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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*December 14, 2005.*

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

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

## PRAYER

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

''O radiant Dayspring, Splendor of eternal light, come and shine on those who dwell in darkness and the shadow of death.''

In today's world, we try to evade winter's darkness by touching a switch. Nevertheless, Lord, the modern world knows a darkness of mind and spirit that can match anything Stone or Bronze Age ancestors felt.

Technology's brilliance alone cannot lift the veil of darkness. Far too many of Your people, Lord, walk in the shadow of death or press on in a life without direction or meaning.

Come, Lord, and shed Your light upon this Nation and its leaders. Diffused within Your people, who are prepared to live transparent lives, You can remove the darkness of fear and anxiety with rays of hope, now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. KENNEDY of Minnesota 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.

## THE FREEDOM PATH

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

Mr. POE. Mr. Speaker, in less than 24 hours, the Iraqi people will elect a permanent parliament that will govern their free nation for the next 4 years. They will stand tall against tyranny and watch democracy unfold before their eyes. Mr. Speaker, I went to Iraq for the first historical elections in January and saw firsthand the birth of democracy in this land far, far away.

We will not cut and run on freedom and on Iraq. Otherwise, the terrorists will have won the day, and the Iraqi hope for freedom will disappear into the dismal abyss of lost causes. Freedom has a price. Our troops are paying that sacrificial price for the Iraqi people and world freedom. We will continue to support these sons and daughters of liberty. On the eve of the elections, we pay tribute to our freedom fighters.

President Kennedy once said, ''The cost of freedom is always high, but Americans have always paid it, and one path we shall never choose and that is the path of surrender or submission.''

Mr. Speaker, we have chosen the right path, the hard path, the freedom path. We will persevere with the freedom-loving people of Iraq until the journey down this path is successfully completed. That's just the way it is.

## GENOCIDE IN DARFUR

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

Mr. BLUMENAUER. Mr. Speaker, as we approach the last week of our work this session, there are 2 million people trapped in the unfolding nightmare in Darfur; 500 people a day being killed as we prepare for the holiday season. Since we are going to be delaying the work of the House until the end of January, this week is also the last chance for us to act to at least keep the African Union peacekeepers on the job; 7,300 people for an area the size of Texas seems like a fragile reed with which to stop the ongoing genocide in Darfur.

The Defense Appropriations train leaving the station could contain $50 million, which would be the smallest of steps to halt what all of us here say we condemn. We all ought to ask ourselves what we are going to do about it this week.

## CIADA—CELEBRATING 50 YEARS OF EXCELLENCE

(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, I am honored today to salute an organization that has ably served the citizens of North and South Carolina for 50 years. With approximately 2,500 members, the Carolinas Independent Automobile Dealers Association is the largest chapter within the National Independent Dealers Association in the country. Led by executive director Jim Edwards, CIADA encourages its members to abide by a published code of ethics and to actively



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serve the best interests of their clients. Their commitment to Carolina families has earned this association a reputation of excellence.

The members of this association have also been recognized as national leaders of the automobile industry. Throughout its history, four members of the Carolina Association have served as distinguished presidents of the National Association, including Karen Barbee of Concord, the current president and first woman to lead this national organization.

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

## MEDICARE PRESCRIPTION DRUG BENEFITS

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

Mr. EMANUEL. Mr. Speaker, here is a recap of the Medicare Prescription Drug Benefit headlines and highlights: $400 billion cost increases to $800 billion, and not one drug was dispensed.

The program failed to lower the cost of prescription drugs. In fact, drug prices continue to outprice inflation.

The Web site explaining the program did not work and had the wrong information.

When the government sent out the wrong information on the program, they sent seniors the wrong information.

Just this morning, the New York Times reported on delays in processing applications for the new drug benefit. Because of these delays, seniors may not be getting the identification cards they need in time for the January 1st start date, meaning they might not be able to get their prescription drugs.

It is no wonder that President Bush called the benefit program perplexing. But what do you expect? This is the same crowd that mangled the response to Hurricane Katrina and bungled the early stages of the war in Iraq by sending too few troops without proper equipment. It seems the Republican Congress, with this President unchecked, could mess up a one-car parade. Mr. Speaker, it is time for a change and a new set of priorities.

## IRAQI FREEDOM

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

Mrs. DRAKE. Mr. Speaker, today we are on the eve of Iraq's first election for a 4-year government based on their newly adopted constitution. We stand with the Iraqi people as they choose freedom and democracy over terrorism and oppression. In less than 3 years, they have gone from a brutal dictatorship to electing 275 representatives based on province and population, who will then select a prime minister, a presidency cabinet, and a cabinet of ministers.

We congratulate the people of Iraq. We stand beside them, and we thank them for their courage, their bravery and their vision. However, we must acknowledge, as they do, that the path will not be easy, but they are truly a miracle in the journey they have undertaken. We are proud of their progress and hopeful for the future for Iraq, the Middle East and the defeat of terrorism around the world.

## IRAQ HAD NOTHING TO DO WITH 9/11

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

Mr. KUCINICH. Mr. Speaker, 3,124 innocent civilians died in the 9/11 attacks at the World Trade Center, on the airliners and at the Pentagon; 2,151 U.S. soldiers have been killed in action; 15,881 U.S. soldiers have been wounded; 30,000 Iraqi civilian non-combatants, according to the White House, have been killed in Iraq; 500,000 tons of bombs have been dropped on Iraq by just one U.S. air wing. That is equivalent to 1 billion pounds of explosives, 2 million 500-pound bombs, nearly 400 pounds of explosives for every Iraqi man, woman, and child. Zero is the number of weapons of mass destruction found in Iraq. Iraq had nothing to do with 9/11.

## VICTORIES IN IRAQ

(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, today we are here on the eve of the elections in Iraq, and it is a significant victory within itself. We congratulate our Iraqi friends on that victory.

Also, in Nashville, there is going to be plenty of purple to be seen because that is a voting site for Iraqis in America to gather and cast their vote. We have to congratulate the Kurdish population there on that victory.

I just returned from Memphis holding town halls speaking to a Rotary club. Our citizens understand this. This is a significant step. They are talking to our men and women from the 278th who have returned, families of the 101st who are currently deployed. They know progress is being made. The Army has just surpassed its projections; 5,800 new recruits have signed up because they are committed. They understand the vision. And to celebrate all of this achievement, Moveon.org is taking petitions to our district offices, calling for immediate withdrawal. They just do not understand the significance of today. We celebrate the success of the victories in Iraq.

## HONORING THE 113TH ENGINEER BATTALION, INDIANA ARMY NATIONAL GUARD

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

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I rise today to pay tribute to the 113th Engineer Battalion of the Indiana National Guard and welcome them home after 1 year of serving our country heroically in Iraq.

Upon arrival, the 113th was nicknamed the ''Ironman Battalion'' because of their links to Northwest Indiana's steel industry. Throughout the past year, these ironmen and -women have shown a dedication and commitment to their country that is truly as strong as steel.

Today, Mr. Speaker, I am pleased to announce that soldiers of the 113th are coming home, coming home to be with their family and friends, coming home to be with their wives, husbands, sons, daughters, mothers and fathers.

The service of these men and women has not been without sacrifice. Over 40 Purple Hearts have been awarded to the 113th Battalion, each serving as a reminder of the danger our soldiers face every day.

Mr. Speaker, I welcome these soldiers home. I thank them for their service and sacrifice to our Nation, and I pledge that our support for them will remain equal to the sacrifice they have shown to our country.

## SECURE OUR BORDERS

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

Mr. TANCREDO. Mr. Speaker, today we will be taking up the PATRIOT Act, the extension thereof, and it is important that we do so. It is important for the security of the country.

It is ironic in a way that, as we address this issue and as we debate whether or not we need this kind of internal security mechanism in order to make Americans feel better about themselves and in fact provide that security, there is some irony if the fact that the perimeters, our borders, are as porous as they are and as undefended as they are.

Tomorrow we will take up a bill that will hopefully begin to close those gaps also and begin to defend that perimeter, for without it having a PATRIOT Act is like putting a very expensive apparatus in your home to determine whether or not you have an invader inside the house while you are leaving your front and back doors wide open. That is the problem we have. Hopefully, it will be solved tomorrow with the bill we have before us, the Sensenbrenner bill, to begin the process of securing our border and securing our future.

## FEMA'S BROKEN PROMISES

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

Mr. AL GREEN of Texas. Mr. Speaker, it has been more than 100 days since Hurricane Katrina devastated the gulf coast region, destroying more than 300,000 homes, taking more than 1,300 lives. FEMA promised help, yet, more than 100 days later, thousands of survivors are still living in tents and shelters. More than 100 days later, promised trailers have not arrived. More than 100 days later, a Federal judge has had to force FEMA to extend its deadline.

FEMA is now opting out of 12-month leases. What FEMA won't do, Congress can do. It is time for this Republican Congress to work with Democrats and enact legislation granting 1 year of housing assistance. It is imperative that this be done before we adjourn. Human suffering continues. I am willing to work with those to end this suffering.

□ 1015

## ALITO NOMINATION

(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, as the confirmation process of Supreme Court nominee Samuel Alito moves from the back burner to center stage in the coming days, we should not allow it to become politicized by the left.

President Bush has nominated a capable and qualified individual to sit on our highest Court. Judge Alito has more judicial experience than any Supreme Court nominee in the last 70 years. He has a reputation as an even-tempered, impartial, fair-minded judge who believes in judicial restraint. The Senate unanimously confirmed Judge Alito to the U.S. Court of Appeals for the 3rd Circuit in 1990.

Mr. Speaker, as this debate heats up, people should not be fooled by the mischaracterizations and personal attacks that are sure to come from the liberal left wing. Judge Alito is qualified. He deserves an up-or-down vote in the Senate.

## REPUBLICAN PRESCRIPTION DRUG PLAN IS CONFUSING

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

Mr. HOLT. Mr. Speaker, after this week we will be adjourning, we are told, for about 6 weeks or more in order to accommodate the court schedule in Texas. There are, therefore, some things that we should get done this week.

Many of us opposed the Republican Medicare prescription drug bill because we thought it was a mess. At least we want it to succeed as best it can for the seniors, but it is so confusing that not even the Bush administration is able to get out the proper information to the very seniors who must make a decision about which plan to choose.

Seniors want help with their ever-increasing prescription drug costs, but they have voiced frustration and confusion over the law that the Republicans passed.

The administration has distributed inaccurate and incomplete information, and Republicans want to penalize any senior who does not sign up for a prescription drug plan by May 15.

Congress should not leave town without giving the seniors at least an additional 6 months to help make a decision that they can live with, that can give them at least some help with their prescription drug costs.

## IMPORTANCE OF SUPPORTING METH PROVISIONS IN PATRIOT ACT

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

Mr. KENNEDY of Minnesota. Mr. Speaker, meth threatens lives, safety, and health at great cost to all of us. That is why the meth provisions included in the PATRIOT Act reauthorization are so important.

I am pleased this legislation contains several significant provisions I authored, including enhanced criminal penalties originally a part of the anti-meth SLAM Act I introduced with Representative DARLENE HOOLEY. This bill also contains a drug certification provision I authored to stop the flow of meth from Mexico.

I thank Chairmen SENSENBRENNER and SOUDER for their extraordinary leadership in moving this bill to the floor. I urge its swift passage. Doing so will send a strong signal that Congress is serious about fighting the scourge of meth.

We must send a signal to the pushers of this poison that they are not welcome in our communities. We must send a signal to the law enforcement officers who wake up every morning to protect our families that we stand with them in the fight against drugs and will work to give them every tool they need to be successful.

I urge all of my colleagues to support this important bill.

## OPEC AND ENERGY DEPARTMENT DELIVER MORE BAD NEWS

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

Mrs. MALONEY. Mr. Speaker, OPEC and the U.S. Energy Department delivered another blow to financially strained American consumers Monday when they announced that high energy prices are here to stay.

During a meeting in Kuwait, OPEC members said they may cut production of oil, increasing prices here in the U.S. At the same time, U.S. Federal energy forecasters projected the current high gas prices will last until at least 2014. This news comes at a devastating time for millions of families currently struggling to pay mounting home heating costs.

The onset of bitterly cold winter weather in New York City and across this Nation means that many people will have to make difficult sacrifices to afford these added expenses; and yet, Republican leaders in this body recently passed legislation that provides billions of dollars in financial assistance to energy companies, while cutting vital funds from LIHEAP, the low-income home heating assistance program.

Mr. Speaker, this is unconscionable. We should be increasing the LIHEAP funding and assistance and spreading this to the needed families over this holiday season.

## EXPRESSING SUPPORT FOR IRAQI ELECTION

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

Mr. BASS. Mr. Speaker, today I commend and congratulate the Iraqi people on the occasion of the election which is going to be held there tomorrow. This election represents not only the successful liberation of the Iraqi people from decades of tyranny and oppression but it also is a great leap forward in solidifying democratic institutions in Iraq.

Perhaps more than our Constitution, our flag or our national anthem, it is our elections that best display the enduring success of our American democracy. From the formation of political parties and ideologies to spirited debates on critical issues, it is the symbolic act of casting ballots that continues to make our democracy a beacon of freedom and prosperity to the global community.

The Iraqi people will now have the opportunity to comprehend what Americans have learned over two centuries, that nations are more stable and more peace loving when a multitude of voices share in its operation.

I am confident that democracy will continue to flourish as Iraqis make their opinions heard, rally in support of their visions, and experience for the first time the many liberties that Americans hold dear.

## PATRIOT ACT REAUTHORIZATION

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

Mr. MEEHAN. Mr. Speaker, 4 years ago, in the wake of September 11, Congress passed the PATRIOT Act to provide law enforcement new tools to protect America from terrorism. The bill was a rushed response and passed in an urgent hour.

Fortunately, the bill included sunset provisions, allowing Congress to revisit the law, reflect on its implementation, and fix those parts of the law that have clearly become overreaching. Four years later, Congress has failed to seize the opportunity to do so.

I urge my colleagues to oppose the leadership's attempt to irresponsibly rush another flawed bill into law.

Let us not repeat the mistakes of the past. Let us instead strike the right balance between our national security and our constitutional rights.

At a time when so much of the world questions our commitment to our own values, I urge my colleagues to show the American people and the world that we will defend our country, but that we will do so in a way that protects those rights that make it worth defending.

## OUR ECONOMIC EXPANSION CONTINUES

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

Mr. STEARNS. Mr. Speaker, recent reports and statistics are showing that the American economy has rebounded from the devastation of Hurricane Katrina and is back on its historic track of growth and productivity.

In November, 215,000 new jobs were created for a total of 4.4 million new jobs over the last 2½ years. Our economy grew at a solid 4.3 percent in the third quarter, and unemployment is at a low 5 percent rate. In addition, the productivity of American workers is at an impressive annual rate of 4.7 percent, the fastest pace in 2 years.

Mr. Speaker, this astounding economic growth has all taken effect ever since we passed, and the President signed, the jobs and growth bill into law in May of 2003.

However, we in Congress still have work to do. We must make these tax cuts permanent, cut wasteful spending, and create an environment so that key sectors of our economy, such as the telecommunications industry, can reach their full potential.

If we continue on this path, the ultimate winner will be the American people.

## THE PATRIOT ACT REAUTHORIZATION

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

Mr. LARSEN of Washington. Mr. Speaker, I am here today to highlight the contents of H.R. 3889, the Combat Meth Epidemic Act, which has been included in the PATRIOT Act conference report. As a co-chair of the Meth Caucus, I worked with our caucus members to craft a comprehensive meth bill that would attack our Nation's meth problem on multiple fronts. While I would have preferred a straight up-or-down vote on a stand-alone meth bill, these meth provisions do benefit our communities.

Meth has been attacking this country, starting on the west coast and moving steadily eastward. It devastates communities, affecting not just meth users, but families, neighborhoods, public health, the environment, and crime rates.

This conference report takes necessary steps to limit access to a key meth precursor, pseudoephedrine. Significantly, it will allow for an additional prison sentence for individuals convicted of cooking or selling meth where children reside. Children are too often the silent victims of this drug. So this will help protect them by authorizing grants to assist children who have been found in meth labs.

For the first time, Congress is passing comprehensive anti-meth legislation that gives our local law enforcement and communities the tools, resources, and standards to protect themselves against the scourge of meth.

## THE BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT

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

Mr. BEAUPREZ. Mr. Speaker, I rise this morning in support of H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act, because I believe it is past time we took serious steps to secure our borders and the safety of this country.

Rest assured, this legislation is not perfect nor is it a silver bullet, but it is a good start in terms of shutting off the magnet that is drawing people into our country to work illegally. Specifically, this bill contains provisions to establish the mandatory use of an employee eligibility verification program, designed to help employers hire only those who are in this country legally.

I submit that I am just as pro-business as anyone else in this Chamber. As such, I believe the Federal Government has a duty to provide the business community with the tools necessary to abide by the rules and then we need to enforce them.

I believe the Border Protection Act takes us a big step in that direction.

## FIX THE MEDICARE BENEFIT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, hundreds of seniors in my district showed up to five town hall meetings I hosted over the past month to explain the Medicare drug benefit.

For as much interest as my constituents demonstrated, they are just as confused and frustrated by the daunting task, as President Bush put it yesterday, of understanding and then choosing a drug plan from the dozens of plans with different premiums, deductibles, copayments, and lists of covered drugs.

Through no fault of their own, seniors are already encountering delays in their applications. Consequently, many will not receive their drug cards until after the sign-up deadline.

But we should not be surprised by a benefit whose flawed design was the result of ideology prevailing over practicality.

It is up to us here and now to make sure seniors understand their benefit and receive, without further delay, the affordable, life-saving drugs they deserve.

The first step should be extending the deadline by at least 6 months. I urge my colleagues to support this simple measure.

Seniors should not be rushed or penalized as they make this very important decision.

## IRAQ SOLIDARITY DAY

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

Mr. PRICE of Georgia. Mr. Speaker, Iraqis tomorrow will vote and America will stand firmly behind them for this historic milestone. While we look into the future, it is instructive to look back just a few short years. Iraqis lived in fear. ''Freedom of expression'' were three words most Iraqis thought they would never experience, and a brutal dictator oppressed millions of people.

Now optimism and success are sweeping Iraq. Hundreds of candidates vying for 275 representative spots are a product of this success. In the span of a few short years, Iraq's economic sector is setting the stage for growth. Introducing a new currency, reopening their stock exchange, loans to encourage small businesses, and infrastructure improvements are just a start.

More Iraqi security forces are being trained every day; and today, over 210,000 have been trained and equipped. The election this week is the next important step that must be taken in order to allow our men and women to begin coming home, having accomplished a great deal.

Mr. Speaker, tomorrow will be a historic day for Iraq, and all America will watch proudly as we witness freedom and democracy coming to reality before our eyes.

## MEDICARE DRUG PLAN

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

Mr. DEFAZIO. Mr. Speaker, the President breezed through a senior center yesterday, and he said, well, the Medicare drug plan seems perplexing, but he urged seniors to sign up anyway. It's a good deal, he said, of the program.

Well, it's a great deal for the pharmaceutical industry because it protects

their profits, and they get subsidies. It's a fabulous deal for the private insurance industry because they are getting subsidized to offer plans which they can change on a daily basis in terms of senior benefits, and seniors can only sign up once a year; but it isn't necessarily a good deal for many seniors. So the President gave bad advice.

Very low-income seniors, yes, they should, if they are not covered by another plan, look very carefully at their options and probably sign up. Others with very high prescription drug costs who don't have another plan, perhaps, but some would be losers under this plan. Many others, it is questionable whether they should sign up, and the government is not making it easy for them.

Minimally, we should extend the penalty deadline. After all, if the pharmaceutical companies and the insurance companies can change the seniors' benefits on a daily basis, why is it seniors can only sign up for one plan a year, can't change plans and will be penalized if they don't sign up by May?

□ 1030

## IMMIGRATION REFORM

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

Mr. GINGREY. Mr. Speaker, I rise today to stress America's need for border security reform. We should be supporting those who enforce our laws, not rewarding those who break them. I believe our border security problem can be managed and controlled, but to do so, we need the vital assistance of our local and State governments.

Local law enforcement personnel see the repercussions of illegal immigration every day, but unfortunately, they do not have the clear authority to handle this problem, nor do they have the infrastructure and financial resources to turn illegal immigrants over to Federal authorities. This has to change.

The House version of our border security plan cannot be complete without language to help local authorities enforce our laws. My friend and colleague from Georgia (Mr. NORWOOD) has introduced the CLEAR Act, and I am a proud cosponsor of this legislation.

As we debate immigration reform, we must remember that illegal immigration is both a national and a local problem, and our solutions must assist law enforcement at all levels.

## CONGRESS SHOULD STAY IN SESSION UNTIL IT EXTENDS ENROLLMENT PERIOD FOR PRESCRIPTION DRUG PLAN

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

Ms. SCHAKOWSKY. Mr. Speaker, this House should not adjourn for the year before we extend the enrollment period for seniors to sign up for the Republican Medicare prescription drug plan. I did not support the law, because I favored a benefit within the actual Medicare program. Instead, Republicans chose a plan that forced seniors to choose from multiple plans.

President Bush and congressional Republicans say it is necessary to have multiple drug plans competing in order to help drive down costs, but a report from the Government Reform Committee says the complicated drug benefit has failed to lower drug prices. The prices available to seniors are over 80 percent higher than those negotiated by the Federal Government for veterans and 60 percent higher than the prices available to consumers in Canada.

Instead of lowering drug prices, the new prescription drug plan has resulted in mass confusion for seniors. Seniors should have the time to make the best choice for themselves rather than be penalized if they do not make a decision by May 15.

We should extend the deadline by 6 months before we leave for the year and support the Stark-Schakowsky bill, H.R. 3861.

