells us the Geneva Conventions don't apply. The minimum standards are generally accepted throughout the world as customary international law. What does Article 3 call for? Well, among other things, it prohibits outrages . . . upon personal dignity, in particular, humiliating and degrading treatment. All these practices of stripping the prisoners naked, putting women's underwear or perhaps even men's underwear on their heads, is degrading treatment. It is prohibited by international law. . . . I'm not ageless, but I have lived a long time, and I don't remember ever having been ashamed of what we were doing to foreign prisoners. In World War II, we treated prisoners well, let's say soldiers. Even German spies arrested in the United States were not treated in a degrading manner . . . This is not an intelligent way to proceed in our struggle against terrorism. We ought to get back to full respect for international law, and fully humane treatment of all prisoners, without any exception.

Mr. ROBERT McILVAINE: I had an unbelievable opportunity to go to Bogota. I haven't flown since 9/11. Not that I'm necessarily afraid, but I just won't fly. I've learned too much about the shoe bomber. I'm just not going to leave the country. Bogota, they have an international conference on violence and terrorism, and they called me to speak down there. I decided to do it. There were probably about 2,000 people in the auditorium, the first two rows were all victims. 13 year olds with legs missing. Burn victims. I had dinner with one burn victim, 75 percent of her body, an African/Columbian. She lost her three children and her husband. I said, I feel sorry for myself sometimes. That woman could sit there and laugh with me, because you have a bond with people who have suffered. That is what we have to think about. It's the civilians, the 25,000 civilians in Iraq that have died, and 500,000 people in Iraq that have died in the 1990s. What is this foreign policy that we have? We talk about Pax Americana. In Latin, does that not mean American peace? Have we perpetrated peace in this world? Have we, since 1945? I think not.

Domestic Policy: Immediate Response and Recommendations

Ms. ELAINE CASSEL: Four years since September 11th, almost four years, and one year since the 9/11 Commission's report, critical infrastructures and resources are unprotected, and protections are unplanned, as far as I know. Co-Chair of the panel, Lee Hamilton, mentioned that this morning in a press briefing. He was very frustrated by that, and he mentioned these are difficult tasks to take on. Yes . . . it's hard to try to assess the risk to our critical infrastructure and to intervene and prevention . . . It's easy to open a file on demonstrators against the Administration's policies and conduct surveillance on the ACLU and Greenpeace, as the Washington Post reported last week. I seriously doubt that the ACLU and Greenpeace are terrorist organizations. In fact, if they were, the Government would have shut them down. Why are we paying the FBI's counterterrorism unit to amass thousands of files on these organizations and individuals?

Mr. C. WILLIAM MICHAELS: I still do not think the case has been made that civil liberties of any sort must be compromised so we can get to the bottom of what terrorist conspiracies may or may not be operating within the United States. All of this plus the scope and approach of the 9/11 Commission recommendations, which deal with everything from the FBI, passports, driver's licenses, airline passengers, brings me to the final points. And that is the effect we may be seeing as these varied parallel developments, including, of course, the conflicts in Iraq and Afghanistan, the situation in military commissions in Camp Delta, Guantanamo Bay, which continue to unfold as we dispense with the legal preliminaries, and U.S. citizens held as enemy combatants, come to a single point, which should be considered as we continue with this national debate as what might be on the horizon at that point. Here they are, 12 common characteristics of a national security state:

1. Visible increase in uniformed security personnel.
2. Lack of civil accountability for the actions of law enforcement and security personnel.
3. Reduced role of the judiciary and executive treatment of suspects.
4. Secrecy of ruling authority and momentum of the threat.
5. Media in the service of the state.
6. Public and national resources called to service against security threat.
7. Patriotism moving to nationalism.
8. Lack of critical response by religious denominations.
9. War time mentality and permanent war economy.
10. Targeted individuals or groups.
11. Direct attack against dissent.
12. Increased surveillance of citizenry.

Intelligence Reform: Immediate Response and Recommendations

Mr. DAVID MACMICHAEL: the quote I want to give you is from a book written by a very interesting man, now deceased, Arthur Macy Cox, who was George Kennan's principal assistant when George Kennan, post World War II, was head of the State Department's Planning Office . . . His book is called The Myths of National Security, the Peril of Secret Government . . . published by Beacon Press in 1975:

''The drafters of the Constitution provided us with an ingenious system of Government based on machinery to check and balance the use of power, but they did not anticipate the problem of secret Government, nor has that problem been dealt with in subsequent constitutional amendments. Despite a lack of safeguards, a large consensus of the American public since World War II, has granted to succeeding presidents extraordinary secret powers to protect the security of the nation. The people felt that in matters of national survival, the President should be given total trust. He should be allowed to make decisions in secret to protect our national security, but democracy and secrecy are incompatible and it has now become clear that secret powers should never have been delegated without guarantees of accountability to the people's representatives in the Congress.''

Mr. JOHN NUTTER: As I listened to David, I was struck by the various documents that I've read in my scholarship, documents like the Tower Commission report on Iran Contra, the Church Committee, the Pike Committee, and its recommendations, the Taylor Committee, which some of you may recognize as the postmortem on the Bay of Pigs . . . One could very easily take the recommendations from any of those reports, cut and paste them into the 9/11 Commission, and you wouldn't be able to tell the difference.

Closing Remarks

Rep. CYNTHIA McKINNEY: I would just like to say after we have heard all of the testimony that has been presented to us today, there is one thing that is very clear, and that is that we must know what our Government is doing in our name. The American people have to inform themselves, despite the failure of the corporate press, to investigate the information in the public domain that provides answers to our questions. Today is a very special day because we have brought truth to Capitol Hill.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes on October 19, 2005. If I had been present, I would have voted as follows:

On rollcall vote No. 529, on agreeing to Jackson-Lee of Texas amendment to H.R. 554—the ''Personal Responsibility in Food Consumption Act of 2005,'' I would have voted ''no.''

On rollcall vote No. 530, on agreeing to Filner of California amendment to H.R. 554—the ''Personal Responsibility in Food Consumption Act of 2005,'' I would have voted ''no.''

On rollcall vote No. 531 on agreeing to Scott of Virginia amendment to H.R. 554—the ''Personal Responsibility in Food Consumption Act of 2005,'' I would have voted ''no.''

On rollcall vote No. 532, on agreeing to Waxman of California amendment to H.R. 554—the ''Personal Responsibility in Food Consumption Act of 2005,'' I would have voted ''no.''

On rollcall vote No. 533, on passage of H.R. 554—the ''Personal Responsibility in Food Consumption Act of 2005,'' I would have voted ''yes.''

THE ERITREA-ETHIOPIA BORDER DISPUTE NEEDS AMERICAN LEADERSHIP

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ROHRABACHER. Mr. Speaker, the United States and Ethiopia have a long diplomatic history. It is a place that many Americans are familiar with.

Next door to Ethiopia spreading out along the strategic Red Sea coastline is Eritrea, a relatively new country, and a place that few Americans seem to fully understand.

The United States wants to have a good relationship with both Ethiopia and Eritrea. However, bilateral ties with both are weak and deteriorating.

This situation can be corrected, but it will take more interest and involvement by senior leaders in the U.S. government.

Congress is doing its part.

Chairman CHRIS SMITH and Representative DON PAYNE of the Africa subcommittee have held hearings on the border dispute earlier this year and have recently traveled to the region.

Last year Congress passed Senate-originated legislation, which became law, restricting assistance to Ethiopia or Eritrea for noncompliance to the Eritrea-Ethiopia Border Commission findings. Unfortunately, in January 2005, the executive branch waived this provision on national security grounds. I say ''unfortunately'' because it is because of our national security interest that the provision should have been kept in place. Uncertainty on the border issue creates uncertainty in the region.

Members have written letters to Secretary Rice and President Bush. We have urged them to clarify our policy and to become engaged in this increasingly volatile part of the world. The responses from the State Department have been unhelpful and lead us to believe that either there is no policy, or the policy is to apply political pressure on Eritrea until there is war—and then blame Eritrea for not compromising with Ethiopia—or continuously pressure Eritrea until they agree to renegotiate the final and binding decision of the EEBC.

From Eritrea's perspective, everything depends on full implementation of the EEBC decisions. The U.S. supposedly supports the EEBC decisions, but if it does, then its support appears to be very weak.

The U.S. policy, whatever it is, has one clear result: the status quo remains in place.

Unfortunately, the status quo is untenable and will ultimately result in a renewal of hostilities. The current stalemate is clearly driving the region towards war.

The border demarcation crisis is an existential threat to the security of Eritrea. The dialogue and discussion now being requested by Ethiopia has already occurred and is articulated by the EEBC. This fact underlies Eritrea's unwillingness to dialogue further with Ethiopia or with U.N. Special Envoy Lloyd Axworthy on border demarcation. The failure to resolve the border impacts all aspects of thinking in Eritrea. Eritrea believes that protecting the security and sovereignty of the nation is the first responsibility of the government.

Let me make one thing perfectly clear: Ethiopian troops are occupying sovereign Eritrean territory today and have done so for years.

Because Eritrea is a small developing country the current situation puts into effect enormous internal pressures. But Eritrea will not compromise its national sovereignty, and will instead invoke the right to self-defense as articulated in Article 51 of the U.N. Charter and move to secure its territory by force as the international community fails to implement and enforce the rule of law and U.N. Security Council resolutions.