## TRIBUTE TO JAMES HOLMES, JR., SECOND HARVEST VOLUNTEER OF THE YEAR

(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 to recognize Mr. James Holmes, Jr., for being named America's Second Harvest Food Bank 2005 Volunteer of the Year.

Mr. Holmes is the founder of the community garden at the Children's Home in Winston-Salem, North Carolina. For the past 7 years, he used land at the Children's Home to grow 70,000 pounds of fresh produce to feed the hungry.

When Mr. Holmes started this project at age 76, he had never planted a seed in his life. Nevertheless, he pursued this project with a passion. As a former board member at the Children's Home, he convinced them to donate 3 acres for the garden and to allow staff to assist with the farm equipment.

Mr. Holmes is to be commended for his tremendous efforts. He raised the start-up funding to purchase supplies, recruited and trained hundreds of volunteers, and invested thousands of dollars of his own money to buy a tractor and build a storage building and irrigation system. Each year, he organizes the planting of the garden, schedules people to volunteer twice a week and joins the crews that work through the hot summer months and into the fall harvest.

It is an honor to have compassionate, caring, and hardworking people like James Holmes, Jr., in the Fifth District.

## HIGH ENERGY PRICES

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

Mr. CARNAHAN. Mr. Speaker, as this body prepares to adjourn for the year, we have an opportunity to look back at what the people's House has done for the American people. The answer, when it comes to addressing skyrocketing energy prices, is not much, especially for those most in need.

As winter weather settles in around the country, millions of American families are facing skyrocketing home heating prices with even greater impact if cold temperatures persist into the spring. Americans are also feeling the effects of soaring energy prices at the gas pump. The double burden of these added expenses will be far too much for many families.

Rather than taking the opportunity to address these costs for those most in need, the Republican leadership instead gave billions of dollars in tax breaks to those who need it least, big oil and gas companies that have posted not just record profits but the largest profits in the history of the world.

Mr. Speaker, Congress should not leave this year without repealing those tax breaks for big oil and converting the savings to low-income and senior Americans that need the help the most.

## HELP DEFEND THE RESPECT OF CONGRESS

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

Mr. KIRK. Mr. Speaker, as elected officials, we hold ourselves to the highest standards. As Members of Congress, we pledge to defend the Constitution and uphold the laws of the United States. We are elected to serve the public trust. A breach of law by a Member of Congress is a serious offense that should have very serious consequences.

Taxpayers should not pay for the retirement benefits of a Member of Congress convicted of a felony. That is why I am introducing the Congressional Integrity Act of 2005, to restore trust in the Congress. It is joined by 12 other majority Members, moderates and conservatives for reform.

This important ethics legislation will lead us back to integrity in public life. The Congressional Integrity Act of 2005 would deny a congressional pension to any Member convicted and denied final appeal on a range of crimes directly related to their public duties, including bribery, including illegal compensation, including fraud, solicitation and tax evasion.

Mr. Speaker, similar legislation passed the House in 1996 by a vote of 391–32. It is time to finally pass this important reform.

## REPUBLICANS PLAYING THE ROLE OF GRINCH

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

Mr. PALLONE. Mr. Speaker, the role of the Grinch this year is being played by House Republicans. Rather than spreading holiday cheer this month, House Republicans have done their best to make life more difficult for millions of Americans.

House Republicans want to force college students to pay an additional $5,200 in college loans. House Republicans plan to take away school lunches from thousands of school children who desperately need the nutritional value that these lunches provide. House Republicans are willing to cut the home heating assistance program for low-income families just before the long winter season. And House Republicans plan to penalize America's seniors who don't sign up for a prescription drug plan before May 15, despite all the confusing information that is coming out of the Bush administration.

Mr. Speaker, it is time House Republicans changed their ways, because nobody wants to be around the Grinch in December.

## MEDICARE INFORMED CHOICE ACT

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

Mrs. CAPPS. Mr. Speaker, 1 month ago, elderly Americans were finally able to start choosing among plans to provide them prescription drug coverage. In less than a month, these benefits will go into effect. But now these seniors are expressing their outrage. The choices they have to make are so complex it was imperative that CMS get them accurate information. But instead, CMS sent out inaccurate information. In addition, they told seniors that they basically had to get their information off the Web or by calling a hotline, but delays on the hotline are enormous, and most seniors are not comfortable using the Internet.

So now they are having to make critical, complex choices that are going to affect their health care with far too little assistance. We need to act to help them. Let us not turn our backs on America's seniors. Let us give them all of 2006 to make this important choice without penalty, and let us make sure that they can make a switch if they make the wrong choice.

Let us pass the Medicare Informed Choice Act.

## HURRICANE KATRINA

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

Ms. WATSON. Mr. Speaker, over the last 3½ months, this Republican Congress has failed to act to meet the critical needs of Hurricane Katrina survivors. The few proposals the Republican leadership has put forward fail to go far enough in meeting the challenges of restoring the gulf coast region.

The Congress has yet to enact a clear housing plan for the survivors still living in tents and waiting for promised trailers that have not appeared. Many families may lose their rental assistance at the end of December. And economic revitalization is moving at a snail's pace, with only about 5 percent of small business disaster loan applications approved so far.

Even Republicans have begun to criticize the delay by the administration and the Republican Congress in getting assistance to the gulf coast region. Last week, Mississippi Governor Haley Barbour, a former Chairman of the Republican National Committee, said his State's ability to recover has been severely hampered by Congress's delay in approving more money.

This Congress must not adjourn for the year until we enact measures to address this critical need.

## WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 596 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 596

*Resolved*, That upon adoption of this resolution it shall be in order to consider the further conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. FOLEY). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

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

Mr. Speaker, H. Res. 596 is a rule waiving all points of order against the conference report accompanying H.R. 3010 and against its consideration. This rule provides that the conference report shall be considered as read.

Mr. Speaker, the underlying legislation is one of the most important measures we consider each year. The underlying legislation will fund a broad array of programs improving the health, education and lifestyle of many Americans. I would like to congratulate the chairman and ranking member of the full committee and subcommittee for their hard work on this essential spending bill.

Mr. Speaker, the future of America hinges on the success of our future generations and their ability to compete with the rest of the world. In order for our children to succeed, they must be equipped with a high-quality education. I am happy to say that since Republicans took control of Congress, funding for the Department of Education has doubled; more recently, over the last 5 years, total education spending has increased by nearly 50 percent. Our children will benefit from an improved educational system that will enhance their ability to succeed and better prepare that next generation of workers.

The fundamental root of all education is reading. As we enter the holiday season, many families will join together in reading holiday stories providing wonderful memoirs for years to come. Unfortunately, some children are not able to read at the appropriate grade level. Included in this legislation is $1 billion for reading programs that will enable States to eliminate the reading deficit through science- and research-based reading programs.

I am also very pleased that the TRIO and GEAR UP programs are included in this all-important funding package. These programs assist low-income, first-generation college students in their transition from high school to college. This is a difficult transition for any student, but especially those who are the first in their family to attend college. We must continue to support programs like TRIO and GEAR UP so that these students will continue to flourish.

Mr. Speaker, another important responsibility we have is to ensure that our citizens have access to health care facilities and treatments. Included in this legislation is a $66 million increase in funding for community health centers that are so vitally important across this Nation, but especially in rural States, much like my home State of West Virginia. In the last 5 years, Congress has increased funding for these critical components of our health care delivery system by 48 percent.

I am especially pleased with the increased rural health funding included in this conference report. Millions of Americans across the country, including a majority of my West Virginia constituents, are faced with drastically different health care challenges because they reside in rural areas. This conference report includes a $90 million increase in funding for rural health programs. Included in this package are funds for the Office of Rural Health and

Research Policy, Rural Health Outreach Grants, Area Health Education Centers, and Medical Training.

□ 1045

These programs will improve rural health care delivery through continued research, improved technology, and development of health care professionals in rural America.

The National Institutes of Health, NIH, continues to serve our Nation well by developing new treatments and cures for the many diseases that plague our society. With a total funding level of the $28.6 billion, the researchers at NIH will be able to continue this mission so we may become a healthier Nation and global society.

A key aspect of a healthier society is one where all citizens have access to prescription drugs; and I am proud to say since November 15, Medicare-eligible beneficiaries have been able to sign up for a prescription drug benefit under Medicare. The resources provided in the underlying legislation will allow the Centers for Medicaid and Medicare Services to properly conduct that outreach effort that is so important that will hopefully enroll every senior that stands to benefit from this program.

Mr. Speaker, we are all aware of the challenges that can potentially face all Americans this coming winter, so the high cost of natural gas is something we are very concerned about. In this bill, the State formula grants for the Low Income Home Energy Assistance Program, LIHEAP, are funded at over $2 billion; and we fund an additional billion dollars included in the House-passed Deficit Reduction Act passed earlier this month.

As with any appropriation legislation, we had tough choices to make. These choices are particularly difficult when dealing with the sensitive health and education issues like the ones in this bill. The Committee on Appropriations allocated the available resources in this bill in a manner that emphasizes those programs most important to our Nation.

Mr. Speaker, this is solid legislation that I believe all Members will be able to support.

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

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume, and thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me this time.

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

Ms. MATSUI. Mr. Speaker, today we consider House Resolution 596, the rule allowing consideration of the conference report accompanying the fiscal year 2006 Labor-HHS and Education appropriations bill. If the debate looks familiar to our constituents watching from home, it should. Just before Thanksgiving, the House considered a conference agreement almost exactly like the one before the House this morning. The House voted to reject that shortsighted agreement. It was a striking rebuke of a majority out of touch with concerns of average Americans, and yet here we are again with an agreement that is almost word for word the exact agreement from 3 weeks ago. This new version simply moves around a small amount of money, robbing Peter to pay Paul.

What seems to have been skipped was a discussion of the fundamentally flawed priorities, and there was no discussion of what the American people need, merely what it would take for a few more votes. This means that No Child Left Behind funding is still cut by $779 million, a maximum Pell grant award is still frozen for the fourth straight year, and there is still no new funding for student financial aid and support programs. The bill still provides $4 billion less than Republicans promised for special education through IDEA.

Further, this agreement provides only thin and shortsighted support for innovative research going on today on universities and colleges across the Nation. Hardworking families rely on these advances to ease the suffering or even cure a loved one's illness, but this agreement threatens this hope.

Earlier this month, the UC Davis Cancer Center, the only federally designated cancer center in the central valley of California, discovered a way to improve early detection of breast cancer. And just before Thanksgiving, UC Davis research shed light on how some cancer patients contract chemotherapy-induced leukemia.

These are two examples of living-saving advances among dozens in the University of California system. And they are a reality because of Federal investment. Two out of every three research dollars to the UC system are from the Federal Government. Sadly, misguided priorities, like the ones contained in this conference report, threaten to limit these types of advances.

Mr. Speaker, my local newspaper, the Sacramento Bee, noted earlier this month that today's challenges demand shared sacrifice and better priorities. The paper argued, rightly so, that ''the majority in Congress is more intent on locking in President Bush's tax cuts than paying for war, natural disaster, and essential public services for the Nation's most vulnerable people.'' I could not agree more.

Mr. Speaker, I urge my colleagues once again to reject this conference report.

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

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

I would like to respond to the gentlewoman's assertion that this is the second time around, which it most certainly is. Adjustments were made. There were many folks on our side of the aisle who had concerns about the rural health provisions, I among those folks, because we are heavily reliant on our community health centers. Many adjustments were made, as I mentioned in my opening statement, to address some of the issues of rural health.

When we talk about priorities, this bill is chock full of America's priorities, and certainly education is one of them. I would like to review that in this bill there is $100 million more for those special education needs. As I said 3 weeks ago, is this going to solve the problem? Is this enough money to meet every need for every challenged child and every family of a challenged child? Certainly not. But we are getting there and working towards that.

In terms of Pell grants and affordability of higher education, it is at an all-time high, $4,050; and there is an additional $812 million to meet those challenges for those seeking higher education.

There is a particular emphasis in this bill for math and science. We hear about our students who cannot compete in the global economy, how students are not going into the math and science fields and we are getting left behind by those around the world. This will strengthen the K–12 math and science education.

Again, I would like to mention the TRIO and GEAR–UP programs because they are particularly significant in my State, very effective and long-standing, and I am pleased they are going to be there to help that first-time college student meet the challenges as they move towards higher education.

Another important program is Job Corps. It is a labor program that helps those students transition and move from education to the workforce in a very forceful way and a very successful way.

I realize that choices have to be made in these difficult areas of health, education and labor; but the choices we have made here I think are good solid choices, and I support the rule and the underlying legislation.

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

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Let me simply make a couple of comments in response to assertions made by the gentlewoman from West Virginia. She caught my attention when she said, and made much of the fact, that since the Republicans have taken control of the House, education funding has essentially doubled. Let me put that in perspective and challenge that statement. This bill is part of a three-part strategy which over the next 5 years will cut funding for education, for social services, for health care, for the people targeted by this bill by $48 billion over a 5-year period.

With respect to education, this bill is the first time in 10 years that the Congress will actually have cut education. With the across-the-board cut which is going to be attached to this bill before

the week is over, we will wind up cutting education by over $600 million below last year.

Now, the Republicans say, ''Oh, that is okay because we added so much money over the last 10 years.'' With all due respect, that is rewriting history. The Republican majority in this House had to be dragged kicking and screaming into supporting education at all. They came to power with the demand to abolish the Department of Education. Their very first action rescinded billions of dollars including education funding. They tried three out of the next 4 years to make deep cuts in education. Each time they were blocked by the Democratic minority and by some assistance that we got from the Republican majority in the Senate and from the White House then occupied by Bill Clinton.

Today the fact is that over the past 10 years we have had $18 billion more in education than would have been there if we had passed the Republican House education and labor appropriation bill. So for the Republicans to claim that they have added money to education is a joke.

It reminds me of the orphan who kills his parents and then throws himself on the mercy of the court because he is an orphan. The fact is, if the Republican majority in this House had their way, education would have been funded $18 billion less than it has been funded over the previous decade.

With respect to some of the other claims that have been made this morning, with respect to title I, we are going to have an actual reduction in title I by the time the across-the-board cut actually passes. No Child Left Behind programs have been cut by $779 million.

The gentlewoman mentioned NIH. The fact is that with the across-the-board cut that is going to be attached to this bill, NIH funding will decline by $129 million, there will be fewer research grants provided there than we had 2 years ago.

She mentioned community health centers. The fact is that this bill contains $238 million less than the amount requested by the Bush administration, and this bill totally terminates the entire community-access program to provide health care to people who do not have insurance.

So all I would say is, if you vote for this bill, if you vote for the across-the-board cut, and if you voted for the Republican reconciliation action last week, you will have cut support for people who are helped by this bill by $48 billion over the next 5 years, and you will have used 50 percent of that money to put in the pockets of the richest 1 percent of the people by way of tax cuts. It is an outrageous piece of legislation.

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

Mr. Speaker, I would like to respond. I have been in Congress for 5 years, and I have great respect for my colleague who has many more years and much experience, much more experience than I do. But my understanding of a conference report, which we are addressing now, it cannot be amended, it cannot be attached to and it cannot have any spending cut attached to it. He is leading me and others to believe that when we step up to vote for this, we will be voting for an across-the-board 1 percent cut. I find that incredulous because I know there will be no such vote placed on this bill. I want the general public viewing this to realize we are voting on a tough bill.

The appropriation is for labor and education and health services, but we are not voting on an across-the-board cut when we vote for this bill. We have made several choices here. We have put more money into reading which I think is vital. Over the past 5 years, incredible amounts of money have been put into pulling the reading skills up in elementary school and improving that vital part of our educational system.

We have worked on increasing special ed funding. I think we can all agree that the needs there are tremendously important across the country. We have improved that as well.

So I think for the understanding to be that this bill is going to be coupled with an across-the-board cut that means this is less than what it is, I find that to be disingenuous; and, quite frankly, I do not think that is quite actually what is going to occur.

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

□ 1100

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY) to respond.

Mr. OBEY. Mr. Speaker, let me simply say in response to the gentlewoman's comments, the Republican leadership and the Republican caucus has already made clear that they intend to attach a further 1 percent across-the-board cut in all discretionary spending before we leave here for the Christmas holidays. The fact is that the bill before us today is just for openers. And when you put this bill together with the 1 percent cut that they intend to make across the board, and then when you add that to the humongous cuts that they made over the next 5 years in the reconciliation bill last week, they are already on the hook for that. That means, over the next 5 years, there will be a cumulative cut in programs to help the people targeted by this bill of $48 billion.

Mrs. CAPITO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman, and I want to thank the gentleman from Wisconsin for pointing out to this House that the across-the-board cut which he speaks about is going to only exacerbate the underfunding, which already exists in this particular bill. And I thank the gentleman for that point.

I also want to state that this House, at the request of the administration, over the last few years has passed massive tax cuts that have helped to accelerate the wealth of this country upward, while when it comes to social programs, we are looking at cuts.

I want to speak to education. The education cuts brought before us today in this new conference report are not any better for students than those that were voted down by the House on November 17. Like that conference agreement, the bill before us today demonstrates that education is not a priority for this House's majority. This conference agreement provides a mere $11 million increase for Head Start.

I will bet, Mr. Speaker, that there are some of our wealthiest citizens who are achieving tax breaks in the millions, who together, pooling their tax breaks, would exceed the amount of money being given to Head Start that they call an increase. The fact of the matter is that Head Start is a pivotal program for preschool age children in low-income families across this country. And at current funding levels, it, unfortunately, serves about only half of the children eligible for its services. Now, this is not adequate, and it is not right. This program, which has been repeatedly found to have dramatically increased the academic performance of students, deserves more than a piddling $11 million when you compare it to where the money is going in this budget and in the fiscal policies of this administration.

This conference agreement cuts school improvement funding by 6 percent and flat funds teacher quality grants. These grants, which are used to recruit qualified teachers and support teacher development, are critically important to efforts to improve student achievement.

Rather than strengthening the Pell Grant program and increasing access to higher education for low-income students, the conference agreement maintains the current maximum Pell Grant at $4,050. At this level, the maximum Pell Grant only covers 39 percent of the tuition of the average 4-year public college, making a mockery of its status as the foundation of student aid for the poorest students.

What are our priorities? The votes Members cast today on this conference agreement will show our priorities. Our priorities ought to be education, and they ought to be doing something about adult training grants which, unfortunately, have been cut in this conference report, and youth training grants, which, unfortunately, have been cut in this conference report.

What are our priorities? To continue the acceleration of wealth upwards in this country, or to make sure that all Americans get a chance to be recognized in this budget?

It is time to say no to this policy.

Ms. MATSUI. Mr. Speaker, I would just urge my colleagues once again to reject this conference report, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I urge all of my colleagues to support this fair rule and the underlying legislation, where critical dollars will fund our Nation's education system, health care delivery system and numerous other benefits. With this funding, low-income Americans will be better prepared for a long cold winter with the $2 billion funding in LIHEAP. Our seniors will greatly benefit from the money provided allowing CMS to conduct outreach to our Medicare beneficiaries to sign up for the new prescription drug benefit. The $90 million included for Rural Health Delivery is vitally important to rural America. These are all important programs that will improve the way of life for countless Americans.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## CONFERENCE REPORT ON H.R. 3199, USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 595

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes. All points of order against the conference report and against its consideration are waived.

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

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

Mr. Speaker, House Resolution 595 waives all points of order against the conference report and against its consideration.

I rise today in support of House Resolution 595 and the underlying conference report for H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Mr. Speaker, I would first like to take this opportunity to thank Chairmen SENSENBRENNER and KING for all of their work in shepherding H.R. 3199 initially in the committee and then on the floor and now through the conference. This conference report demonstrates this Congress's commitment to find common ground in order to move solid and important legislation for the good and safety of the American people. This conference report is the culmination of 4 years of thorough hearings, extensive oversight, representing a collaborative effort to strengthen and fine tune our law enforcement needs and civil security needs as originally provided by the 2001 USA PATRIOT Act.

Like most Americans, I fully cherish and celebrate our constitutionally protected civil liberties, while also recognizing the need for strengthened national security with thorough and proper oversight. And this Congress has demonstrated and will continue to demonstrate a clear commitment to oversight in order to better achieve the essential and proper balance between necessary protective measures and our sacred civil liberties granted to us by the United States Constitution.

As I mentioned, when the House first considered this legislation back in July, Mr. Speaker, H.R. 3199, like most legislation considered before this House, is not perfect. In an ideal world, it would not be necessary, but today's world is sadly far from ideal. Today, America faces a grave threat from enemies who cowardly operate in the darkness of shadows, waiting with the intent to kill innocent people in the name of their hateful ideology. Therefore, we must never again be caught with our guard down.

This Congress must act and must act decisively and deliberately to provide our law enforcement with the tools they need to protect and to save American lives, both here and abroad.

With respect to the provisions of this legislation, Mr. Speaker, this conference report will make permanent many vital law enforcement tools made available for use against suspected terrorists by the USA PATRIOT Act while establishing 4-year sunsets on a few provisions such as section 206, FISA, Foreign Intelligence Surveillance Act, multi-point wire taps, section 215, FISA business record provisions and finally, the Lone Wolf provision.

With respect to section 206, it is important to recognize that the ability to track terrorists through the use of multi point or roving wire taps is essential because it allows law enforcement to follow a terrorist, rather than a telephone.

Mr. Speaker, terrorists are not reliant on two Dixie cups and a piece of string to coordinate and plot terrorist attacks. They have access to a universal and a vast array of communication technologies, and our laws must take this fact into account.

Additionally, this conference report, through section 215, ensures that law enforcement will still have the ability, under thorough and extensive oversight, let me repeat, under thorough and extensive oversight, to seek out information on terrorists without tipping them off and thereby potentially compromising security and costing lives.