I am confident that if President Bush knew the details of this situation personally, that he would be very disappointed in the officials responsible for this weak policy. It does not reflect the President's love for freedom and justice. Our policy leads nowhere but to war. That is unacceptable.

Someone has this problem figured out wrong. Today's approach mirrors the thinking of the Clinton Administration. One wonders where the Republican appointees are in the policy-making process concerning this part of the world.

There is active discussion among Members about potential solutions. One common aspect of all potential courses of action is that more U.S. leadership is needed.

U.S. leadership makes a difference. Clear policy statements by President Bush and other senior officials preceded Charles Taylor leaving Liberia, Syrian troops leaving Lebanon, Israeli settlements leaving Gaza, Viktor Yuschenko's election as President in Ukraine and so many other recent developments.

China is paying attention to this region. Sudan has thousands of PRC advisors working in the oil and gas business as well as military advisors. China is rapidly expanding its relationship with Ethiopia and Eritrea. These relationships with China will falter over time, but right now Beijing seems to be paying attention to the Horn of Africa and we appear to be asleep at the switch. Someone at the State Department needs to wake up before it is too late.

Mr. Speaker, the Congress is calling on the Administration to make a clear statement of our policy on the Eritrea-Ethiopia border demarcation issue. A clear statement urging Ethiopia to unconditionally and swiftly implement the EEBC's final and binding decision will set in motion positive forces that enable success. Further, such clarity would go a long way to starting a process that would very likely resolve this knotty border matter through a peaceful and diplomatic process rather than by more bloodshed.

INTRODUCTION OF THE ENERGY PRICE DISCIPLINE ACT OF 2005

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. LoBIONDO. Mr. Speaker, I rise today in support of the ''Energy Price Discipline Act of 2005.'' This timely and important piece of legislation will ensure that the Federal Trade Commission (FTC) has the tools to investigate and strongly prosecute price gouging across the nation by those refining, selling, or shipping crude oil, gasoline, diesel fuel, natural gas, or petroleum distillates.

Today, Americans are paying more than ever before for the fuel they need to run their cars and heat their homes. Even before the devastation of Hurricane Katrina, consumers were paying almost a dollar more than they were a year ago for a gallon of gas. And in the days following this disaster, average gas price rose an additional 45 cents per gallon—with reported prices of nearly $6.00 at some stations in the affected areas.

And, as the days get shorter and the air gets colder, more and more people are worrying about how they are going to be able to heat their homes this winter. According to figures released last week by the U.S. Energy Information Administration, households heating their homes with natural gas can expect to spend about 48 percent more, or an additional $350, on fuel this winter. Those with heating oil can expect a 32 percent increase, or on average about $378 more.

But as Americans look deeper into their wallets to put gas in their cars to get to work or to heat their homes, both oil companies and U.S. refineries are on track for record profits. I believe that consumers across the country should have the right to know that the prices they are struggling to pay are legitimate and that no one is profiting unjustly at their expense.

For this reason, I am introducing the ''Energy Price Discipline Act of 2005.'' This bill will give the FTC broad discretion to investigate and, if necessary, strongly prosecute whoever—whether it is a gas station owner, a petroleum company, or a refiner—is guilty of manipulating the price of crude oil, gasoline, diesel fuel, natural gas, or petroleum distillates.

The ''Energy Price Discipline Act of 2005'' recognizes that in today's global economy consumers in states far removed from a tragedy like Hurricane Katrina may see the results of it in their energy prices—often for legitimate

reasons, but sadly also as a result of price gouging. In my home State of New Jersey, residents voiced concerns over fair and honest treatment when purchasing gasoline for weeks before a federal emergency declaration was declared and state price gouging statutes were triggered.

For these reasons, the bill does not require a federal emergency declaration to be issued before the FTC could begin an investigation. Instead, the bill sets out specific factors for the FTC to use to determine whether the commodity is being sold at an unjust or unreasonable price. If the FTC makes the determination that price gouging exists, the bill ensures that the violator, whether an individual or a corporation, is subject to strong civil and criminal penalties.

Americans in every corner of the country are today being faced with unprecedented energy costs. We owe it to our constituents to ensure that no one is profiting unjustly at their expense. I urge my colleagues to speak for them and to support the ''Energy Price Discipline Act of 2005.''

HISPANIC HERITAGE MONTH

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in recognition of Hispanic Heritage Month and pay special tribute to the extraordinary contributions of Hispanics towards our great nation. Hispanic Heritage Month, which began on September 15th, commemorates the anniversary of independence for five Latin American countries—Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, Mexico and Chile both declared their independence in the month of September. This anniversary celebrates the day these countries declared their independence from Spanish colonial rule, and continues to represent the shared heritage of all Hispanics in our hemisphere.

This month-long commemoration allows us to celebrate the diversity within the Hispanic community in the United States. America's cultural diversity has always been one of our nation's greatest strengths. Although Hispanics share a common language, their history is rooted throughout the Americas and the Iberian Peninsula. Hispanics represent a mixture of several ethnic backgrounds, including European, American Indian, and African.

Throughout our history, Hispanic Americans have contributed to the greatness of America. From the earliest settlers in the New World to the most recent arrivals seeking greater opportunities and freedoms, Hispanics continue to add to America's unique culture.

According to the Census Bureau, in 2002, there were 37.4 million Hispanics residing in the U.S., representing 13.3 percent of the total population. More than 2.7 million Hispanics reside in my home State of Florida, and comprise almost 17 percent of the population. As a relatively young and rapidly growing population, Hispanics are poised to make their mark on our nation for generations to come. Through their hard work, commitment to faith and close-knit families, Hispanics have the potential to have a significant impact on society.

Furthermore, beyond this data, the reality is that Hispanics are an integral part of America's social fabric. More than one in eight people in the U.S. are of Hispanic origin. During this month-long celebration, we recognize the millions of Hispanic Americans who value a strong commitment to family, hard work, and community. In various aspects of society, from the world of sports, music, and literature and to the entrepreneurial sector, Hispanics continue to live and pursue the American dream. As legislators, we must continue to work for the advancement of initiatives that support and provide opportunity for all.

During Hispanic Heritage Month, I urge all of my colleagues to join with our fellow citizens in celebrating this rich and diverse culture, and I encourage all Americans to recognize the significant role Hispanics play in creating and building this great country.

HONORING CERRITOS COLLEGE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, Cerritos College celebrates its 50 years of dedication, tradition, and influence in the 39th Congressional District and southeast Los Angeles County. It stands as an honored institution within the surrounding communities and continues to provide excellent education and training to thousands of students year after year.

A community's dream to extend the educational opportunities of local youth resulted in the birth of Cerritos College. Established in 1955, Cerritos College began with a humble 195 students, 10 teachers, and 15 subjects. Today, the College enrolls more than 22,000 students and offers over 180 areas of study.

Cerritos College's dedication to quality education has made the College an asset to both career-oriented students as well as life-long learners. From political science to business, culinary arts to computers, Cerritos College's programs are invaluable in providing the knowledge and skills needed to succeed in today's dynamic world.

Cerritos College has embraced and utilized technology in providing quality education and services to its students and faculty. The College boasts an open-access lab of 600 high-speed computers dedicated to student use, a modern teleconferencing center, online courses, and ''wiring'' of the entire campus. As a result, Cerritos College has been dubbed ''the most technologically advanced community college'' in California for teaching and learning.

Perhaps Cerritos College's greatest asset is its diversity. It is the fourth largest Latino serving community college in the nation and is home to more than 300 international students. Cerritos College's commitment to serving the community's needs has empowered local students and given them a chance to pursue their dreams and become engaged with the rest of the world.

I proudly celebrate with Cerritos College its fiftieth anniversary and look forward to working with the College and its students for many more years to come.

IN RECOGNITION AND REMEMBRANCE OF LIFE OF REVEREND MONSIGNOR ROBERT D. GOODILL

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. ENGLISH. Mr. Speaker, I rise today in recognition and remembrance of the life of Reverend Monsignor Robert D. Goodill, who tragically died on April 1, 2005 from injuries sustained in a car accident while in Mexico. For nearly seven decades, Reverend Monsignor Goodill selflessly served the citizens of northwestern Pennsylvania, acting as both a community leader and spiritual counselor for countless individuals. He was a man deeply devoted to his church and his community, dedicating the entirety of his life to the betterment of both.

Reverend Monsignor Robert D. Goodill was born in Erie, Pennsylvania on October 23, 1912. He attended St. Patrick grade school and later attended Cathedral Preparatory School. In 1935, Reverend Monsignor graduated from Catholic University of America with an M.A. in Philosophy. Following his ordainment as a priest at Our Lady of Humility Church in Rome, Goodill was assigned as a parochial vicar at St. Brigid Parish in Meadville, PA. Rev. Monsignor Goodill entered military service in 1943. He served as a chaplain in the U.S. Navy during World War II and again from 1952 to 1954 during the Korean Conflict, being named Naval Chaplain of the year in 1953. In 1954, Goodill was appointed as the founding pastor of Erie, Pennsylvania's St. Luke Church, a position he held until his retirement in 1985. In 1994, after five decades of loyal service to the church, Pope John Paul II named him a prelate of Honor with the title of Monsignor.

The dedication Reverend Monsignor continually demonstrated for his church, community, and nation warrant this body's recognition. As a community leader, spiritual counselor, and war veteran, Reverend Monsignor Goodill's life embodied the American ideals of service, commitment, and sacrifice. With his unfortunate passing, the people of my district, the Commonwealth of Pennsylvania, and the nation have lost a truly exceptional and beloved man.