Again, Mr. Speaker, it should be emphasized to all Americans that the USA PATRIOT Act did not establish any new law enforcement capabilities but rather extended techniques long available for use against organized crime or drug trafficking to be used against suspected terrorists as well. If these are acceptable tools against some dope-pushing thug, then they should be acceptable tools against terrorists who seek to destroy American lives and rip apart the very fabric of this great Nation.

Without question, this Congress must, and I trust, will continue to remain vigilant with thorough oversight to protect our Constitution, to protect our civil liberties and to protect our national security.

Mr. Speaker, I encourage all of my colleagues to support the rule and the underlying conference report, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, I rise today in strong opposition to H.R. 3199. While this conference report makes some improvement to the current PATRIOT Act, it fails to address some major deficiencies, and in many ways, it makes the current situation worse.

The original intent of the PATRIOT Act was to provide our law enforcement officials with the necessary tools to make our country more secure. While maintaining national security is absolutely a necessary responsibility of Congress, it can and must be achieved without compromising our civil liberties.

Unlike the proponents of H.R. 3199, the American people do not believe that security and liberty are mutually exclusive goals. A delicate balance between enhancing security and protecting liberty needs to be present. But unfortunately, this bill before us today falls far short to achieving this appropriate balance.

Mr. Speaker, back in 2001, when the PATRIOT Act was enacted, 16 provisions were sunsetted or authorized for a certain period of time because of their controversial nature and also due to the hurried manner in which they were drafted; 14 of these 16 provisions are made permanent by this conference report. And while three of the most contentious provisions have been sunsetted for 4 years, even that is too long.

Section 215, commonly referred to as the Library Records Provision, grossly expands the Federal government's ability to seize records and investigate citizens' reading habits without any notification.

Section 206, dubbed the Roving Wiretaps Provision, grants the government the power to perform so-called John Doe wiretaps in which they do not have to disclose the phones that will be tapped or even the names of the suspected person.

Section 6001, known as the Lone Wolf Provision, broadly redefines the Foreign Intelligence Surveillance Act's, FISA, standard for the agent of foreign power. The new definition is so expansive that the Government can now define any individual non-U.S. person as a terrorist suspect, even if the individual has no clear ties to a foreign government.

□ 1115

Mr. Speaker, it is more than apparent that these three provisions pose a threat to American citizens' civil liberties. And while I would rather see these provisions removed from the legislation, I am encouraged that a shorter sunset has been placed upon them.

But, unfortunately, Mr. Speaker, shorter sunsets do not do the trick. Sunsets alone do not fix the severe substantive flaws of these sections, and they do nothing to address the deficiencies of the 14 other provisions that are being made permanent by this report. Instead of opting to apply shorter sunset dates to these misguided provisions, Congress should be exploring appropriate ways to fix them. After all, giving the government the power to violate civil liberties is wrong regardless of whether we give the government that power for 1 year or 4 years or for 100 years.

Most notable of the deficient provisions, which was made permanent by the original PATRIOT Act, is section 505, known as the National Security Letters provision, NSLs. These NSLs are administrative subpoenas, issued by high-ranking Department of Justice officials, which force a person to turn over a wide range of personal records. Essentially, NSLs allow the FBI to conduct secret, warrantless searches of any records they deem relevant to national security.

What is most concerning about NSLs are the rate in which they are being issued and the eventual relevancy of the retrieved records. More than 30,000 NSLs are being issued a year, a hundred-fold increase since the enactment of the PATRIOT Act. Meanwhile, only a handful of NSL investigations have ever gone through the judicial process. Moreover, the FBI has surreptitiously gathered information on tens of thousands of Americans. They are maintaining databases on these citizens. And instead of deleting information on NSL recipients once an investigation is completed, the FBI is abusing this power and holding onto personal information of Americans who have never been accused of any crime.

Mr. Speaker, while this conference report does require the Department of Justice to report the number of national security letters they issue, it fails to address the abuse of power and the unconstitutionality of the provision. As determined by a Federal court judge on October 4, 2005, the NSL provision was ruled to be unconstitutional. So instead of reevaluating this provision or at the very least sunsetting it, the NSL provision remains permanent and continues to infringe upon the civil liberties of the American people.

Mr. Speaker, we all must be reminded that privacy is a right guaranteed by our Constitution, not a luxury that we can simply discard when it becomes inconvenient to the government. Shorter sunsets and minimal regulations imposed on the Department of Justice do not cure the serious problems with these provisions. Congress needs to go back to the negotiating table, reevaluate these provisions, and come up with a report that strikes the appropriate balance between advancing security and defending our civil rights.

That is why, Mr. Speaker, I am a cosponsor of H.R. 4506. This legislation, introduced by the ranking member of the Judiciary Committee, Mr. CONYERS, extends by 3 months the 16 provisions of the PATRIOT Act set to expire at the end of this year. Extending the PATRIOT Act in its current form for 3 months would give lawmakers the opportunity to reevaluate these contentious provisions, fix them, and then issue a conference report that actually protects the civil liberties of the people of this country and not hinders them.

I would like to share a quote from an article entitled ''Going Down in History with USA PATRIOT Act,'' which appeared in the November 27 edition of the Massachusetts Republican: ''Unless lawmakers are prepared to revise the USA PATRIOT Act to include modest protections to safeguard civil liberties, they will go down in history as the authors of remarkably bad legislation.''

Mr. Speaker, when we in Congress authorize Federal agencies, it is our responsibility to grant them with an appropriate level of power so that abuse will not occur. It is also our responsibility to demand accountability and conduct appropriate oversight. Sadly, under this Republican leadership, neither responsibility has been fulfilled.

One final observation. We are all, every single Member of this House is committed to protecting our country from terrorism. We must adjust our laws accordingly to deal with any potential threat. But we must not undercut or undermine the protection of our civil liberties. Mr. Speaker, democracy requires courage, and we can protect our citizens from terrorism and at the same time protect their civil liberties. They are not mutually exclusive. I am not convinced that the bill as written will enhance our national security, nor am I convinced that these broad, sweeping powers that we are now giving to our government will not be abused.

In our recent history, we have seen abuse of power. We have seen civil rights leaders in this country, people who have advocated equal treatment under the law for all of our citizens, we have seen these people put under surveillance. They have been wiretapped. We have seen others who have raised their voices in dissent or who have advocated issues that are now viewed as the mainstream, we have seen that they have been spied upon by our own government. So let us not give government more power than is needed.

That is my fear today, that we are going too far, that we are paving the way for abuse, and that if we enact this bill as written, a little bit of the Liberty Tree will die.

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

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

In regard to section 215, I want to remind the gentleman that section 215, relating to investigators' access to business records, this reauthorization requires a statement of fact showing reasonable grounds to believe that the records or other things sought are relevant to an authorized investigation to protect against international terrorism or espionage. This provides additional safeguards to the original USA PATRIOT Act, which requires the government only to certify that the records at issue were sought for an authorized investigation without any factual showing.

Mr. Speaker, I could continue with that, but I now yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

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

Mr. DREIER. Mr. Speaker, let me thank my friend from Georgia for yielding me this time.

I listened very, very closely to the remarks offered by my good friend from Massachusetts (Mr. MCGOVERN) and I have to say that every Member of this House is committed to the national security of the United States. That is our number one responsibility, our priority. But I will go so far as to say every single Member of this House is committed to recognizing the civil liberties of the American people.

When this issue came to the forefront just a few weeks after September 11, 2001, the now Director of the Central Intelligence Agency, former chairman of the House Intelligence Committee and vice chairman of the Rules Committee, our very good friend, Mr. Goss, argued that he believed we should begin with permanence at that point, and I argued then that I thought it important that we focus on sunsetting provisions in the USA PATRIOT Act. Why? Because we were looking at this issue literally weeks after the worst attack on our soil.

So, Mr. Speaker, as we moved ahead, we said we should have these sunset provisions, and we put them into place, and they were very important and

helpful. One of the reasons we did it is we wanted to see what kinds of civil liberties were being violated as we focused on our number one priority, that being our national security. And I am very happy to report that, as we look at what has transpired since implementation of the USA PATRIOT Act, it is the following: we have provided every opportunity for any American to raise concern, talk about violations of their civil liberties by going on the Worldwide Web, filing any kind of complaint. And there has not been one instance, not one complaint has been leveled, against the provisions in the USA PATRIOT Act as evidence of violating civil liberties.

I consider myself a small ''l'' libertarian Republican. I want to do everything in my power to ensure that we recognize the rights of our individuals. But we have to remember that this measure is exactly what Mr. MCGOVERN said it should be. It is a delicate balancing act between our goal of recognizing the importance of our national security and at the same time focusing on civil liberties. That is why we see the 4-year sunset for the so-called Lone Wolf provision, for the roving wiretap provision, for the so-called library provision. These measures that are in there are designed to force us to look at them again. But, Mr. Speaker, there is nothing to say that we cannot look at this again, as one of my staff members just said to me, next week if we so choose.

Now, the United States Congress pursues oversight with great diligence. I was shocked last night when the distinguished ranking member of the Rules Committee said that there had been no oversight by the Judiciary Committee of the USA PATRIOT Act. And Chairman SENSENBRENNER, who has done a phenomenal job on this, went through the litany of oversight hearings that have gone on between first implementation of the USA PATRIOT Act and today and will continue, will continue as we see this measure pass.

So, Mr. Speaker, I believe that this does create that fine balancing act that we have recognized, and we do know that at the same time sacrifices have been made. Every single American who travels today has made a sacrifice, because of the fact that we are in the midst of a global war on terror, by virtue of going through the security to get on an airplane. We have had to make sacrifices. Professor Harvey Mansfield of Harvard wrote about the need to make those sacrifices when we are in the midst of war. And we know that this is an ongoing global war on terror; but we cannot, as we pursue that war, move to undermine the great liberties and rights of the American people.

This measure strikes that balance, and I urge my colleagues to support the rule and to support the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, in response to my good friend from California who said there must be sacrifices and sacrifices have been made, I would remind Members of the words of Benjamin Franklin who once said that those who would give up their essential liberties to achieve a measure of security deserve neither.

The tragedy of 9/11 led to the PATRIOT Act, and then it led to a war against Iraq. Fear and suspicion led the U.S. to roll back our civil liberties and attack a nation that did not attack us.

We have become a Nation of leaders, some of whom who have condoned torture and illegal detentions. Fear and suspicion have driven us to that. We need a different type of leadership so the American people could have been spared the effects of 9/11. It could have been different. But, no. We are here today trying to appeal to people to let go of their fear and suspicion because an open, honest review of the FBI's use of the PATRIOT Act would surely find many areas in need of reform.

A careful balance between national security needs and protecting American rights must be struck, but that is not what we have here. Today we are set to pass a whole new round of democracy rollbacks. American citizens are losing more of their free speech rights and privacy rights. The authors of today's bill inserted a very weak and loophole-ridden right to judicial review of government actions. The American public is not served by such minimal accommodation.

Today, the House will ignore more than 400 local communities and seven States that have passed resolutions asking for PATRIOT Act reform. This legislation fails to provide reasonable sunset provisions that guarantee future congressional review. The bill retains 4-year sunsets for only two of the 16 PATRIOT Act provisions and only one of two expiring provisions in the 2004 Intelligence Reform Act. All other intrusive powers are either made permanent or remain permanent.

This bill continues to allow roving wiretaps that permit Federal agents to tap communications of a target where neither the target nor the phone is identified. Criminal wiretaps require one or the other, and the 10-day after-the-fact notice requirement is no substitute for privacy safeguards in the criminal wiretaps.

The bill continues to permit sneak-and-peak searches of a person's home or business to remain secret indefinitely. It drops a Senate provision supported by the Chamber of Commerce, conservatives, libraries, civil liberties organizations that set limits on secret court orders for library, medical, and other personal records. Instead, the bill establishes a false right to judicial review. A recipient must challenge before a preselected group of three court judges and go to the expense of hiring a lawyer with a security clearance who the FISA court agrees can appear before it.

So people have to essentially fight for their rights to be free of the scourge of wiretaps and to be free of the scourge of having the FBI reach into their library records, their reading records, their medical records.

Where are we going with this country? It is not the America it used to be. It has become something that is hard to recognize for many Americans.

Vote against this bill.

□ 1130

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

Mr. Speaker, I would like to remind the gentleman that in the original bill that we considered, H.R. 3199, which 43 of his colleagues supported, there were sunset provisions not in two, but in three, sections that were of 10 years' duration. In their motion to instruct the conferees, the request was to abide by the Senate bill, which would lower those to 4 years each. So that is exactly what we are bringing back in the conference report, exactly what they asked for.

Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), my colleague on the Rules Committee.

Mrs. CAPITO. Mr. Speaker, I rise today in support of the rule and the underlying PATRIOT Act reauthorization. I would like to take a minute to highlight two aspects of this legislation that we probably will not hear a whole lot about today, but are very important to me.

I am pleased that the conference report includes the amendment that I introduced and which passed the House 362–66 to increase penalties and update outdated laws to protect our rail and mass transportation systems. This provision, section 110 of the conference report, will ensure that those who conspire to commit attacks against our rail systems or fund such attacks can be prosecuted to the fullest extent of the law.

While no penalties can deter some of these terrorists bent on causing death and destruction, these enhanced penalties on conspirators will hinder the efforts of terrorists to secure and finance their networks.

The attacks on the rail systems in Madrid and in the London Underground have demonstrated the real threat that rail and mass transportation systems face. I would like to thank Chairman SENSENBRENNER and all the Members who supported this important provision to add another layer of protection to America's rail systems.

Also I want to commend the conferees for including anti-meth legislation in the conference report. Methamphetamine is a large and growing problem in rural America. In West Virginia, meth labs have been found in neighborhoods, endangering children and innocent members of the community. Provisions of this bill enhance penalties for those who run meth labs in the presence of children.

This bill also places restrictions on the sale of meth precursor chemicals that are similar to those that the West Virginia legislature passed earlier this year and other legislatures throughout the country. Provisions in this bill require that meth precursors be sold from behind the counter or from a locked cabinet and place better controls on mail order and Internet sales.

Authorization in this legislation will ensure that the Meth Hot Spots grant program will continue. This program has already provided assistance to local law enforcement in many districts, including the Metro Drug Task Force in my hometown of Charleston, West Virginia. Continuing this grant program will enable Congress to continue to help our communities fight the meth problem.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. ZOE LOFGREN).

(Ms. ZOE LOFGREN of California asked and was given permission to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just note the most important thing in the PATRIOT Act is the sharing of information between law enforcement and intelligence. I support that reauthorization. I am a member of the Judiciary Committee, a member of the Homeland Security Committee. The Department of Justice has stonewalled Congress on telling us how they are using these powers.

I am a member of the conference committee. Republicans met secretly and separately away from Democrats on the conference committee. We have failed to cure the problems in the bill, and we have missed an opportunity.

Mr. Speaker, I think it's clear that the primary benefit of the USA PATRIOT Act we passed in 2001 has been the sharing of information between criminal investigators and intelligence officials it enabled. I support authorizing that information sharing capability in the original PATRIOT Act, and I support its reauthorization today. But this conference report on reauthorization of the USA PATRIOT Act fails in important ways.

Following the attacks of 9/11, this Congress passed the USA PATRIOT Act to give our law enforcement and intelligence agencies new powers to fight terrorism. I voted for that law, but only after securing support for sunset provisions that allowed this Congress to revisit these issues under less trying circumstances.

Congress has not done its job in providing the thorough review we need of the PATRIOT Act. Nor has the Bush administration done its job in providing us the information we need to properly evaluate the PATRIOT Act. I have repeatedly sought access from the Department of Justice to the national security letters or NSLs it has issued under section 505 of the act, and underlying materials regarding its use of the material witness statute. I have been seeking access to these materials for over 6 months now, with no response from DOJ. I wrote to them again last month seeking this information, and again received no response. This is vital information about DOJ's actual use of PATRIOT Act powers, information which DOJ steadfastly refuses to provide. Yet with this conference report Congress blindly reauthorizes and makes permanent many of these same powers.

In fact, through the cracks in DOJ's veil of secrecy, we've begun to find some information about the PATRIOT Act. We've found out from whistleblowers that the FBI issues more than 30,000 national security letters each year. These are tens of thousands of letters, never reviewed by a judge, demanding information on countless people, the vast majority of whom may be Americans innocent of any terrorist activity. We don't know how many private lives are being swept up in these NSLs, because DOJ won't tell us.

This bill does not correct the problems with national security letters. It creates a new process for judicial review, but leaves that review subject to an extremely vague standard. There are no requirements for law enforcement to "minimize" its collection of NSLs; that is, there's no requirement for DOJ to segregate the vast amount of information collected on innocent Americans unconnected to any terrorist activity. An audit is provided which would allow DOJ to freely continue stockpiling information on Americans without providing any standard.

This bill also adopts too weak a standard for law enforcement to engage in business records searches under section 215 of the PATRIOT Act. The Senate passed unanimously what I thought was a very reasonable standard for law enforcement to meet in order to conduct these searches. The Senate required that these searches actually be relevant to an ongoing terrorism investigation and related to the activities of an agent of a foreign power. But the conference report adopts a presumption of relevance that would essentially tie judges' hands and force them to grant any requested searches.

Adoption of 4-year, rather than 7-year, sunsets on three provisions regarding business records searches, roving wiretaps, and so-called "lone wolf" terrorists acting as agents of foreign powers is positive. Frankly, I would have liked to see 4-year sunsets applied to more provisions of the PATRIOT Act, such as the provisions regarding NSLs. I believe these sunsets provide Congress an important opportunity to review how the PATRIOT Act is actually being used. Given how reluctant DOJ has been to share information with us, these sunsets really provide the main source of leverage Congress has over the Department of Justice to obtain information we should be provided as an equal branch of government.

Mr. Speaker, I'm very disappointed that this legislation has removed the provisions we passed in the House providing for additional funding for first responders. This is vitally needed funding that local first responders need in the event of another terrorist attack or other disaster. This conference report drops all of these provisions passed by the House.

For these reasons, Mr. Speaker, I urge my colleagues to join me in voting against this conference report. Instead of rushing this bill to conclusion, we should give ourselves the time we need to get the PATRIOT Act right. I, along with some of my colleagues, have introduced legislation that would allow us to reauthorize the existing PATRIOT Act authorities for another 3 months, to take the time we need to correct the many deficiencies still remaining in this conference report. I urge that, instead of voting for a bad bill in order to meet an arbitrary deadline, my colleagues join me in voting for more time to turn this into a better bill.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), a member of the Judiciary and Transportation Committees.

Mr. COBLE. Mr. Speaker, on 9/11, evil terrorists, murderers, if you will, inspired and motivated by fanaticism and hatred attacked our country and nearly 3,000 innocent Americans expired. It would be a simple matter to overreact to such an attack; but our response, for the most part, Mr. Speaker, has been thorough and deliberate.

The Judiciary Subcommittee on Crime, Terrorism and Homeland Security alone conducted nine hearings, coupled with two additional hearings before the full House Judiciary Committee. Other committees as well conducted hearings. So this seems to me refutes the charge that this act has been hurriedly rammed through the Congress.

I spoke earlier on this floor, Mr. Speaker, of a constituent who urged me to lead an effort to repeal the PATRIOT Act. When I asked him to cite examples where civil liberties had been abused, he could offer none. Other opponents of the act have likewise been unable to document evidence of abuses. Some have said, well, these points are irrelevant. They are not irrelevant at all, Mr. Speaker, when you are talking to people who oppose the act, but yet are unable to offer evidence to support their opposition. I think it is relevant, indeed.

Finally, Mr. Speaker, I am going to touch on a point that I think many Americans have inadvertently ignored, and that is the fact that there are in excess of 360 ports in the United States and this bill provides basic and much-needed protection thereto. It is clear that our ports and harbors are significant and appealing targets for terrorist attacks. We cannot afford to leave these areas unprotected or hamstring law enforcement efforts to provide basic security against terrorists.

Mr. Speaker, I am not trying to be a Chicken Little and shouting that the sky is falling, but just because we have not been attacked subsequently since 9/11 does not indicate to me that these terrorists, I call them murderers, they are murderers, are asleep at the switch. They are continuing to plot, and we cannot turn a blind eye to them.

Is this act perfect? No. Not many acts that find their way through this Congress are perfect. But it is a piece of legislation that should be enacted, and I urge support.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the President and his administration continue its rhetoric that anyone calling for a withdrawal of troops or questioning the intelligence that led us into the Iraq war is unpatriotic, while,

on the other hand, using this war as an excuse, a PATRIOT Act was passed that recklessly violates our civil liberties and attacks the very freedoms our troops in Iraq are told that they are fighting to protect.

This administration and the leadership in this very House we are standing in has tried every trick in the book to spread the blame, pass the buck on this misguided war. They continue to filter the debate in our very own country and to discredit those who disagree with them.

This bill they want us to pass today would continue to limit our constitutional freedoms in our very own country. Though they did not seem to care one bit about the facts before 9/11, they now believe the United States will benefit from hoarding insignificant and ill-gotten information on innocent Americans. They believe that this makes us a safer Nation.

If you want to talk about dishonesty, look at this administration's policies that have led us to ignore facts in order to manipulate the very policies that fly in the face of our own honesty, and this is an administration that also pays for ''canned'' news overseas.

The real patriots have been those who stand up and question the misleading intelligence and dishonest tactics that got us into this war, those who have challenged the PATRIOT Act and its impact on the civil rights and civil liberties of every American. Actually, it is patriotic to question how the PATRIOT Act affects the very rights that we live under in this country of ours.

Vote ''no'' on this PATRIOT Act.

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

Mr. Speaker, I just want to remind my colleagues that prior to 9/11 and before the USA PATRIOT Act in 2001, we had this culture and legal problem where law enforcement could not communicate whatsoever with intelligence. This bill enabled us to finally, finally connect the dots. I think this is very important for all of us to keep in mind.

Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Appropriations Committee.

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

Mr. WAMP. Mr. Speaker, I thank the gentleman from Georgia, and I thank the chairman and Chairman SOUDER for not only bringing the PATRIOT Act reauthorization to the floor but including these important meth provisions in this legislation.

In rural east Tennessee, over 10 years ago meth production showed up in a real ugly way and spread like moonshine of 50 years ago, but 100 times more lethal, through the mountains and the hills. We attacked it with a comprehensive State-Federal-local partnership called the Southeast Tennessee Meth Task Force and that grew to the East Tennessee Meth Task Force, and now it is a statewide, state-of-the-art, frankly, national model for how to combat this problem; and we were second in the country last year in lab seizures.

One of the innocent results here, though, of fighting meth and the production of meth are the children that are left in these homes. My colleague from Tennessee, a Democrat from Nashville, JIM COOPER, wrote legislation, and I was the original Republican cosponsor, that creates a provision funded at $20 million a year for the next 2 years to deal with the children that come out of these meth homes.

Over 10,000 children nationally between 2000 and 2003 came out of these meth homes and became wards of the State. In my State, 750 alone so far are wards of the State. There was no social service network for these children. This creates that.

So we are not just attacking the problem, but we are dealing with the aftermath of this deadly plague on America called methamphetamine production. It is so responsible to include it.

A second on the PATRIOT Act. In ordinary circumstances, it might not be necessary. These are extraordinary circumstances, and it has been necessary. The facts do not lie. If you listen to the testimony of the attorneys general and the prosecutors and you hear the cases, you know the PATRIOT Act has definitely kept our country safer, safer, since September 11.

We need to reauthorize it. We need to be realistic. We cannot just pander or engage in mythological discussions. Deal with the realities. We have to do certain things and communicate better. The law enforcement personnel have to have the tools and equipment to safeguard our country from these terrorists. This is the reality that we face today. We can change this later if we need to. Today, we need to reauthorize it and keep the teeth in Federal law enforcement and keep the terrorists out of our country.

□ 1145

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Speaker, I rise in strong opposition to this conference report. All of us are in agreement that the United States government must do everything it can do to effectively fight terrorism and protect the American people from another terrorist attack. There is no debate about that. But some of us believe that with strong, well-trained and well-funded law enforcement, we can in fact protect the American people without undermining the constitutional rights that make us a free country.

In that regard, I am happy to say that there has been a very strong coming together of Members of Congress and Americans from very different political perspectives, people who usually agree on nothing but who have come together to protect the Constitutional rights of the American people as we fight terrorism.

We should be very proud that, on this issue, such diverse groups as the ACLU, the American Conservative Union, the Gun Owners of America, the U.S. Chamber of Commerce, the American Library Association and the American Book Sellers Association have come together to say to Congress, please support the Senate version. And this is a message that I hope all Members heed.

The simple fact of the matter is that the original Senate bill is a far better piece of legislation than what we are looking at today, and that is the legislation that we should pass.

Mr. Speaker, day after day, we hear the Republican leadership telling us about the virtues of small and limited government, about how we have got to deregulate almost everything and get government out of our lives. In that regard, are my Republican friends really comfortable with allowing the FBI to access Americans' reading records, gun records, medical records and financial records without judicial approval; allowing the FBI to search someone's home without probable cause and without telling that person about the search; allowing the FBI to serve a librarian or a bookstore owner with a section 215 order demanding records without having to provide facts that a person whose records are being sought is involved in a terrorist investigation?

Please vote no on this conference report.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER), a member of the Education and Workforce Committee.

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

Mr. Speaker, reauthorizing the PATRIOT Act before it expires on December 31 is literally a matter of life or death because it is helping us to win the war on terrorism.

Since we passed the PATRIOT Act in 2001, we have convicted 212 terrorists, and we have frozen $136 million in terrorist assets. Passing the PATRIOT Act is purely a matter of common sense. Is it not common sense that we give law enforcement the same tools to go after terrorists as they now have to go after Mafia dons and drug dealers? Is it not common sense that we can now share data between the intelligence community and the law enforcement community? Is it not common sense that we can now track deadly terrorists even though they cross jurisdictional lines or switch cell phones?

Now, some Members of Congress want to postpone this legislation or even filibuster it. The worst thing that these critics can say about the PATRIOT Act is that supposedly law-abiding citizens will have their book store and library habits monitored. That is a totally bogus allegation. In reality, a prosecutor seeking this information must go before a federal judge, get a

court order and prove that it is a matter of international terrorism. Now, how many times has that happened since we first passed the PATRIOT Act in 2001? Exactly zero according to the U.S. Attorney General.

I urge my colleagues to vote yes on the PATRIOT Act and yes on the underlying rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, true patriots need not hide behind the flag nor apply phony titles to cover the misguided purposes of their legislation.

From its origin, this grossly misnamed PATRIOT Act has cloaked its weaknesses by implying that its opponents are ''un-patriots'' as in ''unpatriotic.'' This is all part of a troubling pattern: secret prisons, sneak and peek searches, gag orders, redefining torture to exclude cruel and degrading punishment, extraordinary rendition, combing through library records, and even attempting to misuse our military to spy on religious groups.

These acts debase our American values. This bill should be rejected because it fails to strike the proper balance between the security we demand and the liberties that we cherish.

Yes, Vice President CHENEY has suddenly emerged from his secure, undisclosed location and taken pause from his campaign to preserve torture in order to enthusiastically embrace today's bill. But intrusive, invasive powers in the hands of a few with little oversight and no accountability is a formula for wrongdoing. We should not surrender our liberties to any Administration. Retreating to such abusive tactics is weakness, not strength.

We should not add even more powers to an Administration that has so often been willing to abuse its existing power, nor should we add more authority to an Administration that has acted in authoritarian ways. Real patriots understand that an all-powerful government can undermine our security just as surely as a dangerous religious fanatic.

And all of this is occurring when the bipartisan 9/11 Commission, the citizens' commission that this Administration fought every step of the way, is giving the Administration and this Republican Congress one F after another for not protecting our families. Instead, we get this kind of legislation.

Mr. Speaker, authoritarianism is not born full-bodied. It is conceived in small injustices, which tolerated over time become irreversible. Benjamin Franklin understood when he said, ''Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.''

This much is certain, each day of this Administration brings more news of both deaths of true patriots abroad and more abuses of our values by those who claim to be patriots at home. This is an Administration where the ends always seem to justify the means. But their ''ends'' too often betray our safety, and their ''means'' forsake our values.

To those who promote this misguided act, pull down your false colors; raise the American flag of freedom. Reject this bill.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

I want to remind the gentleman from Texas that this latest 9/11 Commission so-called report card gave us an F for failing to reveal the amount of intelligence spending to the terrorists. So if that is the kind of report card he is talking about, then I am proud of that F.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule but in opposition to the underlying bill, the so-called PATRIOT Act, the USA PATRIOT Act.

I supported the PATRIOT Act when it was first passed and would do so again. I support the war on radical Islam. Our country is under attack and under grave threat. But my original support was based on the inclusion of 4-year sunsets in those sections of the PATRIOT Act, those sections that drastically expanded the police and investigative powers of the Federal Government.

That is what was included in the original PATRIOT Act. Instead, the current legislation before us makes permanent the expansion of police powers which were meant to be only temporary until this war was over. Of the 16 sunset provisions, sections sunsetted in the original 2001 bill, the current conference committee report establishes 4-year sunsets on only two of those 16. The rest of the expanded police powers are being made permanent, the most drastic permanent expansion of these powers being section 213, the sneak and peek section; the section 205, the secret search section; and section 214, which permanently eliminates probable cause needed for the use of eavesdropping devices.

I would support redoing the PATRIOT Act as originally came forward. As the war on terrorism continues, I can support these expanded powers. However, this effort to use the war as a way to alter forever the balance of personal liberty and legitimate restraints on government power should be defeated. Long after the war on terrorism is won, under permanent sneak-and-peek rules, American citizens will have their homes and businesses searched without court order and without legal notification for a month after that search is conducted. Long after the threat of Islamic extremism is over, under permanent secret search rules, Americans will have their business records, phone records, credit records and computer files seized without a judge issuing a warrant based on probable cause. Long after the crisis we face today, under permanent eavesdropping rules, American citizens will have their phone conversations monitored without a warrant.

There is no excuse in peacetime to give our police and our investigative agencies wartime powers, and that is what we are doing here. There have been a few improvements in the bill but not enough improvements, as far as I am concerned, for us to support it. My central theme has always been based on the need for periodic review by Congress of all those dramatic expansions of police power that we are giving our government now in order to win this war on terrorism. This is best achieved by sunsets. We should not live in peacetime under the extraordinary laws passed during times of war and crisis. Emergency powers of investigation should not become the standard.

Let me just note that I think people will rue the day if we give the Federal Government this permanent power over our lives.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I am deeply disappointed that the conference report, among other things, today does not include an amendment that I offered with Mr. SWEENEY to alter the first responder funding formula in the original PATRIOT Act. This provision would have allocated precious Homeland Security resources on the basis of risk. Under the original PATRIOT Act, zero percent of formula grants are distributed on the basis of risk. Under the House proposal, at least 84 percent and up to 100 percent of funding would be risk-based, ensuring that we spend our resources to address the greatest threats our Nation faces. This long overdue change has been approved by the House on three separate occasions, including in a stand-alone bill that passed by a vote of 409 to 10 in May. While the Senate has rejected this commonsense reform, the administration supports it, as does the 9/11 Commission. In a recent report, the Commission gave the government an F for failing to allocate funding where it is needed but stipulated that we can earn an A if the House provisions in the PATRIOT Act reauthorization bill are accepted. As Commission Chairman Kean stated last week, ''It is time for senators to exercise leadership and do the right thing for our Nation's security by passing the risk-based funding reform in the PATRIOT Act.''

The Senate failed to exercise leadership. We have therefore missed a golden opportunity to improve our Nation's security. We cannot back down from this fight, and we must demand that the Senate accept our proposal in any future Homeland Security legislation. I hope my colleagues will join me.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in support of the PATRIOT Act and, in particular, title VII of that report, the

Combat Methamphetamine Epidemic Act of 2005. This is certainly the biggest, and last night we passed Chairman BOEHLERT and Congressman GORDON's environmental meth bill, but this is the biggest comprehensive bill on meth that we have ever had in front of the United States Congress, and it is important that we pass this.

I want to thank a number of people. It is impossible to thank everybody who has been involved in this, but I would like to thank Chairman SENSENBRENNER of the Judiciary Committee for his co-sponsorship and his willingness to put this in a conference report. If we did not have this in a conference report, it would not see the light of day. We have had the pharmaceutical companies attack this bill. We have had the Mexico and China lobbies attack this bill. We have had the pro-drug groups attack the law enforcement provisions. It would not go through the other body. It is not even clear we can move it to another bill at this point. Yet, it is the only bill standing, and it is a bipartisan effort to try to address this scourge that is crossing the country. I thank Chairman SENSENBRENNER; also Majority Leader ROY BLUNT, who has been an early leader in this charge; Chairman BARTON of the Energy and Commerce Committee for his willingness to have this move on this conference report; Chairman HYDE of the International Relations Committee because it has International Relations jurisdiction and for his support; Chairman YOUNG of the Transportation and Infrastructure Committee; Chairman COBLE of the Judiciary Subcommittee on Crime; Chairman FRANK WOLF of the Appropriations Subcommittee on Science, Commerce, Justice and State, because, without all of their help, we would not have this bill in front of us.

I would also thank the several Members who have worked so hard to make this comprehensive anti-meth legislation happen. In particular, I would like to thank Representatives MARK KENNEDY, DARLENE HOOLEY of Oregon, DAVE REICHERT and JOHN PETERSON, because they provided much of the content of this comprehensive bill and their consistently strong leadership on the House floor.

I would also like to thank the four co-chairmen of the Congressional Meth Caucus, Congressmen LARSEN, CALVERT, BOSWELL and CANNON, for their staffs' assistance in putting this together so we could have a bipartisan effort.

Congressman TOM OSBORNE has crusaded on this House floor and across the country on behalf of anti-meth legislation, as has Congressmen BAIRD, WAMP, BOOZMAN, KING, GORDON and so many others. This would not be happening today if we did not have this bipartisan coalition, and I hope it becomes law.

Mr. Speaker, I rise in support of the conference report to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005, and in particular of title VII of that report, the Combat Methamphetamine Epidemic Act of 2005. I believe this bipartisan legislation is a vital first step in our renewed fight against the scourge of methamphetamine trafficking and abuse, and I hope the House will support its passage.

I would probably take an hour if I tried to thank each of the Members and staff who helped with this legislation, so I will have to mention only a few. First, I'd very much like to thank Chairman SENSENBRENNER of the Judiciary Committee for his cosponsorship of the Methamphetamine Epidemic Elimination Act, H.R. 3889, one of the two bills that was incorporated into today's legislation, and for his leadership in ensuring that anti-meth legislation would be added to the conference report. I would also like to thank Majority Leader ROY BLUNT, Chairman BARTON of the Energy and Commerce Committee, Chairman HYDE of the International Relations Committee, Chairman YOUNG of the Transportation and Infrastructure Committee, Chairman COBLE of the Judiciary Subcommittee on Crime, and Chairman FRANK WOLF of the Appropriations Subcommittee for Science, Commerce, Justice, and State, for their invaluable assistance and support in bringing this bill to the floor for a vote today.

I would also like to thank several Members who worked so hard to make comprehensive anti-meth legislation happen. In particular, I'd like to thank Representative MARK KENNEDY, Representative DARLENE HOOLEY, Representative DAVE REICHERT, and Representative JOHN PETERSON for providing much of the content of this bill, and for their consistently strong leadership on the House floor on meth issues. I would also like to thank the four co-chairmen of the Congressional Meth Caucus, Representative RICK LARSEN, Representative KEN CALVERT, Representative LEONARD BOSWELL, and Representative CHRIS CANNON, for their and their staffs' assistance and support. And to every other Member who has cosponsored either H.R. 3889, or the other major bill incorporated in this conference report, the Combat Meth Act of 2005, H.R. 314, I express my deep appreciation.

I don't have to tell any of you how serious a threat meth is for our communities; pick up almost any newspaper or magazine these days and you can read about it firsthand. As chairman of the Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources, I have held 11 hearings on the meth epidemic since 2001, not only in Washington, DC, but in places as diverse as rural Arkansas, Ohio, Oregon, and Indiana, suburban Minnesota, island of Hawaii, and urban Detroit. There are regional and local variations on the problem, of course, but one thing remains constant everywhere: This is a drug almost unique in its combination of cheapness, ease of manufacture, and devastating impact on the user and his or her community.

There are three aspects of the meth epidemic that I believe need to be emphasized as Congress prepares to enact this legislation. First, meth presents unique challenges to Federal, State, and local law enforcement. The small, clandestine meth labs that have spread like wildfire across our Nation produce toxic chemical byproducts that endanger officers' lives, tie up law enforcement resources for hours or even days, and cost tremendous amounts of money to clean up. That, combined with the rise in criminal behavior, child and citizen endangerment, and other effects, have made meth the number one drug problem for the Nation's local law enforcement agencies, according to a study released over the summer by the National Association of Counties.

Second, the damage this drug causes is not confined to the addict alone; it has terrible effects on everyone around the user, particularly children. Another survey by the National Association of Counties found that 40 percent of child welfare agencies reported an increase in "out of home placements because of meth in the past year." This abuse unfortunately includes physical and mental trauma, and even sexual abuse. Sixty-nine percent of county social service agencies have indicated that they have had to provide additional, specialized training for their welfare system workers and have had to develop new and special protocols for workers to address the special needs of the children affected by methamphetamine. Community health and human services, as well as child welfare services such as foster-care, are being overwhelmed as a result of meth.

Finally, the meth threat is not confined to the small, local labs, but extends well beyond our borders to the "super labs" controlled by large, sophisticated Mexican drug trafficking organizations, and the international trade in pseudoephedrine and other precursor chemicals fueling those super labs. Three-quarters or more of our Nation's meth supply is controlled by those large organizations, and over half of our meth comes directly from Mexico.

The Combat Methamphetamine Epidemic Act will be the first legislation enacted by Congress that addresses all three of these critical aspects. Previous acts of Congress have addressed meth production and precursor chemical diversion, while others have provided assistance to State and local agencies; for the first time, however, we are tackling domestic and international chemical diversion, assistance to State and local agencies, child and family welfare issues, and the criminal production of meth.

The conference committee has filed a detailed section-by-section analysis of the legislation, so I will only briefly mention the highlights of this bill. Among other things, the act would:

Require all pseudoephedrine, ephedrine, and phenylpropanolamine products to be stored behind the counter or in a locked cabinet; impose a daily and a monthly purchase limit; require purchasers to show I.D. and sign a logbook; and require training of all employees handling the products;

Close a number of loopholes in existing import, export, and wholesale regulations of meth precursor chemicals, including import and manufacturing quotas to ensure no oversupply leads to diversion; and regulation of the wholesale "spot market";

Require reporting of major meth precursor exporters and importers, and would hold them accountable for their efforts to prevent diversion to meth production;

Toughen Federal penalties against meth traffickers and smugglers;

Authorize the "Meth Hot Spots" program, as well as increase funding for drug courts, drug endangered children programs, and programs to assist pregnant women addicted to meth.

Each of these steps is vital to our success in the fight against meth, and I hope that the House will support them.

Mr. Speaker, this bill was a true compromise—both between the two parties, and between this House and the other body. Of all the many Members of Congress who worked on this legislation, no one got everything he or she wanted. But what we did get was an excellent bill that will re-energize our fight against methamphetamine. Every one of us, Republican or Democrat, urban or rural, has a stake in the outcome of that fight. We have to stop the meth epidemic from spreading, and we need to start rolling it back. I believe that this legislation will be an important step in that process, and I urge my colleagues to vote for its passage.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. I rise today in opposition to the PATRIOT Act reauthorization conference report. As a former Federal prosecutor and New Mexico's Attorney General, I am familiar with both the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. I am also a strong supporter of civil liberties and believe that our Constitution must be guarded against encroachment even in the name of security.

On October 24, 2001, a justified sense of urgency resulted in an unjustifiably rushed vote on the PATRIOT Act.

□ 1200

Many of us had little time to study the bill which became law. A bipartisan bill was junked by the majority's Rules Committee in the middle of the night. Since this legislation was enacted, over 385 cities, towns, and counties in 43 States passed resolutions concerning the PATRIOT Act. In New Mexico alone, 10 cities and four counties have adopted resolutions calling for reform. I have received thousands of letters from Americans worried about excessive government power without judicial oversight.

I had hoped during the conference committee Senate provisions granting more congressional oversight and constitutional protections would have been kept in this bill. The Senate version contained greater restrictions on the government's power and required higher standards for record demands.

However, the conference report is more of the same. It extends for 4 years two of the most controversial provisions of the bill, including the section granting law enforcement authorities unprecedented powers to search library and bookstore records without probable cause or the need for search warrants.

This bill also makes permanent 14 provisions of the PATRIOT Act that were set to expire this year. This bill has serious problems.

National security letters are out of control, with no meaningful oversight. It has been reported that 30,000 national security letters are issued every year. These letters allow the government to collect almost limitless sensitive, personal information without judicial approval. We should target this government power against terrorists, not against innocent Americans.

I will vote against this bill today, not because I oppose the PATRIOT Act in its entirety but because I believe that the needs of law enforcement can be met without eroding our liberties.

Mr. GINGREY. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Madam Speaker, the crippling reach of methamphetamine abuse has become the Nation's leading drug problem today, and this is according to a survey by 500 sheriffs departments in 45 States.

It is cheap to buy. It is easy to make. It is available everywhere. It is highly addictive. Oftentimes it is addictive after just one use. So it is currently replacing cocaine and heroin in many parts of the country. It leads to increased crime, child abuse, increases in the jail population. In many parts of the country, almost 40 to 50 percent of the jail population is due to methamphetamine abuse.

However, the main problem anymore is not the mom-and-pop meth lab out in the countryside. It is the superlabs. Right now 60 to 85 percent of the meth in the United States is coming from superlabs in Mexico, and this is really hard to trace. It is hard to get at.

The one thing that is needed to make methamphetamine is pseudoephedrine or ephedrine, and this is manufactured in only six or seven locations around the world: Czechoslovakia, Germany, China, southeast Asia and so on. This bill would make it more difficult for meth manufacturers to obtain the pseudoephedrine necessary for producing the drug in these superlabs.

H.R. 3199 includes language the House passed earlier as part of the Foreign Operations authorization bill. It identifies and publicizes the five countries which have the highest rate of diversion of pseudoephedrine to manufacturers of meth. We can get the invoices from these manufacturers. The Department of State could then use its existing authority to reduce or eliminate U.S. foreign aid to those countries which are most contributing to the meth problem. This is one thing that gets people's attention, when you take their foreign aid away, because they are producing meth that is being used in these superlabs.

It is a good bill. It gets to the source of the problem. I want to thank Chairman SENSENBRENNER and particularly Chairman SOUDER for their hard work on this bill, and I urge support of the underlying legislation.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

Listeners should realize that truth is not required in debate on the floor of the House. The chairman of the Rules Committee stood up here and said there has not been one complaint about the use of the PATRIOT Act, or the abuse. He should talk to Brandon Mayfield from Portland, Oregon, who was considered to be a perpetrator of the Madrid bombing and they used the PATRIOT Act to accumulate the nonevidence about him. The government has subsequently apologized, and he sued the government, but I guess that is not a complaint.