RECOGNIZING PRINCIPAL CHERRY FITCH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to recognize Cherry Fitch, Florida's High School Principal of the Year. For over 30 years Mrs. Fitch has served Gulf Breeze High School, improving students' lives working as both a teacher and an administrator.

She began her career at Gulf Breeze High School in 1970 as an English teacher and 27 years of dedication later she became the principal. She is an excellent principal, concerned not only with the academic wellbeing of her students but their social success as well. Although Mrs. Fitch left the classroom, she remained deeply involved in her students' lives.

There is no doubt that Cherry Fitch has positively influenced thousands of students during her time at Gulf Breeze High School. Her love of community and school has been apparent throughout her career. It is fitting that in her last year at Gulf Breeze High School that Mrs. Fitch is recognized with this great honor for all her dedication. Under her leadership, Gulf Breeze High School has been the recipient of numerous accolades including being named an A+ school for the past 4 years.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my sincere congratulations to an educator who could serve as a role model to us all. Over three decades of service to education is something to truly be admired, and I am thankful for her commitment to Gulf Breeze High School.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. KING of Iowa. Mr. Speaker, I was unavoidably absent due to illness during rollcall votes 521 and 522.

Had I been present, I would have voted ''yea'' on 521 and 522.

RECOGNIZING THE MILITARY AND COMMUNITY CONTRIBUTIONS OF COLONEL JAMES DOTY AS COMMANDER OF FORT HUNTER LIGGETT AND PARKS RESERVE FORCES TRAINING AREA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor Colonel James Doty for exceptional service to the military and to our community in forming the U.S. Army Combat Support Training Center in northern California.

Between June 2003 and October 2005, Colonel Doty led an ambitious, successful effort to create a free-standing installation that supports training for both Active and Reserve Components.

Colonel Doty unified four individual sites under one command in creating the Training Center, a truly remarkable feat. At the Parks Training Area, he managed a historic Army Real Property Exchange to permit replacement of aging structures decades beyond their useful life with over $200 million worth of critical support facilities. He prepared Fort Hunter Liggett for implementation of Defense Secretary recommendations to make it the Training Support Headquarters for the 91st Division. Furthermore, he overcame significant obstacles to preside over the development of more than 300 housing units at the Parks site and at Moffett Federal Airfield across the San Francisco Bay in Sunnyvale.

No less remarkably, Colonel Doty accomplished these achievements in a characteristically affable, engaging, and sincere manner. His intelligence, tireless energy, and commitment to success are enhanced by his personal integrity and genuine regard for those in his command and in the larger community affected by his leadership.

Mr. Speaker, I wish much satisfaction and success to Colonel Doty in his well-earned, exciting new assignment. He, his wife Charlotte, and their family have endeared themselves to everyone who knows them in the Tri-Valley region. They will be remembered fondly and sorely missed.

UNDERAGE DRINKING

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. BECERRA. Mr. Speaker, I rise today on behalf of the Congressional Hispanic Caucus to highlight the issue of underage drinking.

According to the National Institute on Drug Abuse, the first use of alcohol typically begins at age 12. Additionally, research tells us that the majority of kids are accessing the alcohol they drink from family and friends. According to Teenage Research Unlimited, 51 percent of 13–15 year olds say they will be faced with making a decision regarding alcohol in the next three months.

The good news is that parents are the leading influence on kids' decision not to drink alcohol. It is critical that parents and other trusted adults initiate conversations with kids about underage drinking well in advance of the first time they are faced with a decision regarding alcohol.

Yesterday, the Congressional Hispanic Caucus teamed up with The Century Council and Nickelodeon to launch Pregunte, Escuche, Aprenda: ¡Los niños y el alcohol no mezclan! The program was developed in collaboration with LULAC, Aspira Association, the National Latino Children's Institute, National Hispanic Medical Association and MANA, among others and is an adaptation of the English program, Ask, Listen, Learn: Kids and Alcohol Don't Mix.

The program is designed to reduce underage drinking, particularly among children ages 9–13. The information is useful for parents, other trusted adults and kids and includes strategies to help facilitate conversations about the dangers of underage drinking.

I commend The Century Council and Nickelodeon for giving Latino parents and children across the Nation such a valuable communications tool to initiate those critically important discussions regarding alcohol.

EULOGY OF THE COMMON SOLDIER

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. REGULA. Mr. Speaker, I would like to submit the following poem ''Eulogy of the Common Soldier'' for inclusion in the CONGRESSIONAL RECORD. The poem was written by U.S. Army First Lieutenant Aaron Seesan when he was in his senior year at Washington High School in Massillon, Ohio. Aaron was killed in Iraq on May 22, 2005 while serving his country.

All mortal beings, which God brought forth,
die the same, man is not exempt.
All will inevitably end as the dust from
whence we came, it matters not of age.
Do not mourn me if I should fall in a foreign
land, think this of my passing.
In a far off field a finer soil mixed with the
foreign sand, a dust that is American.
A dust that laughed, cried, and loved as an
American, on this plot there shall be.
A little piece of America, a patch for the free
man, which no oppressor can take.
From this soil grows grass shimmering a little greener, brilliant emerald ramparts.
A Breeze whisping White Poppies with a
scent a little sweeter, flowers towards
Heaven.
Mourn not my terrible death but celebrate
my cause in life, viewed noble or not.
I would have sacrificed and gave all that I
had to give, not to make man good, but
only to let the good man live.

MOURNING THE LOSS OF ANTHONY A. LEON GUERRERO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to express my deepest sympathies and condolences to the family of Mr. Anthony A. Leon Guerrero who passed away on October 10, 2005. He was born on Guam on June 19, 1952 Throughout his life, Mr. Leon Guerrero made numerous contributions to the island of Guam, most notably serving as the president, the chief executive officer, CEO, and chairman of the Bank of Guam. He attended the London School of Economics at the University of London, majoring in Monetary Economics in 1976. He earned his masters of Business Administration at Stanford University's Sloan Program in 1985. At the Bank of Guam, which was founded by his father, the late Jesus S. Leon Guerrero, Tony served with a professionalism that sets a standard for senior executives on our island. Mr. Leon Guerrero served in various positions at the Bank of Guam, rising from commercial loan officer in 1974 to chairman of the board, president and CEO in 2002. Under his stewardship, the Bank of Guam and its 14 branches strengthened its position as the leading financial institution in the Western Pacific region. He was a true visionary in Guam's business community, launching online banking services for the island. Through his leadership, the Bank of Guam became the first local company to go public when its stock was offered for trading on the Pacific Exchange in August of 2000.

Mr. Leon Guerrero's public service includes tenures as chairman of the Guam Economic Development Authority and the Guam Council on the Humanities. He served on various government boards and commissions including the University of Guam Board of Regents, the Guam Political Status Commission, the Guam Waterworks Authority, the Hagatna Restoration and Redevelopment Authority, the Pacific Islands Development Bank Board of Governors and the Micronesian Regional Tourism Council. He served on civic boards and organizations including the Guam Chamber of Commerce, the Guam Bankers' Association, the Catholic Education Council Board of Trustees, the American Cancer Society, Goodwill

Industries, the Agana Restoration and Redevelopment Corporation, the Congressional Hispanic Caucus Institute, Pacific Islanders in Communication, the Young Presidents' Organization and the Financial Services and Information Technology Committee, Saipan.

Tony Leon Guerrero was truly a leader in the business community. Although he was an innovator and consummate entrepreneur, the island spirit in him never changed. Despite his many accomplishments, he was still just "Tony" to those who knew him best. The respect that people felt for him in his professional life was equaled only by the love they felt for him in his personal life. He was dedicated to the island in which he lived and worked. The Bank of Guam is often referred to as "The People's Bank," and Tony was a leader in the business community and a conscience for social activism. He understood that with great talent comes great expectations, and he exceeded the expectations of his father and his business associates as the Bank of Guam grew and prospered under his watch. Tony was an advocate in the community for the revival of pride in the Chamorro culture and the cultures of the indigenous peoples throughout Micronesia. His bank invested in indigenous arts and crafts and the bank's branches are themselves centers for the display of Pacific cultures. As chairman of the board and CEO, Tony ensured that the Bank of Guam lived up to its commitment to our island's development and steered the bank through the difficult years of an economic recession. The bank's solid performance and success is a testament to his business acumen and his vision. The sense of loss in our island and throughout our Pacific region is a testament to a great humanitarian and community leader.

I am deeply saddened by this loss and know that the many people on Guam and throughout the Pacific are mourning as well. My thoughts and prayers are with his mother Eugenia A. Leon Guerrero, his wife Mari Flor Herrero, and his three children, Maria Eugenia, Alexandra and Jesus. My condolences also go to his brother Jesse A. Leon Guerrero and his wife Deirdre, his sister Senator Lou Leon Guerrero and her husband Jeff Cook, their families, and the entire Leon Guerrero extended family. Although he will be missed by his family, friends and business associates throughout the Pacific, his legacy of service will live on in our community.

ON THE RETIREMENT OF MRS. CHRISTINE KENNEDY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to honor Christine Kennedy, the Administrator and Chief Clerk of the House of Representatives Committee on Transportation and Infrastructure. Mrs. Kennedy has served the House of Representatives with distinction since 1972. Unfortunately, Mrs. Kennedy will be retiring at the end of this year and will be starting a new and I am sure equally rewarding private life. I know that she is looking forward to spending more time with her daughter, Lauren.

I have known Chris since I came to Congress. Chris started her career with the Federal Government in 1972 as a clerk at NASA. She joined the staff of the Committee on Interior and Insular Affairs in 1974 becoming the Administrator and Chief Clerk in 1995 of the Committee on Resources which was the successor Committee to the Committee on Interior and Insular Affairs.

When I moved from the Chairmanship of the Committee on Resources to the Chairmanship of the Committee on Transportation and Infrastructure, I asked Chris to take the position of Administrator and Chief Clerk of the Committee on Transportation and Infrastructure. Thank goodness, she agreed to do so.

Chris is one of those people who often is unheralded and unseen but who is essential to the workings of this institution. She is one of the most organized and efficient people I know. You know that if Chris is on the job, the job will get done and will be done well. She is thorough and has a detailed knowledge of the procedures and processes that keep the Committee operating.

In addition, she is loyal and generous to her colleagues, her friends, and to myself and my wife, Lu. We have relied on her in so many ways over the years to insure that our work with Committee, including the many codels and field hearings conducted by the Committee have been done in full accordance with the Rules.

I want to express to her my deep appreciation for her hard work and for her support of my efforts as Chairman of two Committees. Without her efforts, our Committees would not have a record of accomplishment that is unmatched by any Committee.

I know that I speak for my wife, Lu and for the Members and Staff of the Committee and for the many friends that she has made as a member of this Congressional family in wishing her all the best and many years of happiness in her new life.

She will be missed in so many ways, but we expect that she will continue to be a member of our Congressional family in the years to come. Best wishes to a good friend and an outstanding staff member.

TRIBUTE TO THE 75 YEARS OF SERVICE THE DEPARTMENT OF VETERANS AFFAIRS HAS PROVIDED

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GIBBONS. Mr. Speaker, it is an honor to commemorate the 75 years of service the Department of Veterans Affairs has provided to the servicemen and women of this great Nation.

May we never forget, and continue to honor, those who made a commitment to protecting the security of our Nation by joining the Armed Forces. We owe our veterans a tremendous debt of gratitude for this commitment, and commend the VA for their pledge to ensure that they continue to receive support and assistance.

The men and women of the VA are dedicated each and every day to meeting the needs of the millions of veterans who have defended our Nation's freedom.

Nearly a quarter of a million veterans reside in our great State; a number that continues to grow. The VA ensures that these men and women, who were dedicated to defending our Nation, receive the services they rightly deserve. As a nation, we owe these great Americans a debt of gratitude for their sacrifice for our Nation's freedom and security.

With an ever growing population of veterans, may we always be reminded of Abraham Lincoln's philosophy and principles that guide the Department of Veterans Affairs: "To care for him shall have borne the battle and for his widow and his orphan."

I join in thanking the Department of Veterans Affairs for their continued work and service for 75 years to our Nation's heroes.

May God bless Nevada, America, and our veterans.

RECOGNIZING THREE FALLEN SOLDIERS SERVING IN IRAQ

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to three fallen American soldiers who sacrificed their lives while serving our country.

On October 14, 2005, while conducting convoy operations in the Al Taji area in Iraq, three Maryland Army National Guardsmen, 20-year-old Specialist Samuel M. Boswell, 23-year-old Specialist Bernard L. Ceo, and 36-year-old Sergeant Brian R. Connor, were tragically killed when their Humvee was accidentally hit and caught fire.

Assigned to the 243rd Engineer Company based in my district of West Baltimore, these remarkable young men had only been stationed in Iraq since mid-August. They were the first Maryland National Guardsman to be killed while serving their country overseas since World War II.

Words cannot express the sense of loss felt by the Maryland community when not one, but three of our own is taken from us in an instant. I offer my deepest condolences to the Boswell, Ceo, and Connor families during their difficult time.

Although each of these brave soldiers took different paths to arrive in the Army, they all shared great intellect, vigor, and a true commitment to serve their country. These attributes coupled with their youth makes it even more difficult to accept each soldier's fate. We all must now face the burden of uncertainty—never knowing what the future would have held for them.

Specialist Samuel Boswell of Elkridge, graduated from the technology magnet program at River Hill High School in Clarksville, Md. in 2003. He was a computer whiz with aspirations of receiving his college degree. However, as the violence in Iraq escalated, Spc. Boswell was compelled to volunteer his service and join the Army shortly after his high school graduation. On the day of his death, Spc. Boswell was on his way to meet his brother Michael, who was a civilian contract worker based in Baghdad. That reunion never took place.

Specialist Bernard Ceo of Baltimore was raised in a military family. His ambition was to

become a teacher. In fact, before joining the Army, he worked one-on-one with special needs students at the Kennedy Krieger High School Career and Technology Center in Baltimore. One of his colleagues at the school said that Spc. Ceo was a thoughtful, introspective young man who was an excellent employee, and would have made an outstanding teacher. Spc. Ceo joined the Army to help pay for college and alleviate financial strain on his family.

Along with his professional goals, Spc. Ceo was also making plans to marry his longtime girlfriend, Dajae Overton. The two had been together for years, and Spc. Ceo even took on the responsibility of caring for her two children as if they were his own. This selfless act demonstrated that Spc. Ceo was a man of integrity and honor.

Sergeant Brian Conner of Gwynn Oak was a single father of three daughters. Before joining the Army, he worked as a fireman for the Baltimore City Fire Department for 12 years. His sense of humor and clever banter were admired by all who knew him. His older brother, Paul said he was good at everything he did and that joining the Army was Sergeant Conner's mission.

These tragic deaths and these mourning families are a personal reality that we, as a people, must have the humanity to confront. These deaths remind us that sacrifice is never truly "shared."

There is nothing that any of us can say that will return these brave young men to their families.

We can only reach out to them—and to all who have lost loved ones in Iraq.

We can only stand with these neighbors in their darkest hours—and offer whatever comfort and support that we can.

As the families and loved ones of Samuel Boswell, Bernard Ceo and Brian Conner attempt to endure losses and suffering that no family should have to confront, we must all recommit ourselves to finding a way out of this conflict in Iraq.

We must find a way to bring our troops home on a timetable that is consistent with our nation's commitments to the Iraqi people.

By the end of this year, the Iraqis should have their constitution and government in operation.

That is not the reason that we went to war—but, nevertheless, it would give some meaning to our soldiers' sacrifice.

Equally important, the deaths that we mourn this week remind us that it is time for a clear and reasoned strategy to begin bringing our brave young people home.

Then, perhaps, all of the families who have sacrificed so much because of the war in Iraq can begin to heal the wounds that they have been forced to endure.

HONORING THE LIFE OF PENN KEMBLE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. LANTOS. Mr. Speaker, friends of freedom today are mourning the death of Penn Kemble, who was one of its most ardent, eloquent, and effective defenders. Although he died at the relatively young age of 64, after a year-long struggle with brain cancer, Penn was an activist on behalf of social causes for more than 40 years. Whether arguing on behalf of civil rights, supporting organized labor, which he considered the "balance wheel of democracy," or advocating on behalf of democratic movements around the world, Penn brought an unparalleled passion combined with a hardheaded realism to every cause he adopted.

Penn through his close affiliation with Senators Henry Jackson and Daniel Patrick Moynihan, worked to move the Democratic Party in the direction of strong and "muscular" internationalism in its foreign policy. As Deputy Director—and later Acting Director—of the United States Information Agency under President Clinton, he played a strong role in the creation of an international network on civic education and in the establishment of the Community of Democracies. Even as the end of his life drew near, he was busy working to develop a transatlantic democracy network, collaborating with colleagues at the National Endowment for Democracy and Freedom House, where he served as a senior scholar after leaving government service.

Mr. Speaker, I ask unanimous consent to place in the RECORD a Washington Post obituary that chronicles the life of this remarkable American. Let me take this opportunity to express my condolences to Penn's wife Mal and the other members of his family.

[From the Washington Post, Oct. 19, 2005]

POLITICAL ACTIVIST PENN KEMBLE DIES AT 64

(By Joe Holley)

Penn Kemble, 64, a political activist who considered himself a "muscular Democrat" and who kept himself in intellectual fighting trim by engaging in policy tilts with adversaries on both the left and the right, died Oct. 16 of brain cancer at his home in Washington. A former acting director of the U.S. Information Agency, he was in recent years senior scholar at Freedom House, a nonpartisan, pro-democracy think tank.

Mr. Kemble believed in a robust internationalism in the tradition of former senator Henry M. "Scoop" Jackson (D–Wash.). He also had an affinity for organized labor, which was, in his words, "the balance wheel of democracy."

During his career, he helped found or lead a number of advocacy groups, including the Coalition for a Democratic Majority.

A friend and former colleague, Joshua Muravchik, resident scholar at the American Enterprise Institute, noted that Mr. Kemble's political and intellectual journey traversed a path from democratic socialist to social democrat. It was a journey similar in its rightward arc to that of many prominent neoconservatives. Although he occasionally took such positions, Mr. Kemble stopped short of leaving the Democratic Party and never considered himself a neoconservative.

He believed, for example, in building a democratic Iraq but sharply criticized the Bush administration's approach on the country. "The distinction between liberation and democratization, which requires a strategy and instruments, was an idea never understood by the administration," he told the New Republic last year.

Richard Penn Kemble was born in Worcester, Mass., and grew up in Lancaster, Pa., where he was a small but feisty football player in high school. His political activism began at the University of Colorado, where he helped establish the Colorado chapter of the Young People's Socialist League.