Maybe we are not hearing the complaints because librarians, bookstore owners, and business owners can themselves be prosecuted if they tell anybody that there was an unwarranted gathering of records about innocent Americans from them. So, yeah, I guess there is sort of a dearth of complaints.

Then there is the other gentleman. He said, well, we can change this later. We heard that when we passed the first PATRIOT Act, which no Member of the House of Representatives had read, at 10 o'clock in the morning with one copy available on each side of the aisle. We said it sunsets; you can change it later. Now is later. It is time to change it. Guess what? They say well, no, we can't change it now; we might change it later after we make it permanent now. Before it was temporary; we are going to change it later. Now, it is permanent, maybe we will change it later.

Come on. Let's be honest about this debate. You are jamming this through on behalf of the White House and the Attorney General. They want this. It is bad legislation. It threatens the civil liberties of Americans, and I believe it will impinge on our investigation and finding of terrorists.

These national security letters, 30,000 national security letters, gathering huge amounts of data about the lives of innocent Americans. In the past, that would have to be discarded. Now they say, well, we're going to keep it; but don't worry, all the information we're going to accumulate about people, innocent Americans, is going to go into a databank; but it will only be available to the Federal Government, State government, local governments, tribal governments and appropriate private entities. I guess there is one person in America who might not be able to tap into this databank.

This is going to create such a huge haystack of irrelevant information about the lives of innocent Americans that the FBI, who had one terrorist in hand, Musawi, and had an agent in Arizona pointing at the plot, could not even see their hand in front of their face. Now we are going to create a huge mountain of irrelevant data about innocent people and this is somehow going to improve how they perform in finding terrorists in America? I don't think so.

Then the most cynical thing about this bill is to take a meritorious bill

that deals with methamphetamine precursors and trafficking, that passed separately in this House of Representatives, which I supported, and they are going to include it as part of this legislation in a cynical ploy to somehow basically force, bully, or trick people into supporting the underlying legislation with its unwarranted attack on the Bill of Rights, the Constitution of America, the foundation of our government, the gathering secretly of information about innocent Americans, and the permanent retention of that information for no good purpose.

This is bad legislation. The time has come to change it. It should be defeated, and we should change it now.

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

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Madam Speaker, I thank the gentleman from the great city of Worcester, Massachusetts, for yielding.

Madam Speaker, I rise in opposition to the conference report on H.R. 3199, the so-called USA PATRIOT Act, because we have not taken meaningful steps to eliminate or correct the most egregious sections of this act.

In particular, it is disappointing that the conference agreement does not include a meaningful judicial review mechanism for FISA wiretaps, under the Foreign Intelligence Surveillance Act, as applied against U.S. citizens.

Given that the power that today's surveillance technology gives to government and given the broad powers that we have given to intelligence agencies under this act, the absence of post-execution judicial review in today's conference report constitutes one of its most critical shortcomings.

Madam Speaker, in order to ensure that the powers granted by the PATRIOT Act are not susceptible to abuse, our government must always operate with meaningful oversight, checks and balances.

After all, it is the maximum transparency and active judicial review which is our ultimate weapon in combating both governmental abuse and overreaching by governments to restrict the individual freedoms of our citizens.

For these reasons, I ask my colleagues to oppose the this version of the PATRIOT Act reauthorization.

Mr. MCGOVERN. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MCGOVERN) has 2½ minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 2¼ minutes remaining.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute 20 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, I want to thank the gentleman for yielding and for his leadership.

Madam Speaker, I rise in total opposition to this rule and to the reauthorization of this unpatriotic act. We should be repealing these undemocratic provisions, not expanding government's reach into the private lives of the American people.

Since 2001, the PATRIOT Act has been used more than 150 times to secretly search private homes, and nearly 90 percent of those cases had nothing to do with terrorism.

Americans have rejected provisions in this legislation like sneak-and-peek searches, national security letters, and roving John Doe wiretaps.

Under this renewal, we will see more of the same. Private residences, libraries, businesses, medical records, not even your DNA, are safe from the PATRIOT Act.

I now understand why many have called this bill yet another Big Brother attack.

Requiring an A on the 9/11 Commission recommendations instead of Ds and Fs is how we protect the American people from terrorist attacks, not taking away our civil liberties, which this unpatriotic bill does.

Preserving medical privacy, the right to read and congressional oversight should not be partisan issues, Madam Speaker. Our constituents deserve better. I hope that we all vote ''no'' on this rule and vote ''no'' on this very unpatriotic PATRIOT Act as they call it.

Mr. GINGREY. Madam Speaker, I yield to myself 15 seconds and want to remind the gentlewoman from California that under this reauthorization, the USA PATRIOT Act, we are not utilizing powers that were not already granted to the Federal Government in regard to crime prevention and drug lords and organized crime. We are just applying it now to terrorists.

Madam Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, may I inquire of the gentleman from Georgia how many more speakers he has?

Mr. GINGREY. I have no more speakers.

Mr. MCGOVERN. Madam Speaker, I will close for our side.

Madam Speaker, this bill overreaches. It paves the way for abuse and is a potential threat to innocent, law-abiding citizens. We are not a police state, and what makes us different from so many others is our freedom and our respect for basic civil liberties and our respect for privacy.

I understand the urge of some to embrace this legislation; but let me remind you that every time you chip away at our civil liberties, you give the terrorists a victory. You take away something that is essential to who we are as Americans.

Let us adjust and enhance our laws accordingly, to give law enforcement officials what they need; but let us not give them more than what they need.

This bill puts us on a dangerous path. There are over 150 provisions in this bill that are noncontroversial, that everybody agrees on, that will help track down terrorists and criminals; but there are a few provisions that so cross the line that they threaten our privacy and our civil liberties and do not make us safer.

We can defend our country; we can protect our people without trashing the Constitution.

With that, Madam Speaker, I urge my colleagues to vote ''no'' on this bill.

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

Mr. GINGREY. Madam Speaker, I will close this debate by again thanking Chairmen SENSENBRENNER and KING for their work on this important conference report.

This bill is a testament to our open legislative process. Conservatives, liberals, moderates, Democrats, Republicans, Independents, the ACLU, the Department of Justice and various other organizations have all had the opportunity to voice their thoughts and concerns on the underlying bill.

I believe, Madam Speaker, the final product is solid and legal, does not violate our constitutional rights guaranteed by the fourth amendment, and will serve as an important framework to fight terrorism, protect civil liberties and thereby further strengthen America.

Again, I want to encourage all of my colleagues on both sides of the aisle to support both the rule and the underlying bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1215

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 595, I call up the conference report on the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to rule XXII, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 8, 2005, at page H11279.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report to accompany H.R. 3199 currently under consideration.

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

There was no objection.

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

Madam Speaker, my staff has prepared for me an opening statement on this bill, and I am going to put the opening statement in the RECORD and not read it, because after listening to the debate on the rule that was just concluded, the amount of misinformation and misleading information that has been placed in the CONGRESSIONAL RECORD relating to the USA PATRIOT Act is just absolutely astounding.

First of all, let me say that when the original PATRIOT Act was enacted in October of 2001, there were expanded powers that were given to law enforcement in 16 sections, and I was the person that insisted upon a 4-year sunset being placed on each and every one of the powers of law enforcement that were expanded. I was successful in that effort, and we have had this sunset, during which time the Judiciary Committee has conducted vigorous oversight.

I have heard allegations that have been made on the other side of the aisle that there has been no oversight by the Judiciary Committee and that we were lacking and that we were negligent in doing the oversight. Madam Speaker, this is the written record of the oversight that has taken place over the last 4 years. I would submit that there has been no other provision of current law that has been subjected to as extensive oversight as the Judiciary Committee has done on a bipartisan basis on the USA PATRIOT Act.

How have we done this oversight? We have done this oversight through letters to the Department of Justice, usually cosigned by the gentleman from Michigan (Mr. CONYERS) and myself. And when the Department of Justice has been nonresponsive, we have been like the crabby professors asking them to do it again and again until they get it right and to disclose the information that Congress is entitled to.

The Judiciary Committee has done oversight through hearings beginning in 2003. Those records are open to the public. The Judiciary Committee and its Subcommittee on Crime, Terrorism and Homeland Security has done oversight through briefings. Those briefings have been open to Members of both parties.

And when we came up to the reauthorization process, I would remind you, Madam Speaker, and the Members of the House of Representatives, that I strongly opposed a premature striking of the sunset or extending the sunset in the last Congress. And I said that, when the time came to do the reauthorization, the Judiciary Committee would deal with the reauthorization on a section-by-section basis. We did that. I fulfilled that promise. There were 12 hearings, and I am going to insert into the RECORD the chronology of those hearings and who testified at those hearings, many of whom were witnesses that the minority asked to have testify and who did.

Now, what came out of this? It came out of the testimony, including participation by minority witnesses, that 14 of the 16 sunsetted sections were noncontroversial, and as a result, both the committee and this House and the other body made those sections permanent because there was no need for a sunsetted review. A few minutes ago, we heard allegations that this was irresponsible. The record shows that this was the responsible thing to do.

The two sections that were passed in 2001 that were not made permanent related to section 215, the business records or so-called library provisions, and the so-called multipoint wiretaps or roving wiretaps in section 206. In both section 215 and in section 206, we have put in this conference report additional restrictions that protect civil liberties. They have been subjected to a 4-year sunset, as requested by the Senate, rather than the 10-year sunset in the House-passed bill. And if anybody is interested in going into detail as to what those additional protections consist of, I will be happy to do that at a later time.

The other provision that is sunsetted in this bill was not put in the original USA PATRIOT Act, it was put in the intelligence bill that was enacted about a year ago. That involved expanding law enforcement powers in the so-called lone wolf terrorist. That is also subjected to a 4-year sunset so we can see what happens in terms of how the Justice Department and law enforcement deals with the issues.

Now, what did all of this oversight disclose? First of all, it disclosed that none of the 16 provisions where law enforcement powers were expanded has been declared unconstitutional by any Federal Court whatsoever. There was a finding of unconstitutionality relative to the National Security Letters provision of law. But the National Security Letters provision of law was not passed in the PATRIOT Act. It was passed in 1986, 15 years before September 11, in a bill that was written by a member of the other body who has been very critical of this conference report.

We are concerned about National Security Letters. And this conference report, even though the National Security Letters provisions were not contained in the PATRIOT Act, put restrictions on National Security Letters so that there would be increased disclosure and a potential judicial review process.

Now, we have heard an awful lot about delayed notification warrants, and we heard more complaints about them from people who are criticizing this conference report. I want to make it perfectly clear that all the PATRIOT Act did was to give law enforcement the authority to use a delayed notification warrant for terrorist purposes that law enforcement had had for drug trafficking and organized crime and racketeering. And in the case of the last two matters, the organized crime and racketeering and drug trafficking, the United States Supreme Court has upheld delayed notification warrants as constitutional and not in violation of the fourth amendment.

This conference report provides additional civil liberties protection in the area of the business records section, in the area of the delayed notification warrants section, in the area of the roving wiretap section, and in the area of National Security Letters. If it is voted down, all of these protections for civil liberties will go down with this conference report, and we will be back to the existing PATRIOT Act under the proposal that has been advocated by my distinguished ranking member from Michigan (Mr. CONYERS) and members on the other side of the Capitol building.

The PATRIOT Act has been a vital tool in the interception and prevention of terrorist activities, and if it is allowed to expire, the first consequence will be that the wall that prevented the CIA and the FBI from exchanging intelligence information prior to 9/11 will go back up. And if there is one thing the 9/11 Commission said repeatedly, it is that the stovepiping of intelligence information between various agencies of the Federal Government prevented our government from being able to try to connect the dots to see what the terrorists were doing before 3,000 people were killed on September 11, 2001.

The consequence of letting the PATRIOT Act expire will be a boon to terrorists because they will be able to exploit all of the vulnerabilities in our legal system that allowed them to pull 9/11 off. And as a result, I do not think that that is the responsible thing to do.

The Congress, and this House in particular, have three choices: One is to let the act expire, and back goes the wall, and we cannot use delayed notification warrants to figure out what the terrorists are doing, but we can for drug pushers and Mafia dons. We cannot try to get business records of terrorists doing business, whether it is at libraries or elsewhere. And those warrants, by the way, have to be issued by the courts, so there is judicial review before they are issued.

The second thing is to extend the existing law, whether it is for 3 months, as Mr. CONYERS has proposed, or for a longer period of time, which means that all of the civil liberties protections that I have just described will not be in the law, and they will all be lost. And I think that would be a shame.

Or we can pass the conference report. That is what we should do.

Now, since the beginning of this country's history, we have given law enforcement and prosecutors a lot of discretion. And anybody who has a lot of discretion, whether it is the Attorney General of the United States or the cop on the beat, has the potential of abusing the discretion. There has not

been an abuse of discretion in the PATRIOT Act. The Inspector General's reports to Congress on abuses of the PATRIOT Act that are required by the original law have said that there are none.

Yes, there is the potential for abuse, and that is what oversight and the civil liberties protections that are contained in the original law and improved in this conference report is all about.

The PATRIOT Act keeps us safer. It does not make us perfectly safe; it keeps us safer. The record here shows that civil liberties have not been trampled upon. The responsible alternative for the Congress to do is to pass this conference report. We should do so promptly.

Madam Speaker, I rise in strong support of the conference report accompanying H.R. 3199, the "USA PATRIOT Improvement and Reauthorization Act of 2005."

In the wake of the attacks of September 11, 2001, congressional and independent investigations showed that terrorists exploited historic divisions between the law enforcement and intelligence communities that prevented authorities from "connecting the dots" in time to avert the attacks. To address this vulnerability, broad bipartisan majorities in both Houses passed the PATRIOT Act to enhance investigatory tools necessary to detect and prevent terrorist attacks. Since its enactment, U.S. law enforcement and intelligence authorities have utilized these tools to gain critical knowledge of the intentions of foreign-based terrorists while preempting terrorist threats on our own soil. The PATRIOT Act has made America safer, but the threat has not receded. Without congressional passage of this conference report, key provisions of the PATRIOT Act will no longer be available to our law enforcement on January 1, 2006—two weeks away.

It is crucial to note at the outset that H.R. 3199, which passed the House by a vote of 257–171, and the amendment to this legislation unanimously approved by the other body, underscore bipartisan and bicameral support for core provisions of the PATRIOT Act. There was broad agreement to make fourteen of the sixteen expiring provisions permanent, and the conference report does so. After exhaustive and comprehensive negotiations in which all conferees were provided an opportunity to extensively participate, the conference report sunsets these two provisions in four years.

The conference report also contains vital provisions to reduce America's vulnerability to terrorist attack. The PATRIOT Act breached the "wall of separation" between law enforcement and the intelligence community; the conference report we consider today ensures that it will not be rebuilt.

The PATRIOT Act strengthened the penalties for attacks against mass transportation systems and our Nation's airports; the conference report enhances these penalties to reflect the urgent threat that the London and Madrid attacks have underlined. The PATRIOT Act helped reduce terrorist funding sources, requiring terrorists to establish and rely upon criminal schemes to finance their murderous ambitions; the conference report adapts to this threat by enhancing penalties against narco-terrorism and other terrorist criminal enterprises.

The conference report also addresses the clear danger to America's communities posed by methamphetamine. It restricts Internet and mobile vendor sales of the precursors necessary to produce methamphetamine, enhances criminal penalties for its sale and manufacture, targets large meth kingpins, and enhances tools necessary to stop meth trafficking across the southwest border. Passing these anti-methamphetamine provisions is vital, and I congratulate the gentleman from Indiana, Mr. SOUDER, for his leadership on this issue.

Now let me talk about the process that has led to this point. When the House Judiciary Committee unanimously reported the PATRIOT Act in October of 2001, I pledged to rigorously examine its implementation to ensure that new law enforcement authorities did not transgress civil liberties. H.R. 3199, which passed the House by a wide margin on July 21, 2005, reflected bipartisan congressional consideration consisting of legislative and oversight hearings, Inspector General reports, briefings, and Committee correspondence.

This extensive record, a chronology of which I ask unanimous consent to submit for the record, has demonstrated that the PATRIOT Act is an effective tool against terrorists and other criminals. Of no less importance, the record shows that there is absolutely no evidence that the Act has been used to violate civil liberties. However, to curtail the potential of government overreach, the conference report contains important amendments and revisions. Specifically, the conference report contains additional judicial and congressional oversight of the use of multipoint wiretapping authority contained in section 206 of the PATRIOT Act.

The conference report also clarifies and refines the use of delayed notice search warrants in section 213 of the legislation. It ensures that information likely to be obtained through section 215 of the PATRIOT Act are subject to a judicial review process that authorizes the judge to set aside or affirm a 215 order that has been challenged.

The conference report establishes additional requirements on the utilization of National Security Letters, including congressional disclosure of the frequency of their use, and enhances congressional oversight of electronic and other types of surveillance. Many of these changes were requested by minority conferees, and the absence of any of their signatures on this vital conference report is disappointing.

I also regret to note that in many ways, the bipartisanship that characterized passage of the PATRIOT Act in 2001 has yielded to the desire of some to engage in political hyperbole and partisan brinksmanship. Some have attempted to create the impression that the PATRIOT Act poses a greater threat to the American people than that presented by terrorism. These claims are not only false, the record clearly demonstrates that they are groundless and irresponsible.

Madam Speaker, the security of the American people is a fundamental responsibility of Congress and an obligation that each of us swears an obligation to uphold. I urge my House colleagues to support passage of this critical antiterrorism initiative and encourage the other body to send the conference report to the President for his signature before vital antiterrorism provisions contained in the PATRIOT Act expire at year's end.

I wish to recognize the important contributions of the following staff who spent much of the last several months working on this historic legislation. From the House Committee on the Judiciary: Philip Kiko; Sean McLaughlin; Beth Sokul; Mindy Barry; Mike Volkov; and Robert Tracci. From the Senate Judiciary Committee: Mike O'Neill, Brett Tolman; Nick Rossi, Joe Matal, and Cindy Hayden. From the House Intelligence Committee, Chris Donessa—from the Senate Intelligence Committee, Brandon Milhorn. From the Department of Justice, William Moschella, Elisabeth Cook, Jim Baker, Matthew Berry, and David Blake.

Madam Speaker, I provide for the RECORD the following document, which is a detailed listing of oversight hearings held on the USA PATRIOT Act:

OVERSIGHT OF THE USA PATRIOT ACT FROM OCTOBER, 2001, TO NOVEMBER, 2005

(1) November 9, 2005, Department of Justice classified briefing for Committee on the Judiciary staff on press accounts of FBI use of NSLs;

(2) October 25, 2005, Department of Justice classified briefing for House & Senate Committees on the Judiciary and Committees on Intelligence staff on press accounts of FBI use of NSLs;

(3) October 6, 2005, Department of Justice classified briefing for Committee on the Judiciary Members and staff on press accounts of mistakes in FBI applications to the Foreign Intelligence Surveillance Court under the USA PATRIOT Act;

(4) July 12, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary responding to July 1, 2005, letter regarding use of the USA PATRIOT Act;

(5) July 12, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary responding to May 19, 2005, letter regarding use of the USA PATRIOT Act;

(6) July 11, 2005, letter from Assistant Attorney General William Moschella to Rep. Bobby Scott responding to questions regarding use of the USA PATRIOT Act;

(7) July 11, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary regarding use of the USA PATRIOT Act;

(8) July 5, 2005, letter from FBI Director Meuller to Senate Committee on the Judiciary responding to questions regarding use of the USA PATRIOT Act;

(9) July 1, 2005, letter from Assistant Attorney General William Moschella to Rep. Bobby Scott responding to questions regarding use of the USA PATRIOT Act;

(10) July 1, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(11) June 29, 2005, letter from Assistant Attorney General William Moschella to the Senate Committee on the Judiciary responding to April 5, 2005, letter regarding use of the USA PATRIOT Act;

(12) June 10, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act;

(13) June 8, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act;

(14) May 26, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Material Witness Provisions of the Criminal Code & the Implementation of the USA PATRIOT Act; Section 505 that Addresses National Security Letters; & Section 804 that Addresses Jurisdiction over Crimes Committed at U.S. Facilities Abroad;

(15) May 19, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(16) May 10, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on the prohibition of Material Support to Terrorists & Foreign Terrorist Organizations & on the DOJ Inspector General's Reports on Civil Liberty Violations under the USA PATRIOT Act;

(17) May 10, 2005, Senate Committee on the Judiciary hearing on continued oversight of the USA PATRIOT Act;

(18) May 5, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb;

(19) May 3, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Sections 201, 202, 213, & 223 of the USA PATRIOT Act & Their Effect on Law Enforcement Surveillance;

(20) April 28, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Section 218 of the USA PATRIOT Act—If It Expires Will the ''Wall'' Return?;

(21) April 28, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Have Sections 206 and 215 Improved Foreign Intelligence Surveillance Act (FISA) Investigations?;

(22) April 26, 2005, letter from Assistant Attorney General William Moschella to Senator Dianne Feinstein responding to April 14, 2005, letter regarding use of the USA PATRIOT Act;

(23) April 26, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Have Sections 204, 207, 214, & 225 of the USA PATRIOT Act, & Sections 6001 & 6002 of the Intelligence Reform & Terrorism Prevention Act of 2004, improved FISA Investigations?;

(24) April 21, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Crime, Terrorism, & the Age of Technology—(Section 209: Seizure of Voice-Mail Messages Pursuant to Warrants; Section 217: Interception of Computer Trespasser Communications; & Section 220: Nationwide Service of Search Warrants for Electronic Evidence);

(25) April 20, 2005, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing: A Review of the Material Support to Terrorism Prohibition;

(26) April 19, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Sections 203(b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing;

(27) April 6, 2005, House Committee on the Judiciary hearing with Attorney General Gonzales;