After receiving a bachelor's degree in 1962, he moved to New York and took a job as a copy boy at the New York Times. His journalism career ended shortly afterward, when the typesetters went out on strike and he refused to cross the picket line.

He stayed in New York and immersed himself in socialist politics, seeking to resurrect the youth section of the Socialist Party, famously led earlier in the century by Eugene V. Debs and Norman Thomas.

Muravchik, who also was part of the movement, recalled that Mr. Kemble stood out as a "good-looking, neatly dressed WASP" in what was otherwise "a scruffy-looking crowd" made up primarily of young Jewish intellectuals.

He was one of the few whites among the leadership of the East River chapter of the Congress of Racial Equality, once staging a sit-in that blocked the eastbound lanes of the Triborough Bridge during rush hour. The aim was to force commuters to ponder the plight of Harlem residents before arriving back at their comfortable homes in the suburbs.

In 1967, he founded Negotiation Now!, which demanded an end to the bombing of North Vietnam and a negotiated end to the war.

In the early 1970s, Mr. Kemble moved to the District and plunged into Democratic Party politics. After the party's 1972 presidential debacle, he helped found the Coalition for a Democratic Majority. Associated primarily with Sens. Jackson and Hubert H. Humphrey (D–Minn.), the group sought to move the party back toward the center and refocus its reliance on a traditional blue-collar base.

Mr. Kemble served as executive director of the group from 1972 to 1976, when he joined the New York senatorial campaign of Daniel Patrick Moynihan. He was Moynihan's special assistant and speechwriter until 1979.

During the Reagan administration, he founded a group called PRODEMCA, or the Committee for Democracy in Central America. He caused consternation among many fellow Democrats by advocating support for the anti-communist contra rebels in Nicaragua. He sought a democratic middle way between communist Sandinistas and former supporters of rightist dictator Anastasio Somoza.

He worked in the Clinton presidential campaign in 1992 and was appointed deputy director of the USIA in 1993. He became USIA's acting director in 1999.

In recent years, Mr. Kemble sought to maintain a network of American social democrats. From his sickbed, he conceived and helped organize a conference dedicated to the thought of philosopher Sydney Hook, an intellectual model for Mr. Kemble of the politically engaged social democrat. The event took place October, 1.

His marriage to Charlotte Rowe ended in divorce.

Survivors include his wife of 22 years, Marie-Louise "Mal" Caravatti of Washington; two sisters, Sara Kemble of Columbia and Eugenia Kemble of Washington; and a brother, Grover Kemble of Morristown, N.J.

Mr. Kemble was in many ways still a socialist, his wife said. "He believed in the public sector as a civilizing force," she added. "He believed in a role for government."

REDUCING THE POTENTIAL FOR CONFLICT IN THE HORN OF AFRICA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. WILSON of South Carolina. Mr. Speaker, five years ago a border war between Eritrea and Ethiopia that killed approximately 100,000 people seemed to have ended. Hope for peace emerged as both countries agreed to resolve their dispute through international arbitration. After two years of debate and discussion, the Ethiopia-Eritrea Border Commission, EEBC, issued its final and binding decision in 2002 to resolve the long-standing border dispute.

Ethiopia did not agree with the EEBC's decision, which was meant to be final and binding on both countries. For the past three years since arbitration ended, Ethiopia has refused to implement the EEBC decision, and the border between the two countries has not been demarcated.

Both countries should abide by the decision. I believe our new Assistant Secretary of State for African Affairs, Dr. Jendayi Frazer, can assist Ethiopia and Eritrea in working together toward implementing the EEBC decision.

The time to address this issue is now, and not after hostilities begin again. The EEBC decision needs to be fully implemented without any precondition. Eritrea is ready to implement it, and Ethiopia must be urged to do so.

As a Member of the Armed Services Committee and the International Relations Committee, I see this issue as the kind of challenge that America can no longer afford to ignore. The Horn of Africa is a strategic location with strong implications to our success in the Global War on Terrorism. Another border war in the Horn of Africa would undermine the hope for peace in Sudan and weaken American influence with other border disputes in Africa.

American leadership should not pressure both sides to renegotiate the final and binding decision. Eritrea is unwilling to renegotiate the EEBC findings, while Ethiopia is calling for ''dialogue.'' The EEBC articulated the demarcation process and directives needed to determine the exact locations on the ground for border markers. Eritrea supports full implementation of the EEBC decision and demarcation directives and is therefore ready to work out these technical issues of exact placement of border markers as stipulated in the EEBC decision. Ethiopia's calls for more dialogue are superfluous. The claim that the EEBC used a map that was too great a scale to permit clarity of intent is unfounded.

Eritrea is a society almost evenly divided between Muslims and Christians. Eritrea has long been a target of al Qaeda and renewed fighting in the Horn would produce opportunities for it to further undermine America's interests.

Many of the fundamental political decisions made by the United States on resolving the border matter were a product of the previous Administration. It is time for our diplomats who agree with President Bush when he says that the spread of democracy, respecting the rule of law and freedom are key to future security, to focus on this issue.

Mr. Speaker, I respectfully urge the Administration to convince the Ethiopian government to abide by the EEBC's final decision on the border to be mutually beneficial for Eritrea and Ethiopia.

EXTENDING THROUGH DECEMBER 31, 2007, AUTHORITY OF THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES TO EXPEDITE THE PROCESSING OF PERMITS

SPEECH OF

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 2005

Mr. BAIRD. Madam Speaker, I would like to thank the Subcommittee on Water Resources and the Transportation and Infrastructure Committee for expediting the passage of H.R. 3765, a commonsense bill that will save jobs and continue to promote economic growth.

I would also like to acknowledge the efforts of Senator MURRAY and Senator CANTWELL for their efforts in reaching a compromise with their colleagues and ensuring swift passage by the Senate. Although I was hoping for a longer extension of section 214, I was pleased that both Chambers were able to pass a temporary fix before the delay caused irreparable economic damage to the Pacific Northwest.

I have been a strong proponent of the section 214 provision since its enactment in WRDA 2000. This provision permits non-federal public entities to contribute funds to the Army Corps of Engineers to help expedite the processing of corps permits. In the Pacific Northwest, we have seen the backlog of permits grow to over 1,000 in past years and seen the residual effect that this has on our region's economy. This provision has allowed municipalities and ports to move forward with vital infrastructure projects. By funding additional staff to work on specific, time-intensive permits, existing corps' staff is freed up to work on the backlog. It is important to emphasize that these entities providing funding are given no partiality by the corps in their review of the project.

This provision was extended in 2003 in the FY04 Energy and Water appropriations bill, and expired on September 30. The temporary extension passed today, will allow the Army Corps to continue section 214 projects until this bill expires on March 31, 2006. It is my hope that we can permanently extend this provision by passing WRDA this year, a bill that is long overdue for reauthorization.

Additionally, some of my colleagues have expressed interest in a thorough study of the use of section 214, and I would urge these efforts to be expedited. It is my view that a report by the GAO to study the effectiveness of this program in the Pacific Northwest would only yield valuable information that can be used to improve and, perhaps, expand the program.

I am proud to be the primary sponsor of this bill and have the endorsement of the entire Washington State delegation. I thank my colleagues for their vote to pass this bill today and promptly send it to the President for enactment.

HONORING THE SENIOR COMPANION PROGRAM OF MONTGOMERY COUNTY, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Senior Companion Program, SCP, of Montgomery County, Pennsylvania.

The SCP of Montgomery County, Pennsylvania provides an innovative service for senior citizens in need of additional home care, but who are not yet ready to enter a nursing home. The Montgomery County SCP is the sixth of its kind in Pennsylvania and the 250th SCP in the United States.

The SCP of Montgomery County has been in existence since September 2003. Since that time, the SCP of Montgomery County has worked diligently to help senior citizens remain independent at home as long as possible by having their volunteers, or ''Companions,'' make visits to the seniors' homes and provide care and companionship.

The Companions of the SCP are usually low-income senior citizens, committing 20 to 40 hours a week to help other seniors who are frail and in need of additional help. The Companions receive a small, tax-free stipend for their time spent volunteering. During the visits, the Companions engage in all sorts of daily activities from helping seniors with correspondence, monitoring medications, playing games, exercising, helping with errands and appointments, and sharing meals. These activities help seniors continue to lead a regular, active life. The Companions of SCP can also provide much-needed relief for the caregiver in the seniors' home.

Mr. Speaker, I ask that my colleagues join me in honoring the Senior Companion Program of Montgomery County. The SCP Companions play a significant role in the Montgomery County community by giving back to its citizens in very important ways. They have worked to improve the overall quality of life for over 200 senior citizens by giving them the extra help they need in order to remain self-sufficient in their homes.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3058, Transportation/Treasury/HUD/District of Columbia Appropriations.

House Committees ordered reported 16 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S11061–S11700

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 1898–1905, and S. Res. 282–283. **Pages S11664–65**

Measures Reported:

Report to accompany S. 1736, to provide for the participation of employees in the judicial branch in the Federal leave transfer Program for disasters and emergencies. (S. Rept. No. 109–158)

S. 443, to improve the investigation of criminal antitrust offenses.

S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, with an amendment in the nature of a substitute.

S. 1326, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft. **Page S11664**

Measures Passed:

Transportation/Treasury/HUD/DC Appropriations: By 93 yeas to 1 nay (Vote No. 264), Senate passed H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, after taking action on the following amendments proposed thereto: **Pages S11603–53**

Adopted:

Stabenow Amendment No. 2149, to provide resources to the Administration so that the Administration can enforce existing trade agreements and obligations, related to trade violations involving currency manipulation, counterfeiting of manufactured products, and pirating of intellectual property. **Page S11603**

Coburn Amendment No. 2087, to limit the Department of Housing and Urban Development's funding for conferences. **Pages S11607–08**

Grassley/Dorgan Modified Amendment No. 2160, to require the division of the court to release the Henry Cisneros independent counsel investigation report and terminate the investigation by the independent counsel. **Pages S11621–22, S11627–33**

Bond (for Reed) Amendment No. 2162, to require a legal basis for the application of arbitrage bond regulations to reserve funds held by the Clean Water and Safe Drinking Water State revolving funds. **Page S11633**

Bond/Murray Amendment No. 2174, to provide that the Administrator of General Services require all credible sustainable building rating systems that award credits for certified wood products in the rating system be included in the published building design criteria or specifications of any solicitation for offers issued by the General Services Administration for construction of a Federal building or courthouse. **Page S11633**

Bond (for Ensign) Modified Amendment No. 2146, to provide for free individual tax electronic preparation and filing services by the Internal Revenue Service. **Page S11634**

Bond (for Clinton/Schumer) Amendment No. 2105, to modify the designation relating to a certain project in the State of New York. **Page S11634**

Bond (for Clinton/Schumer) Amendment No. 2106, to modify the designation relating to a certain project in the State of New York. **Page S11634**

Bond (for Voinovich) Modified Amendment No. 2108, to modify certain projects relating to highways in the State of Ohio. **Page S11634**

Bond (for Voinovich) Amendment No. 2120, to make technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. **Page S11634**

Bond/Murray Amendment No. 2175, of a technical nature. **Page S11634**

Bond/Murray Amendment No. 2176, of a technical nature. **Page S11634**

Bond Amendment No. 2177, of a technical nature. **Page S11635**

Bond (for Reid) Amendment No. 2178, to provide for the conveyance of certain public land in Clark County, Nevada for use as a heliport. **Page S11635**

Bond (for Durbin/Obama) Amendment No. 2179, to require the Secretary of Housing and Urban Development to report to Congress on certain properties located in Joliet, Illinois. **Page S11635**

Bond (for Murray) Amendment No. 2180, of a technical nature. **Pages S11635–36**

Bingaman Amendment No. 2065, to extend certain apportionments to primary airports. **Pages S11616–17, S11638**

Bond (for Levin) Amendment No. 2182, to prohibit the use of funds for Federal contracts with expatriated entities. **Page S11640**

Bond (for Santorum) Amendment No. 2080, to modify provisions relating to certain Federal contracts. **Page S11640**

Bond (for Schumer) Amendment No. 2122, to allow disabled and non-disabled tenants to keep their section 8 contracts on their properties post foreclosure. **Page S11640**

Bond (for DeWine) Modified Amendment No. 2083, to appropriate an additional $6,000,000 for the New Car Assessment Program with a corresponding offset in Department of Transportation salaries and expenses. **Page S11640**

Bond (for Frist) Amendment No. 2183, to fund Habitat for Humanity. **Page S11640**

Bond (for Murray) Amendment No. 2184, to make available funds to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho. **Page S11640**

Bond Amendment No. 2185, to eliminate GSA authority to retain proceeds from sale or other conveyance of real and personal property. **Page S11640**

Bond (for Nelson (FL)/Smith) Amendment No. 2186, to provide the sense of Congress that the Secretary of the Treasury should place al-Manar on the Specially Designated Global Terrorist list. **Pages S11640–41**

Bond (for Lott/Lautenberg) Amendment No. 2187, to modify the provisions on grants to the National Passenger Rail Corporation. **Page S11640**

Bond (for Lautenberg) Amendment No. 2188, to ensure that airports improve their runway safety areas. **Page S11641**

Bond (for Landrieu) Modified Amendment No. 2168, to make available funds for the conduct of a study and submission of a report relating to catastrophic hurricane evacuation plans. **Page S11641**

Bond (for Landrieu) Modified Amendment No. 2167, to set aside funds to provide grants to local governments in the State of Louisiana to address increased transportation demands in communities that have experienced significant population growth from hurricane evacuees. **Page S11641**

Bond (for Coleman) Amendment No. 2189, to improve the safety of all-terrain vehicles in the United States. **Page S11641**

Coburn Amendment No. 2084, to require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress. **Page S11607**

Bond (for Burns) Amendment No. 2103, to extend the suspended service ticket honor requirement. **Page S11641**

Bond (for Ensign) Modified Amendment No. 2119, to amend section 40128(e) of title 49, United States Code, to clarify the Lake Mead exemption to the prohibition of commercial air tour operations over national parks. **Page S11641**

Bond (for Coburn) Amendment No. 2190, to ensure fiscal integrity of the payments made by Federal agencies and to prohibit the use of funds until the Department of Housing and Urban Development has reported specific actions taken to estimate improper payments in the community development block grant program as required under the Improper Payments Information Act of 2002. **Pages S11641–42**

Bond (for Snowe) Amendment No. 2150, to assist certain flight service station employees of the Federal Aviation Administration. **Page S11642**

Bond (for Coleman) Amendment No. 2173, to require that purchase card payments to Federal contractors be subjected to the Federal Payment Levy Program and to require improved reporting of air travel by Federal Government employees. **Page S11642**

Rejected:

Coburn Modified Amendment No. 2093, to prohibit any funds under the Act from being used for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska, for Stand Up for

Animals in Westerly, Rhode Island for building construction, and for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park. (By 86 yeas to 13 nays (Vote No. 260), Senate tabled the amendment.) **Pages S11613–16**

By 15 yeas to 82 nays (Vote No. 262), Coburn Modified Amendment No. 2165, relative to the reconstruction of the Twin Spans Bridge.

Pages S11624–27, S11636–37

By 33 yeas to 61 nays (Vote No. 263), Stevens Amendment No. 2181, to ensure reconstruction of the Twin Spans Bridge. **Pages S11636–37**

Withdrawn:

Dorgan Amendment No. 2133, to restrict enforcement of the Cuban Assets Control Regulations with respect to travel to Cuba. **Pages S11623–24**

Coburn Amendment No. 2091, to prohibit any funds under the Act from being used for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

Pages S11608–13

During consideration of this measure today, Senate also took the following action:

By 53 yeas to 46 nays (Vote No. 261), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion, under section 402(b)(6) of H. Con. Res. 95, Congressional Budget Resolution, to waive provisions of said concurrent resolution with respect to the emergency designation provision in Reed Amendment No. 2077, to provide for appropriations for the Low-Income Home Energy Assistance Program. Subsequently, a point of order that the emergency designation provision would violate section 402(b)(5) of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point of order that the amendment would exceed the subcommittee's 302(b) allocation and the amendment thus falls.

Pages S11617–21, S11623

Ensign Amendment No. 2158 (to Amendment No. 2133), to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, fell when Dorgan Amendment No. 2133 (listed above) was withdrawn.

Page S11615

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Bond, Shelby, Specter, Bennett, Hutchison, DeWine, Brownback, Stevens, Domenici, Burns, Allard, Cochran, Murray, Byrd, Mikulski, Reid, Kohl, Durbin, Dorgan, Leahy, Harkin, Landrieu, and Inouye. **Page S11696**

Foreign Service Grievance Board: Senate passed S. 1905, to clarify Foreign Service Grievance Board procedures. **Page S11699**

Azerbaijan Elections: Committee on Foreign Relations was discharged from further consideration of S. Res. 260, calling for free and fair parliamentary elections in the Republic of Azerbaijan, and the resolution was then agreed to. **Pages S11699–S11700**

Labor/HHS/Education Appropriations—Agreement: A unanimous-consent agreement was reached providing that at 9:30 a.m. on Friday, October 21, 2005, Senate begin consideration of H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, that the committee reported amendment be agreed to as original text for the purpose of further amendment, that no points of order be waived by virtue of this agreement, and that on Friday, October 21, 2005, the bill be considered for debate only. **Page S11700**

Messages From the House: **Page S11663**

Measures Read First Time: **Pages S11663, S11696–99**

Executive Communications: **Pages S11663–64**

Executive Reports of Committees: **Page S11664**

Additional Cosponsors: **Pages S11665–66**

Statements on Introduced Bills/Resolutions: **Pages S11666–73**

Additional Statements: **Pages S11660–63**

Amendments Submitted: **Pages S11673–95**

Authority for Committees to Meet: **Pages S11695–96**

Record Votes: Five record votes were taken today. (Total—264) **Pages S11615–16, S11623, S11637, S11653**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:01 p.m., until 9:30 a.m., on Friday, October 21, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S11700.)

Committee Meetings

(Committees not listed did not meet)

EXON-FLORIO AMENDMENT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the implementation of the Exon-Florio provision by the Committee on Foreign Investment in the United States (CFIUS), Department of the Treasury, which

seeks to serve U.S. investment policy through reviews that protect national security while maintaining the credibility of open investment policy, after receiving testimony from Senator Inhofe; Robert M. Kimmitt, Deputy Secretary of the Treasury; David Sampson, Deputy Secretary of Commerce; Stewart Baker, Assistant Secretary of Homeland Security for Policy; E. Anthony Wayne, Assistant Secretary of State for Economic Affairs; Peter Flory, Assistant Secretary of Defense for International Security Policy; Robert D. McCallum, Jr., Acting Deputy Attorney General, Department of Justice; Patrick A. Mulloy, Commissioner, United States-China Economic and Security Review Commission; and David Marchick, Covington and Burling, Washington, D.C.