(28) April 5, 2005, Senate Committee on the Judiciary hearing on Oversight of the USA PATRIOT Act;

(29) March 22, 2005, Department of Justice law enforcement sensitive briefing for Committee on the Judiciary Members and staff on the use of FISA under the USA PATRIOT Act;

(30) September 22, 2004, Senate Committee on the Judiciary hearing: A Review of Counter-Terrorism Legislation & Proposals, Including the USA PATRIOT Act & the SAFE Act May 5, 2004, Senate Committee on the Judiciary hearing: Aiding Terrorists—a Review of the Material Support Statute;

(31) May 20, 2004, Senate Committee on the Judiciary hearing on FBI Oversight: Terrorism;

(32) April 14, 2004, Senate Committee on the Judiciary hearing on Preventing & Responding to Acts of Terrorism: A Review of Current Law;

(33) February 3, 2004, Department of Justice briefing for House Committee on the Judiciary staff on its views of S. 1709, the ''Security and Freedom Ensured (SAFE) Act of 2003,'' and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act;

(34) November 20, 2003, request by Chairmen Sensenbrenner & Hostettler to GAO requesting a study of the implementation of the USA PATRIOT Act anti-money laundering provisions. Report was released on June 6, 2005;

(35) October 29, 2003, Department of Justice classified briefing for Committee on the Judiciary Members & staff on the use of FISA under the USA PATRIOT Act;

(36) September 10, 2003, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing on Terrorism: Two Years After 9/11, Connecting the Dots;

(37) August 7, 2003, Department of Justice briefing for House Committee on the Judiciary Members and staff regarding the long-standing authority for law enforcement to conduct delayed searches & collect business records & the effect of the USA PATRIOT Act on those authorities;

(38) July 23, 2003, Senate Committee on the Judiciary hearing on Law Enforcement & Terrorism;

(39) June 13, 2003, letter from Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(40) June 10, 2003, Department of Justice classified briefing for Committee on the Judiciary Members & staff on the use of FISA under the USA PATRIOT Act;

(41) June 5, 2003, House Committee on the Judiciary hearing on the U.S. Department of Justice, including its use of the provisions authorized by the USA PATRIOT Act;

(42) May 20, 2003, House Subcommittee on the Constitution hearing: Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks;

(43) May 13, 2003, letter from Acting Assistant Attorney General, Jamie Brown to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(44) April 1, 2003, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(45) October 9, 2002, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing: Tools Against Terror: How the Administration is Implementing New Laws in the Fight to Protect our Homeland;

(46) September 20, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(47) September 10, 2002, Senate Committee on the Judiciary hearing on the USA PATRIOT Act in Practice: Shedding Light on the FISA Process;

(48) August 26, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(49) July 26, 2002, letter from Assistant Attorney General, Daniel Bryant to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(50) July 25, 2002, Senate Committee on the Judiciary hearing on the Department of Justice, including its implementation of the authorities granted by the USA PATRIOT Act;

(51) June 13, 2002, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(52) April 17, 2002, Senate Subcommittee on Administrative Oversight and the Courts hearing: ''Should the Office of Homeland Security Have More Power? A Case Study in Information Sharing;''

(53) December 6, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

(54) December 4, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

(55) November 28, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism; and

(56) October 3, 2001, Senate Subcommittee on the Constitution, Civil Rights, & Property Rights hearing: Protecting Constitutional Freedoms in the Face of Terrorism.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. CONYERS. Madam Speaker, if only what my good friend, the chairman, said was accurate, we would not be here to ask that this measure be turned down and that we pass a 3-month extension, as I have proposed and is in legislative form, so that the PATRIOT Act and intelligence reform would not be stymied.

It is like coming to a meeting and we have forgotten all the things that most of the Members on my side of the aisle on the Judiciary Committee agreed with is wrong with the PATRIOT Act, but that we have ignored the fact that many other organizations are not for the PATRIOT Act.

Now, what safeguards are being preserved is very interesting for me because the opponents of the PATRIOT Act, including seven States that have passed resolutions opposing parts of the PATRIOT Act and a number of communities that have done so, represent over 62 million Americans.

□ 1230

Additionally, numerous groups ranging across all parts of the political spectrum have come forward to oppose sections of the PATRIOT Act and demand that the Congress conduct more oversight, including the American Civil Liberties Union, the American Conservative Union, the American Immigration Lawyers Association, the American Library Association, the Center For Constitutional Rights, the Center For Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, the Lawyers Committee For Civil Rights, the National Association for the Advancement of Colored People, the Criminal Defense Lawyers, People for the American Way, and numerous other groups concerned about immigrants' rights.

And what about the more than six death penalty additions that have been

put into this build with very, very few hearings. Is that something that somebody can hold forward as protecting the rights and improving the PATRIOT Act? I do not think so.

And even worse has been the abuse of unilateral powers by the administration where since September 11 our government has detained and abused physically thousands of immigrants without time limits for unknown and unspecified reasons and targeted tens of thousands of Arab Americans for intensive interrogations. All this serves to accomplish, of course, is to alienate many of those Muslim and Arab Americans that would be working with us.

So, Madam Speaker, there are two pictures of what happened in the Committee on the Judiciary. One is that the bill was made clearly worse, and we have some 92 pages of dissent about the bill itself, and much of it is still of course valid in terms of the conference report that we are examining today.

I urge Members, we have been tricked once, the first time when the bill was substituted, and now we are about to be fooled again if Members do not read our dissents and the reservations that we have about the PATRIOT Act. It can be made better, and we would propose that that is exactly what happen today.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguish chairman of the Intelligence Committee.

Mr. HOEKSTRA. Madam Speaker, I rise in strong support of the conference report. Today, our country is at war. We are at war against a global enemy, the global enemy of terrorism. Beginning long before the 9/11 attacks, our citizens have faced potential threats to our safety and security at home within the United States for the first time since Pearl Harbor. We are reminded on a daily basis around the world that those threats are real, serious, and continuing.

As chairman of the Intelligence Committee, I want to take this opportunity to remind my colleagues that the central purpose of this bill is to provide enhanced intelligence authorities to combat spies and terrorists within the United States. We have many national intelligence capabilities, but the authorities that are enhanced by the PATRIOT Act are among the most crucial because they protect the American people from terrorist threats here at home. They are a crucial part of our efforts to build a strong domestic national security capability within the FBI. I want to thank Chairman SENSENBRENNER for his leadership in this conference and on this important legislation.

The conference report under consideration today will make 14 of 16 provisions of the PATRIOT Act permanent while also including sensible clarifications and improvements in many areas where there should be broad, bipartisan agreement.

By the Justice Department's count, the bill adds 30 new safeguards to protect privacy and civil liberties. These include a clearer standard for obtaining certain business records, clarification that that authority may be subject to judicial review, and much more specific standards with respect to the use of national security letters and roving wire taps.

In addition, the Congress will continue its close and continued oversight with the Intelligence Committee paying particular attention to the specific manner in which these authorities are used.

Madam Speaker, this bill needs to be approved. I encourage my colleagues to support this conference report and work to keep America safe.

Mr. CONYERS. Madam Speaker, I am delighted to yield 5 minutes to the gentleman from New York (Mr. NADLER), a subcommittee ranking member.

Mr. NADLER. Madam Speaker, we are engaged in a serious war with terrorism. Unfortunately, we are going after the wrong targets. We are not protecting ourselves, but we are endangering our liberties.

We are not doing anything or anything adequate about collecting the loose nuclear materials all over the former Soviet Union before they are smuggled to al Qaeda to make atomic bombs to attack us with. That costs money.

We are searching 2 percent of the 6 million shipping containers that come into our country's ports every year, any one of which may contain a weapon of mass destruction; but to search them would cost money.

We are not doing much about what the 9/11 Commission said was one of the most important things we should do, providing for intercommunicability between the first responders so police can talk to the fire and military. We are not doing that.

What are we doing? We are violating the civil liberties of our people and making them think that we are protecting ourselves.

Madam Speaker, this country has a great heritage of liberty. It also has an unfortunate history of violating that liberty whenever we get into a war, from the Alien and Sedition Act of 1798 to the Espionage Act of 1971, the Palmer Raids of 1919, the Japanese American Internment Act of World War II, the FBI's egregious COINTELPRO program against opponents of the Vietnam War. And now in this war, this administration has resorted to torture, to indefinite detention without trial, to evasions of the great writ of habeas corpus, to going back in some respects to before Magna Carta.

What does this bill do? This bill continues in that tradition. It does some okay things. It continues breaking down the so-called wall between intelligence and police work. That makes sense. But it also invades our liberties in ways that are very unnecessary. Let me focus on two of them.

Section 215, the so-called libraries provision, allows the government to get orders from a FISA court to search any records of any business of a library regarding a third party who never knows about the search. It does not require a showing of a particularized suspicion of the target as the fourth amendment would seem to require. It simply says that the government has to come up with a statement of fact showing there are reasonable grounds to believe the tangible things sought are relevant to an authorized investigation. Well, that is hardly restrictive at all. Relevant, almost anything can be relevant.

Moreover, it says that the government's statements that the information sought is necessary to protect against international terrorism or clandestine intelligence activities are presumptively relevant if the person they pertain to may be an individual in contact with a subject or agent of a foreign power. Presumptively relevant, that means they do not have to prove it. They do not have to show probable cause. This destroys the fourth amendment requirement for search and seizures.

Then you have the gag order. They cannot tell anybody about it. The Internet service provider or the library that is giving up all the information about what you read or who you talk to cannot tell you. You cannot move in court to quash it.

Section 505, national security letters which have been held unconstitutional by two courts so far do not even require a FISA court. It is an administrative proceeding. It is not even a proceeding; the FBI simply says they want it, and they can get it. This is like the writ of assistance the British granted in 1761 which this is very similar to. That started the American Revolution. But after the FBI gets the information, you can protest the gag order. You can say I want to be able to tell somebody about it, but you can only say that if you can show that revealing that information is not harmful to the national security or diplomatic relations, but the government's statement that it is conclusive, so the court is a cipher. The court cannot make any judgments. There is no evidence. The government's statement is conclusive.

This does not protect liberty; this destroys liberty. We ought to have real protections for our liberty. We ought to have put some procedural safeguards on these powers such as our entire tradition demands. To pass this bill with no sunset of section 505, with no procedural safeguards on these very intrusive provisions is to disregard our entire history of ordered liberty. I very much urge defeat of this bill so we can do it properly after further consideration.

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

Madam Speaker, the issue of national security letters was not in the PATRIOT Act that was enacted in 2001. They were enacted in 1986 in a bill that was written over in the other body.

This conference report puts procedural safeguards into national security letters even though they are not a part of the PATRIOT Act that was passed in 2001. It makes changes to all NSL provisions, not just electronic communications as the Senate wanted. It permits disclosure of NSLs to legal counsel and those necessary to comply with the letter. That is not in the law now.

It creates explicit access to judicial review of the government's request for records. It permits the reviewing court to modify or set aside the NSL if compliance would be unreasonable, oppressive or otherwise unlawful, the same standard for quashing a subpoena.

It permits judicial review of the nondisclosure requirement. It creates a 5-year felony criminal penalty for unauthorized disclosures of NSLs with intent to obstruct an investigation or judicial proceeding, just like the obstruction of justice statute. The 1-year misdemeanor for disclosure without intent to obstruct, that is not in the conference reports. That is out.

It requires the DOJ Inspector General to conduct two audits of the FBI's use of national security letters. One audit covers 2003 and 2004, the other 2005 and 2006. It requires the Attorney General and the director of national intelligence to submit to Congress a report on the feasibility of applying minimization procedures to NSL to ensure the protection of constitutional rights of United States persons, and it requires an annual public reporting on national security letters, including the aggregate number of requests made by the Justice Department for information concerning different U.S. persons.

Now, national security letters are not subject to the sunset. They are in the earlier law. If the argument that has been advanced by the gentleman from New York succeeds, all of the protections I have just described go down the drain with the rest of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself 10 seconds.

May I bring to the attention of the chairman of the Judiciary Committee that section 505 of the PATRIOT Act expanded the use of national security letters, so to say they are not in the bill would not be accurate.

Madam Speaker, I yield 1¾ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I rise in opposition to this conference report.

The PATRIOT Act provided new authorities, but it also modified longstanding laws. One such change was the lowering of the standard for issuing government requests for financial, telecommunications credit, and other business records.

□ 1245

These requests commonly referred to as National Security Letters or NSLs are issued directly by the government agencies in national security investigations without the approval of a judge. Before the PATRIOT Act, the FBI and other issuing agencies had to show there was some nexus to an agent of a foreign power or terrorist. Post-PATRIOT Act, the government only has to show the request is relevant to an investigation. The lowering of this standard has resulted in an all time high in the number of NSLs issued.

A recent Washington Post article alleged that over 30,000 National Security Letters have been issued by the FBI to businesses and private institutions across the Nation. Even more disturbing, the article alleged that records collected pursuant to NSLs are retained for an indefinite period of time, even when they are not of interest to investigators, and shared with other Federal agencies and the private sector.

As a citizen, I am deeply disturbed by these allegations. As a Member of Congress, I am disappointed that we have missed a critical opportunity to get the NSL standard right. We have also missed the opportunity to ensure that NSL recipients have an opportunity to seek meaningful judicial review of the nondisclosure or gag requirements that accompany NSLs and further tailor the statutory framework to ensure that privacy and civil liberties are better protected.

I will vote against the conference report. I think the precious balance of civil liberties and security are damaged here.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), the distinguished chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Madam Speaker, today I rise in support of this conference report. And as a conferee, I want to specially thank Chairman SENSENBRENNER for his leadership in negotiating the final details of this very important legislation.

Our Nation continues to be threatened by radical terrorists, and it is critical that we take every step possible to prevent future attacks. Over the past 4 years, the PATRIOT Act has proven to be an effective tool in helping to accomplish this goal. But significant threats continue to exist, endangering the lives of U.S. citizens. With this in mind, it is imperative that detecting and disrupting terrorist activity before it occurs remain a top priority.

It is also critical, however, that we maintain our commitment to protecting American civil liberties. When the House first considered the original PATRIOT Act, I was one of several on the Judiciary Committee who sought to include sunset provisions that would require Congress to reauthorize the legislation after conducting vigorous oversight.

Well, the House Judiciary Committee has extensively reviewed the PATRIOT Act and its implementation. And over a 4-month period, it received testimony from 35 witnesses during 12 hearings on the PATRIOT Act. Furthermore, the committee conducted a nearly 12-hour markup of this legislation, including consideration of 43 amendments.

As chairman of the Subcommittee on the Constitution, we have held PATRIOT Act oversight hearings in my subcommittee, and we remain committed to monitoring the implementation of this legislation through aggressive oversight. I am pleased that another 4-year sunset of the more controversial provisions and several additional safeguards to further protect civil liberties were included in the conference report, and I thank Chairman SENSENBRENNER for that.

The sunset provisions proved to be successful the first time around, and their renewal, coupled with new protections, helped strengthen our defenses against terrorism while demonstrating a strong commitment to civil liberties.

The goal of our enemies is to destroy America and its allies. We must remain steadfast in our resolve to eradicate the plague of terrorism. This act does that.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the gentleman from Michigan for all of his good work and for yielding me the time now.

I rise in opposition to the PATRIOT Act conference report. These provisions and many others have a deep impact on the freedoms and civil liberties of all Americans. Now, some will say we need these provisions to track down terrorists and build cases against them. But what is often unsaid is that these provisions will also be used against people who have committed no crime and who are completely innocent. It is because of that that the PATRIOT Act must be seen as something that affects all of us. Searching business records can sweep up people, most of whom are innocent. A small number of unnecessary intrusions can have a broadly chilling effect.

Proponents of the PATRIOT bill before us will say that it is directed against terrorists, not law-abiding citizens. But they should try to tell that to Brandon Mayfield of Portland, Oregon.

Mr. Mayfield, an attorney, was detained by investigators last year as a material witness under authority granted through the PATRIOT Act. They alleged that his fingerprints were found on a bag linked to the terrorist bombings in Madrid, Spain. More so-called evidence was collected when his residence was searched without his knowledge under Section 213. However, the investigators were wrong. The FBI has issued an apology for his wrongful detention. But this is small conciliation for a lawyer and Muslim American

whose reputation was tarnished by the investigation.

Of course, some mistakes will occur. But this bill strikes the wrong balance and makes those errors more likely. It also allows the fact, the very fact of such a search to remain undisclosed to the subject indefinitely.

I urge my colleagues to oppose this flawed conference report and protect the liberties and freedoms of our citizens that are central to what it means to be an American.

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

Once again, there has been erroneous information presented to the House. The conference report on the delayed notification search warrant limits initial delayed notification to only 30 days unless the facts justify a later date. It permits extensions of up to 90 days unless the facts justify a later date and only upon the showing of need. And it has new reporting requirements on the use of delayed notification warrants.

Now, the original PATRIOT Act did not have these time limits. The delayed notification was determined it could be for a long period of time by a magistrate judge, a judicial officer, not by law enforcement, but by a judicial officer in determining when the notification would take place.

What I just described in the conference report is new language. It is limitations on how long a magistrate judge, a judicial officer, can delay notification of the warrants. You vote against this bill and you kill this bill, those limitations go down with the bill.

Madam Speaker, I yield 2½ minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

(Mr. DANIEL E. LUNGREN of California asked and was given permission to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I was absent from this chamber for 16 years after serving for 10. The compelling reason for me to return was the events of 9/11. And one of the things that I thought I would never see in the House of Representatives is an Alice in Wonderland type atmosphere where just because you say something, you think it is true.

The fact of the matter is, many of the complaints registered by my friends on the other side of the aisle are taken care of in this conference report. If you vote down the conference report, those sections that are not subject to sunset will continue on without any of the changes that the chairman has articulated. So the very arguments they are making against what they do not like about the law now should compel them to vote for this conference report because we make changes.

Madam Speaker, it is the primary responsibility of government to protect the safety of its citizens. The PATRIOT Act tears down that wall, that artificial wall that existed between the intelligence community and the criminal justice enterprises. And what we did was we said it made no sense, it made us more vulnerable to attack.

Some have said, look, these changes in the PATRIOT Act change what was current law. That is true because there was a need to do so. And some have argued all we need to do is to follow what has been the law in the past. The distinction that must be drawn is that, in the war on terrorism, it is not good enough to collect the evidence after a terrorist attack to try and bring people to justice. The imperative is to stop the terrorist attacks from occurring in the first place. That is why we have the differences in this law.

Yes, there is a different standard. The standard is to allow us to stop the terrorist attacks in the first instance. We have, as a result of oversight, and I have attended every single hearing in the subcommittee and full committee, done unbelievable oversight, reviewing every bit of evidence that has been out there. There has not been one single example of abuse proven, not one. The IG report could not find it. We could not find it. I have been to every single hearing that we have had, been with every witness. They could not prove a one. But because we are concerned about the possibility of abuse, we have put at least 30 additional limitations into this conference report. And so really the question is, do you believe in the essential foundation of the PATRIOT Act which makes changes, recognizing that we are trying to stop terrorist attacks before they occur, rather than doing the regular criminal justice activity of collecting evidence after the fact. I am not willing to place my children and grandchildren in jeopardy by defeating this conference report.

INTRODUCTORY COMMENTS

It is the primary responsibility of government to protect the safety of its citizens. The PATRIOT Act is a critical element in a strategy to provide law enforcement with the necessary tools to conduct antiterrorism investigations. This task is made all the more difficult in that unlike the traditional criminal case, our success will be measured by the ability to prevent a future terrorist attack.

The 9/11 Commission report observed that "The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home." Freedom presumes security. The converse is equally true. In the delicate balance of these important interests. our concern for liberty must not discount the consequences of a failure to keep Americans secure from a cataclysmic event. While it is important to avoid hyperbole on such a serious matter, the very nature of American life—and the traditional regard for liberty—could itself be threatened.

At the same time, it is the solemn responsibility of committees with oversight responsibilitites to be ever diligent to assure that government does not overstep the proper limits of its authority in implementing the PATRIOT Act.

In this regard, in our oversight of the PATRIOT Act, the Judiciary Committee conducted 13 hearings and there was no finding of abuse. This was evidenced by the fact that opponents of the act resorted to attacks on the circumstances at Guantanamo, and the Creppy memo—issues related to the wider war on terrorism but unrelated to the PATRIOT Act itself.

COMMENTS ON PROVISIONS FURTHER STRENGTHENING THE PATRIOT ACT

The conference report contains a number of provisions which maintain the integrity of those key provisions necessary to combat terrorism, while at the same time strengthening the protection of civil liberties:

*Section 102 (sunset provisions)*

As the author of the 10-year sunset provisions in the House bill relating to section 206, roving wiretaps, and section 215, access to business records the final language in the conference report responds to the critics of the legislation. The conference report contains the Senate language of 4-year sunsets of these same provisions and extends the sunset language to the "lone wolf' provisions of the bill as well.

*Section 106 (215 business records)*

The conference report language relating to business record access includes additional protections not contained in current law.

The conference report explicitly provides for judicial review of any section 215 order.

If the documents sought pertain to sensitive categories of records—such as library, bookstore, tax returns, firearms sales, educational and medical records—the FBI Director, Deputy Director, or the official in charge of intelligence must personally sign off on the application before it can be submitted to the court.

The conference report requires that the application to the FISA court must include "a clear statement of the facts" that demonstrate reasonable grounds to believe the tangible things sought are relevant to the investigation.

The conference report requires the use of so-called minimization procedures to regulate the retention and dissemination of information concerning United States persons and the protection of privileged documents.

The conference report makes it explicit that a recipient of an order has the right to disclose receipt to an attorney or other parties necessary to comply with the order.