PASSENGER RAIL SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine S. 1052, to improve transportation security, including public and private sector actions taken since September 11, 2001, and the attacks on rail systems overseas, to enhance the security of passenger and freight rail transportation, after receiving testimony from Edmund Hawley, Assistant Secretary of Homeland Security for Transportation Security; Joseph H. Boardman, Administrator, Federal Railroad Administration, Department of Transportation; Cathleen Ann Berrick, Director, Homeland Security and Justice Issues, Government Accountability Office; Edward R. Hamberger, Association of American Railroads, William L. Crosbie, Amtrak, and Edward Wytkind, Transportation Trades Department (AFL–CIO), all of Washington, D.C.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following bills:

S. 1753, to establish a unified national hazard alert system, with an amendment in the nature of a substitute; and

S. 967, to amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, with an amendment in the nature of a substitute.

Also, Committee completed its review of certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, and agreed on recommendations which it will make to the Committee on the Budget thereon.

ENERGY EFFICIENCY

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 1016, to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and S. 1860, to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, after receiving testimony from Douglas L. Faulkner, Acting Assistant Secretary for Energy Efficiency and Renewable Energy, James B. Roberto, Deputy Director for Science and Technology, Oak Ridge National Laboratory, Les Shephard, Vice President for Energy, Resources and Nonproliferation, Sandia National Laboratories, and Jane C.S. Long, Associate Director, Energy and Environment Directorate, Lawrence Livermore National Laboratory, all of the Department of Energy; Jim Reynolds, Florida Keys Aqueduct Authority, Key West, on behalf of the U.S. Desalination Coalition; Edmund Archuleta, El Paso Water Utilities, El Paso, Texas, on behalf of the WateReuse Association; Pankaj Parekh, Los Angeles Department of Water and Power, Los Angeles, California, on behalf of the Awwa Research Foundation; and Colin Sabol, General Electric Infrastructure, Trevose, Pennsylvania.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Benson K. Whitney, of Minnesota, to be Ambassador to Norway, who was introduced by Senators Dayton and Coleman, Roland Arnall, of California, to be Ambassador to the Kingdom of the Netherlands, who was introduced by Representative Lantos, Susan Rasinski McCaw, of Washington, to be Ambassador to the Republic of Austria, who was introduced by Senator Allen, and Nicholas F. Taubman, of Virginia, to be Ambassador to Romania, who was introduced by Senators Warner and Allen, after the nominees testified and answered questions in their own behalf.

FOREIGN POLICY AND OIL

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded a hearing to examine the role that petroleum plays in the economy and foreign policy, particularly as it relates to the Middle East, after receiving testimony from Stephen J. Gallogly, Director, Office of International Energy and Commodity Policy, Bureau of Economic and Business Affairs, and Alan Greeley Misenheimer,

Director, Office of Arabian Peninsula and Iran Affairs, Bureau of Near Eastern Affairs, both of the Department of State; George L. Person, Jr., Director, Office of African and Middle Eastern Affairs, Office of Policy and International Affairs, Department of Energy; Gal Luft, Institute for the Analysis of Global Security, and Robert E. Ebel, Center for Strategic and International Studies, both of Washington, D.C.; and Tom Z. Collina, 20/20 Vision, Silver Spring, Maryland.

HURRICANE KATRINA

Committee on Homeland Security and Governmental Affairs: Committee held a hearing to examine the Federal emergency management and the response to Hurricane Katrina in New Orleans, receiving testimony from Marty J. Bahamonde, Regional Director, Office of Public Affairs, Federal Emergency Management Agency, Department of Homeland Security.

Hearing recessed subject to the call.

GUARDSMEN/RESERVISTS

Committee on Health, Education, Labor, and Pensions: On Wednesday, October 19, Subcommittee on Employment and Workplace Safety concluded a hearing to examine enhancing cooperation between employers and guardsmen/reservists, focusing on civilian and veteran organizations to work together to reach out to soldiers returning from the battlefield, after receiving testimony from Ronald J. Fry, SFC, North Carolina Army National Guard, and Wachovia Corporation, Charlotte, North Carolina; Bobby Hollingsworth, National Committee for Employer Support of the Guard and Reserve, Washington, D.C.; Dennis Donovan, Home Depot, Inc., Atlanta, Georgia; Christine Bierman, Colt Safety, Fire and Rescue, St. Louis, Missouri; and Lisa Nisenfeld, Southwest Washington Workforce Development Council, Vancouver, Washington.

FEDERAL EMPLOYMENT PROGRAMS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine Federal employment programs for persons with disabilities, after receiving testimony from Robert A. Lawhead, Employment Link, Boulder, Colorado; Kate Bartlett, Arlington, Massachusetts, on behalf of the National Down Syndrome Society; James Gashel, National Federation for the Blind, Baltimore, Maryland; Tony Young, NISH, Vienna, Virginia; and Mike Nelson, Greeley, Colorado.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1326, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft;

S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, with an amendment in the nature of a substitute;

S. 443, to improve the investigation of criminal antitrust offenses; and

The nominations of Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit, John Richard Smoak, to be United States District Judge for the Northern District of Florida, Brian Edward Sandoval, to be United States District Judge for the District of Nevada, Harry Sandlin Mattice, Jr., to be United States District Judge for the Eastern District of Tennessee, and Margaret Mary Sweeney, of Virginia, and Thomas Craig Wheeler, of Maryland, each to be a Judge of the United States Court of Federal Claims.

Also, Committee completed its review of certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, and agreed on recommendations which it will make to the Committee on the Budget thereon.

Also, Committee began markup of S. 1789, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, but did not complete action thereon, and recessed subject to call.

MARRIAGE AMENDMENT

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Property Rights concluded a hearing to examine the constitutional amendment on marriage, after receiving testimony from Scott FitzGibbon, Boston College Law School, Boston, Massachusetts; Christopher E. Harris, Vanderbilt University School of Medicine, Nashville, Tennessee; Louis Michael Seidman, Georgetown University Law Center, Washington, DC.; Richard G. Wilkins, Brigham Young University J. Reuben Clark Law School, Provo, Utah; and Christopher Wolfe, Marquette University, Milwaukee, Wisconsin.

VA INFORMATION TECHNOLOGY

Committee on Veterans Affairs: Committee concluded a hearing to examine the Department of Veterans Affairs information technology infrastructure reorganization assessment, focusing on the role of the Chief Information Officer in effectively managing information technology, after receiving testimony from Gordon H. Mansfield, Deputy Secretary of Veterans Affairs; Linda D. Koontz, Director, Information Management Issues, Government Accountability Office; and Paul Wohlleben, Grant Thornton LLP, Chicago, Illinois, on behalf of the Information Technology Association of America.

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: 34 public bills, H.R. 4090–4123; and 7 resolutions, H.J. Res. 69; H. Con. Res. 269–272; and H. Res. 504–505 were introduced. **Pages H9042–43**

Additional Cosponsors: **Pages H9043–44**

Reports Filed: There were no reports filed today.

Protection of Lawful Commerce in Arms Act: The House passed S. 397, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others, by a yea-and-nay vote of 283 yeas to 144 nays, Roll No. 534—clearing the measure for the President. **Pages H8990–H9011**

H. Res. 493, the rule providing for consideration of the bill was agreed to on Tuesday, October 18th, by voice vote.

Moment of Silence: The House observed a moment of silence in memory of the victims of the recent earthquake in Pakistan, India and Afghanistan. **Page H9011**

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006—Motion to Instruct Conferees: The House rejected the DeLauro motion to instruct conferees on H.R. 2744, to make appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, which was debated yesterday, October 19th, by a yea-and-nay vote of 209 yeas to 216 nays, Roll No. 535. **Page H9011**

Appointed as Conferees: Representatives Bonilla, Kingston, Latham, Emerson, Goode, LaHood, Doolittle, Alexander, Lewis of California, DeLauro, Hinchey, Farr, Boyd, Kaptur, and Obey. **Page H9011**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at noon on Monday, October 24th, and when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, October 25th, for Morning Hour Debate. **Page H9014**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, October 26th. **Page H9014**

Senate Message: Message received from the Senate today appears on page H8987.

Senate Referrals: S. 1736 was referred to the Committee on Government Reform and S. 1894 was referred to the Committee on Ways and Means. **Page H9040**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H9010–11 and H9011. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:40 p.m.

Committee Meetings

VA HEALTHCARE FACILITIES

Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies held a hearing on VA Capital Asset Realignment for Enhanced Services (CARES) Testimony was heard from Jonathan B. Perlin, Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs.

ARMY'S UP-ARMOR HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLE

Committee on Armed Services: Held a hearing on the Army's M1114 Up-Armor High Mobility Multipurpose Wheeled Vehicle (UAH) distribution strategy. Testimony was heard from the following officials of the Department of the Army: Francis J. Harvey, Secretary; and GEN Richard A. Cody, USA, Vice Chief of Staff.