*Section 108 (206 roving wiretaps)*

Section 108 of the conference report imposes several additional safeguards on the use of roving surveillance:

The conference report requires that the order describe the specific target in detail when authorizing a roving wiretap for a target whose identity is not known.

The conference report specifies that the FISA court must find that the possibility of the target thwarting surveillance is based on specific facts in the application.

The conference report requires investigators to inform the court when "roving" surveillance is used to target a new facility—such as when a terrorist or spy changes to a different cell phone.

*Section 114 (sec. 213 delayed notice search warrants)*

As the former chief law enforcement officer of my State of California, I want to first of all emphasize that delayed notice search warrants are not an invention of the PATRIOT Act. The delayed notice search warrant has been available to California law enforcement for years.

The conference report adds new safeguards relating to the use of delayed notice search warrants.

The conference report places a limit of 30 days on an initial request or on a later date certain if the facts justify such a delay.

Extensions of up to 90 days are possible unless the facts of a particular case justify a longer period.

*Sections 115–119 (national security letters)*

The language in the conference report provides for explicit judicial review of an NSL.

The conference report provides that a recipient of an NSL may challenge any non-disclosure requirement in court.

The report clarifies that a recipient may disclose receipt of an NSL to an attorney or other necessary party.

CONCLUSION

There is a total absence of any evidence of abuse of the PATRIOT Act. Furthermore, the conference report adds further protections against any potential abuse of the law. The conference report represents a careful balance between our responsibility to protect Americans from terrorist violence, and our responsibility to avoid any potential violations of their civil liberties.

The enactment of this legislation is critical to this endeavor. There are those who will attempt to come here for the sole purpose of murdering innocent Americans. It is our responsibility to keep this from happening. We must provide law enforcement with the necessary tools to carry out this task.

Mr. CONYERS. Madam Speaker, I yield myself 15 seconds.

Let me remind my friend who returned from his California duties to the Congress, did you hear the Brandon Mayfield case just recited by the gentleman from New Jersey? That was an abuse that we heard in the committee.

Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on Homeland Security.

Mr. THOMPSON of Mississippi. Madam Speaker, I thank the gentleman from Michigan for the time.

Madam Speaker, I am opposed to the reauthorization of the PATRIOT Act. First, I do not believe many of the so-called law enforcement tools will make us any safer.

I am probably one of a few Members of Congress who has been spied on by his own government. During the civil rights movement, an agency in the Mississippi State Government called the State Sovereignty Commission kept files on me and countless other people working for change.

I might add that none of us did anything illegal other than just convene and talk about how we would change our State.

From this experience, I have known that, when government has the authority to spy on its own people, it is almost always and will misuse that power.

Nothing good will come from many of the tools in the PATRIOT Act, and I fear that it will lead to more misuse of power.

It is too broad an authorization to continue to give the government these powers, such as to search the library records or to place roving wiretaps without a warrant that at least should say what phone is being tapped.

I am also opposed to the conference report because it fails to include the provision in the House bill that would allocate more Homeland Security funds based on risk.

The 9/11 Commission explicitly recommended that Homeland Security funds be allocated based on risk. The 9/11 Commission members recently said that if the House funding measures were passed, Congress would have received an A grade instead of an F on fulfilling its recommendation.

We must focus our scarce Homeland Security resources on areas that are most at risk of terrorist attack. We cannot yield to politics. We must fulfill the Commission's recommendation by passing the House proposal. Without that measure in this PATRIOT Act reauthorization, I cannot support it.

Mr. SENSENBRENNER. Madam Speaker, I yield 1 minute to the acting majority leader, the very distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the chairman for yielding and for the incredible hard work he has done to bring this bill to the floor, both to help create this legislation 4 years ago, to review it time after time after time for the last 4 years and to extend it into the future with the safeguards that have been discussed here on the floor today.

In terms of the review process, I think the Attorney General today in some information he put out suggested that there were at least 23 separate hearings last year of oversight, this is last year alone, of oversight on this act; witness after witness after witness called to testify about what was happening with the act. This oversight work that the chairman has been largely responsible for has made a difference in the way the law was implemented, has made a difference in the way we offer it to be extended today and has made a difference, frankly, in the safety and security of America.

□ 1300

There is nothing in this law, nothing in the law the last 4 years, nothing in the law as we look to the future that was not available to law enforcement for organized crime. What crime could be more organized than terrorism?

No one has come up with a single instance where someone's rights were impacted by the PATRIOT Act, because of the PATRIOT Act. There is no evidence that there are problems, and we all could easily be aware of a number of instances, where there is no concern about the fact that the PATRIOT Act made a difference in the safety and security of America.

Another thing that the chairman worked hard to put in this act is some legislation that I originally introduced that deals with the problem of methamphetamine, and methamphetamine does become a security issue. It particularly becomes a bigger issue as our borders become more secure. People turn to this drug as the drug for funding of illicit activities, as the drug of choice when imported drugs are not available. That is an important addition to the bill today.

But the PATRIOT Act with two provisions that need to be reviewed in 4 years, the PATRIOT Act with a Judiciary Committee and an oversight responsibility that will continue to be, as it has been, extensive in ensuring that the executive branch does what the PATRIOT Act intends it to do with the maximum protection for individual freedom and the maximum protection for the security of our Nation.

We don't want to face 9/11 again, and we certainly don't want to face a 9/11 that could have been prevented. If the law enforcement techniques and tools that are available for organized crime continue to be available for terrorism, this allows that to happen.

I come to praise the chairman and his committee and to seek a ''yes'' vote on this bill today.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), distinguished member of the Intelligence Committee.

Mr. RUPPERSBERGER. Madam Speaker, the PATRIOT Act provided tools essential to identifying and tracking terrorists that were not available before the 9/11 terrorist attacks. At the time it passed, just 7 weeks after 9/11, there were concerns that some of the authorities were too broad and susceptible to abuse. The sensible proposal emerged to sunset 16 of the most controversial provisions.

Sunsets matter. They forced the Justice Department and the American public to evaluate the appropriateness of, and need for, the PATRIOT Act. Without sunsets, Congress probably would not have undertaken the same review of key provisions this year and considered significant changes to the law.

For those reasons I offered an amendment to extend the PATRIOT Act sunset during the Intelligence Committee markup of H.R. 3199. I am pleased this conference report includes 4-year sunsets on the most controversial provisions: 215 orders, 206 roving wiretaps, and the Lone Wolf provision.

But additional steps, however, must be taken to ensure the right balance is struck between security and constitutionality. Congress must engage in vigilant oversight of the PATRIOT Act, national security letters, and other authorities granted to law enforcement and intelligence agencies. I am committed to doing my part as a member of the House Select Intelligence Committee to ensure proper oversight occurs.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

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

I want to commend him for a great process here. Often we do not have a deliberative process when we pass major pieces of legislation. That is not the case here. We had 12 hearings over a year on these provisions, and I want to point out what the chairman has already said, that we are not just dealing with those sections that are sunsetted but we are dealing with those that are not as well. We had some substantive reforms to the NSL process.

After the passage of the first PATRIOT Act, I and others formed the PATRIOT Act Reform Caucus because we felt we needed additional protections. That process yielded about a half dozen amendments which we offered during the House version of the bill, and each of those amendments was accepted and remains part of the legislation. One amendment that we dealt with during consideration of the House bill clarified that a recipient of an NSL, or national security letter, may discuss the NSL with his or her attorney and may disclose that request to an individual whose help is necessary for compliance with the NSL. That is an important safeguard.

And for those who say there is a gag rule that prohibits people from even mentioning the NSL, that is no longer true. If an NSL is challenged, it requires a recertification by either the FBI Director or another official confirmed by the Senate. This reform increases accountability in using NSLs, and it clarifies that judicial review exists and challenges to both the NSL and the prohibition on disclosure are now allowed. It also, as the chairman mentioned, establishes additional reporting requirements to the House and Senate Judiciary and Intelligence Committees on the frequency and use of NSLs. These are commonsense reforms and clarifications.

In addition to these safeguards on NSL authorities, the reauthorization also will add significant safeguards in a number of other areas, as the chairman mentioned. There are now strict time limits for those who are put on delayed notification as well as new reporting requirements to the House and Senate Judiciary Committees.

Madam Speaker, these are reforms that are important, and I am happy to support it, and I hope that we will codify these in the bill.

Mr. CONYERS. Madam Speaker, I yield myself 3 minutes.

I want to quote from a letter that was sent to Chairman SENSENBRENNER from the American Library Association, its president, indeed, Michael Gorman, and a copy to myself.

It says: ''Dear Mr. Chairman, I am writing on behalf of the American Library Association to express our opposition to the conference report. We are deeply disappointed that the conferees did not take this opportunity to heed the concerns of library users across this country and to restore protections for records of library use that were stripped away by the PATRIOT Act'' itself.

It ''does not seriously address any of the library community's concerns with section 215. It does not require a factual connection between the records sought and a terrorist or terrorist organization.

''The report also leaves in place the USA PATRIOT Act standards for national security letters'' and would ''allow the FBI to continue its unfettered reach into the personal electronic records of the public, including records of their use of the Internet through computers in libraries. Worse, it adds a criminal penalty for noncompliance with the order and for a knowing violation of the gag order. And while adding an ability to challenge the secrecy of a national security letter on the one hand, it takes it away with the other by requiring the court to accept, as conclusive, the government's assertion of harm to national security . . . ''

Madam Speaker, this is the clearest description from the president of the American Library Association, supported by thousands of professional librarians from one end of the country to the other.

Please, let us not buy into the fact that this is a new and improved version of the PATRIOT Act. With the death penalties arbitrarily added, it is a definite reversal, a downward, backward movement in which the PATRIOT Act becomes meaner and less democratic and is far more dangerous for people who get caught up in these things who are innocent Americans. Please join us in sending this bill back to committee and supporting my measure that would allow for a 3-month period of time for us to improve the bill.

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

Madam Speaker, the gentleman from Michigan talked about the conclusive presumption provisions on national security letters that are contained in the conference report as well as the requirements that have been changed relative to section 215, which is the business records or library provisions.

I would just point out that both the NSL provision and the section 215 provision in this respect were the language in the Senate bill that passed unanimously. And everybody here has been saying that the Senate bill is great and the conference report is not. But if the Senate bill was great, now they are attacking two provisions in the Senate bill. They cannot have it both ways. What we did in the conference report is responsible.

With respect to section 215, I wish that the Library Association had read it, because it requires the statement of facts in an application to the court that issues the 215 order to show reasonable grounds to believe that the records are relevant to an authorized investigation. The Senate's language. Then it creates a presumption in favor of records that pertain to a foreign power or an agent of a foreign power, activities of a suspected foreign power who is the subject of an authorized investigation, or an individual in contact with or known to a suspected agent of a foreign power who is the subject of an authorized investigation.

Now, all of these people are presumably bad folks that want to commit a terrorist attack, and I do not think we should make the libraries or any other place off limits to an investigation to try to see who is trying to blow innocent people up.

Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), who is the author of the methamphetamine section of this bill.

Mr. SOUDER. Madam Speaker, I thank the chairman for his cosponsorship and his leadership in making sure that this meth bill can pass this bill in the form of passing a conference report, which is the only real way to get this done. I also want to say briefly that I support section 215, which amends the Import and Export Act to make sure that we can have better prosecution methods.

Eighteen of the 40 major organizations that are involved in terrorism also deal in narcotics. The Methamphetamine Act is the single, first comprehensive anti-meth bill that we have ever introduced in Congress, let alone passed in Congress. It is a sweeping anti-meth bill. It will require all pseudoephedrine and ephedrine products to be stored behind the counter or in a locked cabinet; impose a daily and monthly purchase limit; require purchasers to show ID and sign a logbook; and require training of all employees handling the product.

It closes a number of loopholes in existing import, export, and wholesale regulations of meth precursor chemicals, including import and manufacturing quotas to ensure no oversupply leads to diversion; and regulation of the wholesale ''spot market.'' It requires reporting of major meth precursor exporters and importers. It would hold them accountable for their efforts to prevent diversion to meth production. It toughens Federal penalties against meth traffickers and smugglers. It authorizes the Meth Hot Spots program as well as increases funding for drug courts, drug endangered children programs, and programs to assist pregnant women addicted to meth. In addition, it has EPA environmental regulations.

I want to thank Democrats and Republicans for all their bipartisan effort. This is something we did in a bipartisan way. This is our best chance to really get ahead of this epidemic that swept from Asia to Hawaii to California, the Northwest to the Plains, to the Great Lake States, is headed into the East and is into North Carolina, South Carolina, Pennsylvania, and New York and headed to the Atlantic Ocean. This is our attempt, a massive

coordinated multicommittee that took many chairmen to do this, Senators TALENT and FEINSTEIN of the Senate to do this. I thank Chairman SENSENBRENNER, I thank the leadership, because this is a big day for those of us who have been fighting the anti-meth cause.

Mr. CONYERS. Madam Speaker, I yield myself 35 seconds.

I want to give Chairman SENSENBRENNER the benefit of the presumption of a doubt about this section 215 business. What happens in the report is it makes it easier to get library and other records under section 215 by creating a presumption that records of anyone to come into contact with a suspected terrorist even accidentally, innocently, is relevant to an investigation.

□ 1315

Madam Speaker, what he has done is he has moved a part of section 215 to another part of the bill, and that is why it does not operate that way.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a ranking subcommittee member of the Judiciary Committee.

Mr. NADLER. Madam Speaker, I want to make two points: One, the bad parts about section 215 and section 505 are not that, under certain circumstances, the FBI or other investigative agencies can get information from libraries. No one is proposing, as Mr. SENSENBRENNER said, to say that libraries are totally sacrosanct.

The bad part is that the FBI can get all this private personal information without any proper or adequate judicial review and then can tell them, shut up, do not tell the victim about it, and that gag order also operates without any real judicial review. That is the real issue.

Secondly, the gentleman from Wisconsin is attempting to do something, I think, improper, and that is, he tells us you cannot change the PATRIOT Act. There are good things in this bill, things we need, which is true, but you have got to take it or leave it, because your 3-month extension I will not allow to go through. We will blackmail this House. If you do not pass the bill as is today, if it expires, there will be blood on your hands, because he and his side of the aisle will not allow a 3-month extension. Well, if there is fault, if there is real danger by not extending the PATRIOT Act, it is on that side of the aisle by refusing a 3-month extension so that we can get it right.

This country should not be subjected to that kind of blackmail. The Senate has real questions. Many liberals, many conservatives, have real questions about this bill. It should be worked out, and if it takes an additional 3 months, let it be. But we, this House, should not be told, take it or leave it, because if you do not take it the way it is, we will not permit a 3-month extension; there will be dangers to the Republic. Without a 3-month extension, there will be blood on your hands.

That is not the way to legislate. That is not proper procedure. That is not respectful of the Constitution. It is not respectful of the people of this country. It is not respectful of the Members of this House.

Mr. CONYERS. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in opposition to this conference report which would reauthorize the PATRIOT Act by making permanent the expansions of Federal police powers that were temporarily put into the original bill and sunsetted in that bill.

I am unmoved by the argument that we can have faith that, in the future, that there will be proper oversight because there has been proper oversight so far in determining whether or not the new police powers that were put in the original PATRIOT Act were abused. Long after Mr. SENSENBRENNER and myself and others are gone from here, these powers will remain, and Congress may not have that proper oversight.

Let me note that the people in the pro-life movement should take note of what is happening here because the expanded police powers of the Federal Government will be used against them. Our second amendment friends already understand that. Proposition 187, the anti-illegal immigration group in California, the FBI went after them in the last administration.

When you expand the police powers of the Federal Government, no matter how much oversight we might have today and say that power is not being abused, we have opened the door to abuse. That is not what our Founding Fathers had in mind. Our Founding Fathers said, only temporarily increase those powers in an emergency. Otherwise, deny those powers to the Federal Government.

Mr. CONYERS. Madam Speaker, I am delighted to yield 1 minute to our leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding, and thank you, Mr. CONYERS, our ranking member on the Judiciary Committee, for being such an outstanding leader in protecting our civil liberties and also the national security of our country. I also extend that to the Democrats on the committee.

First, let us be clear about what we are voting on today, Madam Speaker. We are not voting for the reauthorization of the PATRIOT Act in general. More than 90 percent of the PATRIOT Act is permanent law and includes many noncontroversial provisions that give law enforcement the tools they need. What is before us on the floor today is the extension of certain provisions which are controversial and have the potential for abuse.

Madam Speaker, all of us support providing law enforcement officers with the tools they need to combat terrorism. In doing so, we must also preserve the balance between security and civil liberties and to recognize that not all of the tools law enforcement officers want are tools that they legitimately need.

I cannot support the PATRIOT Act extension conference report because it does not secure the right balance between security and liberty. Our Founding Fathers knew well the importance of the balance between security and liberty. They led a revolution to secure liberty against an arbitrary power. They knew that you cannot have security without liberty and liberty without security in a democracy.

As we consider this conference report, I ask every Member of Congress, indeed, every American, do you know if a National Security Letter has been issued about you, a letter to your phone company, your Internet provider, your bank, for wholesale collection of records that may include your personal information? This letter does not even have to specify that the specific records sought are connected to terrorism, and the recipients, you do not know if such a letter has been issued. You cannot know. You will never know.

This is the same for every American, and any information, including your most sensitive personal data, along with that of thousands of American citizens gathered by these National Security Letter requests, will be held in perpetuity by law enforcement.

The recipients, the bank, the phone company, the Internet provider, are not allowed to tell anyone they have received this letter about you. These are searches without any warrant and without any judicial supervision.

Just think of it: You do not know, the recipient of the letter who is in possession of your information cannot tell you. You do not know, so you cannot challenge it, and the letter can be sent without demonstrating any relationship between the specific records sought and a connection to terrorism. This is a massive invasion of the privacy of the American people.

This is not just some idle threat. The Washington Post reported last month that the FBI hands out more than 30,000 National Security Letters per year, a reported hundredfold increase over historic norms.

How did this happen? When originally enacted, the PATRIOT Act was intended to be accompanied by Congressional oversight so that the implementation did not violate our civil liberties. Unfortunately, the Bush administration and the Republican Congress have been delinquent in the oversight of the PATRIOT Act. As we have seen with this massive and unprecedented scope of National Security Letters, the implications of the Republican failure of oversight are glaring and have a direct impact on every American. It is long past time for Congress to have real oversight.

This conference has missed an opportunity to address the revelation of the widespread use of National Security Letters. We must have standards that clarify that there must be a connection to terrorism or to a suspected spy.

Section 505 that covers the National Security Letters must now include a sunset. That is why I strongly support the request of Mr. CONYERS for a 3-month extension so that conferees can reconvene, adopt the Senate bill, fix the National Security Letters and get it right. Our democracy requires no less.

Another part of this legislation that requires the government to show some connection between the records sought is under the library provision and an individual suspected of being a terrorist or spy. Such a standard is needed to assure that fishing expeditions do not take place. Yet this standard is missing from the Republican conference report.

The list of failures goes on. That is why I think it is important that we support the motion to recommit to adopt the Senate bill. If not that, then to follow Mr. CONYERS' lead and take 3 months to do this right. Nothing less is at stake than the privacy, the civil liberties, really the essence of our democracy.

We must always remember as we protect and defend the American people, we must honor the oath of office we take here when we are sworn in to protect and defend the Constitution and the civil liberties that it contains. We have an obligation to do that for the American people.

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

Madam Speaker, I thank Leader PELOSI for her very succinct and moving comments.

At the close of this debate, I will offer a motion to recommit the conference report with instructions to recede to the Senate bill in its entirety. Not that the Senate bill is perfect, but it does a far better job at protecting civil liberties than the conference report by requiring that the documents and things collected through section 215 have some connection to a suspected terrorist and providing meaningful judicial review of uses of that authority.

What is wrong with that? The conference report makes sensitive and personal records even easier to get by making every innocent connection with a suspected terrorist presumptively relevant to a terrorist investigation.

Now, the Senate bill also lacks a number of controversial and wholly unrelated provisions tacked on to the end of this bill. It does not have a lot of Christmas tree in it. Some 143 of the 216 pages of this bill have absolutely nothing to do with the PATRIOT Act.

The chairman repeatedly admonished committee Democrats that we were not permitted to consider matters falling outside of the 16 expiring provisions of the PATRIOT Act, but on the floor and in conference, this bill became a Christmas tree for random drug laws, Presidential succession amendments and Federal employee benefit changes.

Some have argued that we must pass this bill now because it is the end of the session and it is so urgent. The House Republican leadership waited 3 months to appoint conferees. Where was the urgency then?

The PATRIOT Act does not need to expire if this bill fails in the House or the Senate, which it should. My bill, H.R. 4506, extends the PATRIOT Act for 3 months so that conferees may go back and make a truly bipartisan and bicameral bill.

Sunsets were a small step in the right direction but do not address the underlying problems. They are not a solution for bad law. We should instead be fixing the problems of the PATRIOT Act. Sunsets will be of no relief to those who will have their constitutional rights violated in the next 4 years and should prevent no one from voting against this bill and in favor of the motion.

This measure before us, this conference report, is neither bipartisan nor bicameral. In fact, not a single Democrat in the House or in the other body would sign it. No one on this side has signed the conference report. It is the conservative House bill with window dressing.

We should not let in the government sneak-and-peek provision for at least 30 days. The Senate bill and Federal courts allow a 7-day delay unless good cause is shown. And listen to these non-PATRIOT add-ons; it is a virtual Christmas tree: It alters the Presidential line of succession, criminalizes peaceful protest behavior, changes employment qualifications and benefits for Federal employees and expands the death penalty for non-terror related offenses.

The Senate sticks to the real issues, so join me in a motion to recommit the conference report with instructions to recede to the Senate bill in its entirety.