AERIAL COMMON SENSOR PROGRAM

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces and the Subcommittee on Technical and Tactical Intelligence of the Permanent Select Committee on Intelligence held a joint hearing on the Aerial Common Sensor Program. Testimony was heard from the following officials of the Department of Defense: John R. Landon, Deputy to the Assistant Secretary of Defense (Command, Control, Communications, Intelligence, Surveillance, Reconnaissance & IT Acquisition Programs); Claude Bolton, Assistant Secretary of the Army (Acquisition, Logistics and Technology); MG Barbara Fast, USA, Commanding General/Commandant U.S. Army Intelligence Center and Fort Huachuca; Tom Laux, Program Executive Officer for Air Anti-Submarine Warfare Assault, and Special Mission Programs and RADM Bruce Clingan, USN, Deputy Director, Air Warfare, both with the Department of the Navy.

BUDGET RECONCILIATION; PERSONAL RESPONSIBILITY. WORK, AND FAMILY PROMOTION ACT; RESOLUTION REQUESTING PRESIDENT TO TRANSMIT TO THE HOUSE INFORMATION RELATING TO CONTRACTS FOR SERVICES OR CONSTRUCTION RELATING TO HURRICANE KATRINA

Committee on Education and the Workforce: Ordered reported, as amended, to the Committee on the Budget amendments to the Social Security Act, Welfare Reform regarding the Committee's Instructions pursuant to the Conference Report on H. Con. Res. 95, Establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

The Committee also ordered reported the following: H.R. 240, amended, Personal Responsibility, Work, and Family Promotion Act of 2005; and ordered unfavorably reported H. Res. 467, Requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery that relate to wages and benefits to be paid to workers.

COMBATING METHAMPHETAMINES

Committee on Energy and Commerce: Subcommittee on Health and the Subcommittee on Environment and Hazardous Materials held a joint hearing entitled "Comprehensively Combating Methamphetamines: Impacts on Health and the Environment." Testimony was heard from Stephen L. Johnson, Administrator, EPA; Stephanie Colston, Senior Advisor to the Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; Joseph T. Rannazzisi, Deputy Chief, Office of Enforcement Operations, DEA, Department of Justice; and public witnesses.

NATIONAL FLOOD INSURANCE PROGRAM—MANAGEMENT AND OVERSIGHT

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "Management and Oversight of the National Flood Insurance Program." Testimony was heard from Representatives Baker and Taylor of Mississippi; David I. Maurstad, Acting Director and Federal Insurance Administrator, Mitigation Division, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security; and William O. Jenkins, Director, Homeland Security and Justice, GAO.

NATIONAL GUARD AT HOME AND ABROAD—CRITICAL RULE

Committee on Government Reform: Held a hearing entitled "The Critical Role of the National Guard at Home and Abroad." Testimony was heard from the following Governors: Edward Rendell, Pennsylvania; and Dirk Kempthorne, Idaho; David M. Walker, Comptroller General, GAO; the following officials of the Department of Defense: Thomas F. Hall, Assistant Secretary, Reserve Affairs; and LTG David F. Melcher, Deputy Chief of Staff, U.S. Army; LTG H. Steven Blum, USA, Chief, National Guard Bureau; MG Allen Tackett, USA, State Adjutant General, West Virginia; and MG Raymond Rees, USA, State Adjutant General, Oregon.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following bills: H.R. 3256, To designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building;" H.R. 3368, To designate the facility of the United States Postal Service located at

6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office;'' H.R. 3548, To designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the ''Heinz Ahlmeyer, Jr., Post Office Building;'' H.R. 3770, 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;'' H.R. 3825, To designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the ''Clayton J. Smith Memorial Post Office Building;'' H.R. 3989, To designate the facility of the United States Postal Service located at 37598 Goodhue in Dennison, Minnesota, as the ''Albert Harold Quie Post Office;'' H.R. 4053, To designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the ''Lillian Kinkella Keil Post Office;'' S. 37, To extend the special postage stamp for breast cancer research for 2 years; H.R. 1455, To amend titled 45 and title 3, United States Code, to include the Department of Homeland Security and the Secretary of Homeland Security in the lists of executive departments and officers; H.R. 3496, amended, National Capital Transportation Amendments Act of 2005; and H.R. 4057, To provide that attorneys employed by the Department of Justice shall be eligible for compensatory time of for travel under section 5550b of title 5, United States Code.

LONDON BOMBINGS

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing on the London Bombings: Protecting Civilian Targets from Terrorist Attacks. Testimony was heard from the following officials of the Department of Homeland Security: Robert Jamison, Deputy Administrator, Transportation Security Administration; and Robert Stephan, Assistant Secretary, Infrastructure Protection Division.

MITIGATING CATASTROPHIC EVENTS—EFFECTIVE MEDICAL RESPONSE

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled ''Mitigating Catastrophic Events through Effective Medical Response.'' Testimony was heard from public witnesses.

AFRICAN GROWTH AND OPPORTUNITY ACT—FIVE YEAR ASSESSMENT

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations held a hearing on African Growth and Opportunity Act: A Five-Year Assessment. Testimony was heard from Florizelle Liser, Assistant U.S. Trade Representative for Africa; and public witnesses.

SOUTH ASIA EARTHQUAKE

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on South Asia Earthquake: Impact and Humanitarian Response. Testimony was heard from the following officials of the Department of State: Christina B. Rocca, Assistant Secretary, Bureau of South Asian Affairs; and Michael E. Hess, Assistant Administrator, Democracy, Conflict and Humanitarian Assistance, U.S. Agency for International Development; and Peter F. Verga, Principal Deputy Assistant Secretary, Homeland Defense, Department of Defense.

OVERSIGHT—VOTING RIGHTS ACT

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing entitled '' The Voting Rights Act: An Examination of the Scope and Criteria for Coverage under the Special Provisions of the Act.'' Testimony was heard from Michael S. Steele, Lieutenant Governor of Maryland; J. Gerald Hebert, former Acting Chief, Civil Rights Division, Department of Justice; and public witnesses.

WATER SUPPLY VULNERABILITIES

Committee on Resources: Subcommittee on Water and Power held an oversight hearing entitled ''Water Supply Vulnerabilities in the Sacramento/San Joaquin River System.'' Testimony was heard from Kirk Rodgers, Regional Director, Mid-Pacific Region, Bureau of Reclamation, Department of the Interior; BG Joseph Schroedel, USA, Commander and Division Engineer, South Pacific Division, Corps of Engineers, Department of the Army; Mike Chrisman, Secretary, Resources Agency, State of California; and public witnesses.

SCIENCE, TECHNOLOGY, AND GLOBAL ECONOMIC COMPETITIVENESS

Committee on Science: Held a hearing on Science, Technology, and Global Economic Competitiveness. Testimony was heard from public witnesses.

OVERSIGHT—DISASTER REBUILDING HIGHWAY AND TRANSIT INFRASTRUCTURE—GULF COAST AFTER KATRINA

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines an oversight hearing on Rebuilding Highway and Transit Infrastructure on the Gulf Coast following Hurricane Katrina. Testimony was heard from the following officials of the Department of Transportation: J. Richard Capka, Acting Administrator, Federal

Highway Administration; and Susan E. Schruth, Associate Administrator, Federal Transit Administration.

OVERSIGHT—DISASTER PROTECTION GULF COAST RECOVERY

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing entitled ''Expert Views on Hurricane and Flood Protection and Water Resources Planning for a Rebuilt Gulf Coast.'' Testimony was heard from the following officials of the Corps of Engineers, Department of the Army: John Paul Woodley, Jr., Assistant Secretary (Civil Works); and LTG Carl A. Strock, USA, Chief; Benjamin H. Grumbles, Assistant Administrator, Water, EPA; and public witnesses.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 3665, amended, Veterans Housing Improvement Act of 2005; H.R. 1691, To designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the ''John H. Bradley Department of Veterans Affairs Outpatient Clinic;'' and H.R. 4061, Department of Veterans Affairs Information Technology Management Improvement Act of 2005.

OVERSIGHT—VA's DISABILITY COMPENSATION CLAIMS PROCESS

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held an oversight hearing on variances in disability compensation claims decisions made by the VA Regional Offices, the Post Traumatic Stress Disorder claims review; and United States Court of Appeals for the Federal Circuit decision *Allen* v. *Principi.* Testimony was heard from the following officials of the Department of Veterans Affairs: Jon A. Wooditch, Acting Inspector General, Audits; Steven H. Brown, M.D., Director, Compensation and Pension Examination Project; and Ronald R. Aument, Deputy Under Secretary, Benefits, Veterans Benefits Administration; Cynthia A. Bascetta, Director, Education, Workforce, and Income Security Issues, GAO; and John M. Garcia, Secretary, Department of Veterans' Services, State of New Mexico.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a Briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

BRIEFING—AERIAL COMMON SENSOR PROGRAM

Permanent Select Committee on Intelligence: Met in executive session to receive a Briefing on Aerial Common Sensor Program. The Committee was briefed by departmental witnessers.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded a hearing to examine the current economic outlook, focusing on the effects of the recent Gulf Coast hurricanes on the economy of the United States since a significant portion of U.S. oil and gas production is concentrated in the Gulf area, after receiving testimony from Ben S. Bernanke, Chairman, Council of Economic Advisers; David F. Seiders, National Association of Home Builders, Washington, D.C.; and Mickey D. Levy, Bank of America, and Brad Setser, Roubini Global Economics, LLC, both of New York, New York.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 21, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, October 21

Senate Chamber

Program for Friday: Senate will begin consideration of H.R. 3010, Labor/HHS/Education Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

Noon, Monday, October 24

House Chamber

Program for Monday: To be announced.

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