□ 1330

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

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

Madam Speaker, the gentleman from Michigan has said that he wants us to recede to the Senate, and that means that the Senate bill goes to the President as passed by that body. That means that there will be no provisions relative to control of methamphetamine. There will be no provisions relating to airline security or port security or mass transit security. The Inspector General's audits that are contained in the conference report will not go to the President, and the minimization procedures to get rid of extraneous material that might come into the presence of the government will also not be in the bill that goes to the President.

Listening to the litany that has come from the gentleman from Michigan and folks on the other side of the aisle, you would think that Halloween is tomorrow, because there is an attempt to scare the American public. The PATRIOT Act had nothing to do with the detention of immigrants, indefinite intentions, invasion of habeas corpus, writs of assistance and warrantless wiretaps. The Brandon Mayfield case which has been cited by others on the other side of the aisle was relating not to the PATRIOT Act but a mistake in fingerprint identification.

If we accept their argument, we ought to abolish the FBI fingerprint lab. That is irresponsible, as are most of their arguments. Vote down the motion to recommit. Keep the good parts in the bill. Pass a good bill, and let's make the American people safer.

Mr. FARR. Madam Speaker, I rise in strong opposition to the PATRIOT Act Conference Report.

Due to concerns about civil liberties infringement, I voted against the original PATRIOT Act in 2001 and the House PATRIOT Act Reauthorization Bill earlier this summer.

The democratic fabric of this country was founded on checks and balances but the PATRIOT Act contains neither. In 1775, one of our Nation's true patriots, Benjamin Franklin, said "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

This legislation tramples on the essential liberties that our Founding Fathers wanted to ensure. They understood that lowering our civil liberties standards would not ensure safety; but it would undermine the relationship of this proud democracy with its citizens.

I believe that the Founders of this country would be rolling in their graves to hear the claims this Administration and Republican Leadership make in the name of safety from terrorists.

Do you really feel safer knowing that the government is allowed to investigate personal records without you knowing? Do you feel safer knowing that the government can issue blank wire tap orders without identifying the line, place or person it wishes to investigate? Do you really feel safer knowing that if you or your neighbor were accused that documents used against you would not be subject to judicial review? Do you really feel safer that your library records can be considered intelligence in an investigative report?

I can not with a clean conscience support this bill which gives government unnecessary access to the lives of innocent Americans and tramples on their civil rights.

Madam Speaker, I urge a "no" vote on this piece of legislation that flies in the face of our forefathers.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to address the many troubling issues associated with the reauthorization of the Patriot Act. Following the 9/11 terrorist attacks, this Congress was faced with the difficult task of revamping our intelligence system. However, the PATRIOT Act is flawed with over-reaching provisions that lack the safeguards to prevent abuse.

Americans deserve a bill that successfully prevents attacks against our country, while

protecting our Constitutional rights. We must address the authority this bill gives, and how it may negatively impact Americans.

Most of the provisions within the PATRIOT Act are positive measures that successfully protect American citizens. However, we cannot ignore the provisions that create serious privacy and civil liberty abuses. These include:

Permitting large-scale investigation of Americans for ''intelligence purposes.''

Having minimal judicial supervision on wiretaps.

Allowing the indefinite detention of non-deportable aliens, even if they are not terrorist suspects.

The power to conduct secret searches without having to notify the target of the search.

And the ability to designate domestic groups as terrorist organizations.

America was built on the notion of strong protection for our privacy and civil liberties. Now is the time to protect our citizens from terrorism while putting forth meaningful reforms.

Mr. MARKEY. Madam Speaker, I rise in strong opposition to the conference report on the USA PATRIOT reauthorization Act.

As a member of the Homeland Security Committee since its creation almost 3 years ago, I understand the importance of providing our Nation's counter-terror and law enforcement officers with the capabilities to act aggressively to detect and deter terrorist attacks. As Co-Chairman of the Congressional Privacy Caucus, I remain concerned about government encroachments into the private lives of innocent Americans, which can undermine the principles of liberty, freedom of association and protection from unjust searches and seizures that have been embedded in our Constitution and culture.

Clearly, the interests of security and privacy must be balanced. Unfortunately, this conference report does not strike the appropriate balance, and I cannot support it.

The conference report fails to include essential privacy protections that had been included in the Senate version of this legislation. Specifically, the Senate-passed bill contained key safeguards not included in the conference report regarding the PATRIOT Act's use of so-called ''National Security Letters'' and ''business and library records''.

Madam Speaker, as you know, National Security Letters are, in effect, a form of secret administrative subpoena. They are issued by Federal authorities, most often the FBI, without any court supervision, and recipients are prohibited from telling anyone that they have been served. These letters represent a counter-terror tool that must be carefully and judiciously used, provided their secretive nature outside the traditional judicial process. Unlike the Senate-passed bill, however, the conference report does not provide meaningful judicial review of a National Security Letter's gag order. The conference report requires a court to accept as conclusive the government's assertion that a gag order should not be lifted, unless the court determines the government is acting in bad faith. Despite strong opposition to this provision, House Republicans refused to strip it out of the conference report. House Republicans also refused, as an alternative, to impose a sunset on National Security Letter authorities. Such a sunset provision would have ensured closer oversight of, and public accountability for, the use of National Security Letters.

The conference report eliminated key protections in the Senate-passed bill regarding the ''business and library records'' provisions. Under the conference report, the government can compel the production of business and library records merely upon the showing that the records are ''relevant'' to a terrorism investigation. By contrast, the Senate-passed bill required the government to show that the records have some connection to a suspected terrorist or spy. This is a commonsense protection that would not restrict government capabilities, but would prevent government overreaching and fishing expeditions.

The House-Senate conference committee had an opportunity to adjust the PATRIOT Act's expiring provisions to protect the rights and liberties of all Americans more effectively. Regrettably, this opportunity was lost and the conference report we are considering today does not contain key privacy protections that had been included in the Senate-passed bill.

I urge my colleagues to vote ''no'' on this conference report and support the Democratic substitute offered by Ranking Member CONYERS, which strikes the proper balance between security and privacy.

Mr. LEVIN. Madam Speaker, there is no question that Congress must give law enforcement the tools it needs to prevent terrorist attacks against the American people. When the Congress approved the PATRIOT Act 4 years ago, we recognized that the serious nature of the threat required giving law enforcement broad new powers to help prevent it. There is also no question that the House and Senate should not allow the PATRIOT Act to expire on December 31. Indeed, nearly all of the 166 provisions of the PATRIOT Act are already the permanent law of the land.

Four years ago, the Bush administration and the Leadership of the House rushed the original PATRIOT Act through the House without full debate or the chance to make improvements to the bill. There is no need to rush an imperfect bill through the House today simply to accommodate a 6-week holiday recess.

While the conference report makes a number of improvements to the measure the House approved last summer, further improvement is needed. In particular, I am disappointed that the bill before us does not include language to change how first-responder grants are allocated. We need to make the formula risk-based. Just last week, the bipartisan members of the former 9/11 Commission awarded Congress and the Bush administration a grade of F for our failure to distribute homeland security funds on the basis of risk. The 9/11 Commission made this recommendation 17 months ago. How can we continue to justify a first responder grant formula that awards Wyoming $37.94 per capita while Michigan—a key border State—receives just $7.87 per capita? If we're not going to fix this problem now, then when will we make this change?

In a number of other areas, the Senate-passed version of the bill included key safeguards that were removed from the conference report. In particular, the Senate bill contained important protections relating to the business and library records provisions of the Act that have been so controversial with our constituents. The Senate-passed bill required the government to show that the records sought by the government have some connection to a suspected terrorist or spy. The standard contained in the conference report is much weaker. It would allow the government to compel the production of business or library records merely by showing that the records are ''relevant'' to a terrorism investigation.

In addition, unlike the Senate-passed bill, the conference report fails to protect the records of innocent Americans collected by means of National Security Letters. The FBI now issues more than 30,000 national security letters a year to obtain consumer records from communications companies, financial institutions, and other companies. These National Security Letters are issued without the approval of a judge and permanently bar recipients from telling anyone besides their lawyer that they have been served. Unlike the Senate-passed bill, the conference report does not provide for meaningful judicial review of the National Security Letter nondisclosure requirement. Under the bill before the House, the records collected under National Security Letters can be kept forever and even used for data-mining. We need better privacy safeguards in this area.

I will vote against passage of this legislation today because I am convinced that we can write a better bill that safeguards both our vital security interests and basic American liberties. To that end, I have cosponsored legislation that calls for a three-month extension of the current PATRIOT Act to give Congress additional time to perfect this legislation. We should take the time we need to do the job right.

Mr. STARK. Madam Speaker, I rise in strong opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act conference report. I would be violating my Oath to uphold the Constitution if I voted to unravel the very freedoms for which we're supposedly fighting.

The PATRIOT Act criminalizes speech, protest and assembly while it removes the right to due process and a search warrant. For example, the formerly bedrock principle that government cannot spy on you unless it provides strong evidence of wrongdoing to a judge no longer exists in America. As a ''compromise'' in this bill, Americans can now talk to a lawyer when the FBI sends them a National Security Letter. These letters demand their medical, business or Internet records, and it is nearly impossible to get the request blocked.

Madam Speaker, there is no room for compromise in the Bill of Rights. If the FBI wants to know what Web sites I visit, they should justify it to a judge beforehand just like anyone else. With 30,000 of these National Security Letters going out every year, up from 300 before the PATRIOT Act was enacted, this is much more than just an academic argument.

While no amount of success in the war on terror could justify the PATRIOT Act, it is especially tragic that we have little to show for 5 years of police-state tactics. The American people might be surprised to know that the median sentence for people convicted in terrorist investigations over the last 5 years was just 11 months. Most were convicted on technicalities having nothing to do with the PATRIOT Act. In other words, the war on terrorism is just an irrelevant excuse for the expanded power of government to find out what books you buy, send undercover agents to your community group meetings, or search your home without a warrant.

The PATRIOT Act is a war on liberty to create a false sense of security. I urge my colleagues to join me in rejecting this underhanded ploy.

Mr. CASE. Madam Speaker, as an original cosponsor of H.R. 3899, the Combat Methamphetamine Epidemic Act, and as a committed member of the Congressional Caucus to Fight and Control Methamphetamine, I rise in support of its passage, as Title VII in H.R. 3199, the USA PATRIOT Improvement and Reauthorization Act of 2005.

I would like to thank Congressman MARK SOUDER, the chief sponsor of H.R. 3889, for his leadership in addressing our methamphetamine epidemic. Last year, Congressman SOUDER visited my district in order to fully understand first-hand the unique challenges we in Hawaii face, to hear of our efforts to keep drugs out of our homes and communities, and to see our successes in our fight against the scourge of crystal methamphetamine, ice. And he just returned to address the 2nd Annual National Methamphetamine Legislative and Policy Conference of the National Alliance for Model State Drug Laws, Congressman SOUDER has not just talked, but acted.

We in Hawaii share many of the same concerns as others in our Nation in regard to the need to support drug control, education, prevention, and treatment efforts. However, our geographic isolation, not only from the contiguous United States but also from our neighbor islands to the island of Oahu, must be taken into account as we work to end the scourge of crystal methamphetamine.

General drug abuse, of course, has plagued many of our communities for decades. To target what is needed to prevent this abuse now and in the future, we must first understand what causes it and then focus our efforts on overcoming those causes. And uniquely, it is up to our Federal Government to take the lead on the issue as it is the only entity with the resources and ability to coordinate the indispensable multi-pronged approach to stamping out drug abuse.

Title VII of H.R. 3199 is essential in our efforts to address methamphetamine trafficking, both in the United States and abroad. It would classify pseudoephedrine, ephedrine, and phenylpropanolamine, the major methamphetamine precursor chemicals, as ''Scheduled Listed Chemicals.'' It would repeal the federal ''blister pack exemption'' that currently allows unlimited sales of pseudoephedrine pills. The bill would also require information sharing from importers on the ''chain of custody'' from foreign manufacturer to U.S. shores of methamphetamine precursor chemicals. Title VII would also strengthen Federal penalties against traffickers and smugglers.

I look forward to continuing to work with my colleagues on both sides of the aisle on initiatives to provide the federal resources and support we need in our fight against methamphetamine.

Mahalo, thank you, for this opportunity to express support for Title VII of H.R. 3199.

Mr. BLUMENAUER. Madam Speaker, with the PATRIOT Act set to expire at the end of the year, Congress has once again missed an opportunity to narrow and tighten the legislation.I opposed the original PATRIOT Act, as it was rushed into law in the wake of 9/11, and I strongly oppose the current conference report. The conference report tries to appease both sides of the debate by extending sunsets on the two most controversial provisions, library records and ''roving'' wiretaps, while making 14 of the existing 16 provisions permanent thus limiting Congress' ability to exercise checks and balances. This is a step backwards.

But for the existing sunset provisions, we would not have been exercising our oversight function for this sensitive area.

It puts the administration on too long of a leash and does not force Congress to review and modify the act as needed. We can keep America safe without compromising our civil liberties.

Ms. HARMAN. Madam Speaker, this vote on the PATRIOT Act reauthorization is tough; it is far from being the best bill it could be. But I will vote for it and want to explain why.

Imagine a world in which terrorists make deals and connect with recruits on-line, in cabs, hotel lobbies or cafes all over the world. Communication is highly compartmentalized so few, if any, know what the big plans are. Sometimes, physical runners deliver messages to evade listening devices.

Such a world is not the stuff of Hollywood movies. It is our 21st century world.

The horrific events of September 11, and the more recent bombings in Bali, Britain, Jordan, Madrid, Morocco, Saudi Arabia and Turkey remind us that the terrorists are prepared to strike anywhere, at any time—and with maximum destructive force.

With this as a backdrop, it has been and remains my view that the PATRIOT Act tools are needed: to track communications by email and internet, including the use of internet sites in libraries; and to prevent and disrupt plots against us.

Such powerful tools must be narrowly tailored to ensure that they do not violate the rights of innocent Americans. In reauthorizing the PATRIOT Act, Congress had an opportunity to refine the law, but this conference report reflects only modest improvements.

Many of us in both bodies worked hard to make this conference report better. In the end, we asked for three things of critical importance.

First, four-year sunsets on the most controversial provisions—Section 215 orders; Section 206 roving wiretaps, and the Lone Wolf provision. This request was accepted.

Second, dropping the 1-year criminal penalty on divulging that a National Security Letter has been received, even in a case where there is no intent to obstruct justice. This request was also accepted.

Third, modifying the ''conclusive'' presumption that disclosure of an NSL would harm national security. The legislation properly establishes that recipients of NSLs have the ability to consult an attorney and challenge an NSL in a Federal court. But the ''conclusive'' presumption language makes it virtually impossible to challenge the ''gag'' order on recipients of NSLs. This is an important flaw in the bill and, sadly, our requested change was not accepted.

To remedy this, several of us will introduce legislation to replace the ''conclusive'' presumption language with a ''rebuttable'' presumption, and to incorporate critical checks and balances on the ''front end'' of the NSL process. Such changes will help ensure NSLs cannot be used as a ''back door'' for getting library circulation, medical, tax, educational or other sensitive records, and will help protect against other abuses. This legislation will also ensure Congress is finally provided with meaningful, detailed reports on NSLs, which are critical to effective oversight.

Another flaw in the report is Section 215, commonly called the Library provision, which allows the government to gather a wide range of business materials, including library, medical and tax records. This section is tightened by requiring that the records must be ''relevant'' to a terrorism investigation. But the conference report should have explicitly required that the records be connected to a foreign power, or an agent of a foreign power—the traditional FISA standard.

My refusal to sign the conference report was to protest the way the Conference was managed. Instead of taking a few additional days to craft a strong bipartisan report that strikes the best balance, the majority rushed to file this flawed report. That is why I have co-sponsored HR 4506, to provide a 3-month extension of the PATRIOT Act to give the conferees additional time to bring to the floor a more carefully tailored bill with strong bipartisan support. But the majority insists we proceed today.

My view of the PATRIOT Act is we need to mend it, not end it. Today we are mending it. Hopefully, soon, we will mend it further.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to this conference report on the PATRIOT Act. Simply stated, Mr. Speaker, passing this conference report today will institutionalize an abridgment of the Bill of Rights.

Like all of my colleagues, I support common sense measures that will help our law enforcement and intelligence organizations protect the American people. For example, I support the provisions of the PATRIOT Act that permit surveillance or physical searches in foreign intelligence investigations where the ''significant'' purpose of the action is to collect intelligence. I also favor the provisions that allow the sharing of foreign intelligence information with federal law enforcement agencies, or with intelligence, protective, immigration, or military personnel for their official use. These are useful and necessary provisions that have clearly benefited our intelligence and law enforcement counterterrorism efforts without endangering the civil liberties of Americans. However, the conference report before us today contains too many provisions and excludes too many others, making it impossible for me to support it in its current form.

When this bill was on the House floor in July, I expressed grave concern about several provisions, including Section 213, which allows the so called ''sneak and peek'' searches in anyone's home, as well as Section 215, which allows investigators broad access to any record without probable cause of a crime. This bill has not improved with age.

If passed, this bill would, among other things:

Allow the ''sneak and peak'' searches to go on with no meaningful judicial review for at least 4 more years.

Allow the government to spy on your library book checkout habits and possibly your conversations with your attorney for at least 4 more years.

Allow secret eavesdropping and secret search orders that do not name a target or a location for at least 4 more years.

This bill effectively guts the Fourth Amendment. Let me repeat that. This bill guts the Fourth Amendment.

How can any American feel ''secure in their persons, houses, papers, and effects, against unreasonable searches'' if the Department of Justice can send agents into one's home without notice, either before or after the fact? True, this new version of the Act provides for a 90-day maximum for notification of a subject that her or his dwelling or business has been searched, but it is weak protection that in effect allows the fact of a search to be concealed from the subject indefinitely.

How can any American feel ''secure in their persons, houses, papers, and effects, against unreasonable searches'' if the government can demand access to privileged information, potentially including conversations between a citizen and his or her lawyer?

How can any American feel ''secure in their persons, houses, papers, and effects, against unreasonable searches'' if the government is allowed to eavesdrop on a telephone conversation or secretly search a home or business and, in effect, fill in the names and locations on the search order later?

The search powers that would be reauthorized for federal law enforcement are too sweeping and will receive too little oversight if this bill passes in its current form, and that is unacceptable, Mr. Speaker.

Finally, this bill is significant for what it does not do: it fails to restructure the homeland security grant formula to a risk-based model.

There is simply no excuse for a State like New Jersey to get a smaller percentage of homeland security grants than States that clearly are not at the same level of risk of being attacked. Homeland Security grant money should be distributed based on risk, not on politics. The House strongly supported changing the distribution formula so that States, like New Jersey, that face greater risk of terrorist attacks or other catastrophic events would get a greater share of the grant money, a viewed shared by Secretary Chertoff. Further, the members of the 9/11 Commission recently reiterated their support for a change in the formula and said, ''it should be obvious that our defenses should be strongest were the enemy intends to strike—and where we are most vulnerable.''

Failing to distribute these vital homeland security grants according to risk is like sending hurricane preparedness funds to North Dakota. They may be well-received, but sending them to a low-risk area comes at a price to parts of the country that need it more.

The FBI and Department of Homeland Security have repeatedly warned of the threat to transportation and economic infrastructure targets in New Jersey, and we know from published press reports that Al Qaeda operatives have conducted surveillance activities against economic and other targets in New Jersey. Under this bill, New Jersey will not receive the Federal support it needs to harden these targets or full range of tools that our police and other first responders would require to respond should another 9/11-style attack occur. The conferees had a chance to correct this glaring weakness but they failed to do so, and if for no other reason, I urge my colleagues to vote no on this conference report.

As President Woodrow Wilson said almost 100 years ago, ''liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is the history of resistance. The history of liberty is a history of limitations of government power, not the increase of it.'' Today, we have made the mistake of ignoring history and increased the government's power at the expense of our citizen's liberty. This is a grave error, and it is why I will vote against reauthorization of the PATRIOT Act.

Mr. SMITH of Texas. Madam Speaker, I support this PATRIOT Act conference report, and appreciate the time and effort Chairman SENSENBRENNER has put into bringing it to the floor.

We know Americans will continue to be a terrorist target as long as we stand for freedom and democracy. That lesson was learned on September 11, 2001.

We must do everything legally possible to protect Americans from attack. This conference report helps law enforcement officials prevent, investigate, and prosecute acts of terror.

The original PATRIOT Act was a long overdue measure that enhanced our ability to gather crucial intelligence information on the global terrorist network. It passed by a margin of 98–1 in the Senate and 357–66 in the House.

But certain provisions of the PATRIOT Act expire at the end of this year. This conference report renews many of those provisions and improves on the original legislation.

It makes permanent the ability of law enforcement officials and intelligence officials to communicate about on-going investigations. It also makes permanent provisions that allow the government to do its job by obtaining warrants and gathering information during terrorism investigations.

America is a safer country today than before September 11, 2001, because of the PATRIOT Act.

Over 200 people in the United States have been charged with crimes tied to international terrorist investigations and have been convicted or have pled guilty because of the PATRIOT Act.

Law enforcement and intelligence agencies must continue to have the powers they need to protect all Americans.

I urge my colleagues to support this conference report.

Also, I am placing in the RECORD an op-ed that appeared in the Washington Times on December 13, titled ''Preserving the PATRIOT Act.''

PRESERVING THE PATRIOT ACT

(By Frank J. Gaffney, Jr.)

The proverbial rubber is about to meet the road. This week, the U.S. Congress will determine if the U.S.A. Patriot Act—the most important domestic security legislation since September 11, 2001—will be re-enacted in slightly weakened form or allowed to lapse in a number of its key provisions.

Since the consequences of the latter would be manifestly detrimental to the War for the Free World, legislators opposed to the Act have offered to extend it for a short period—a gambit they hope will allow them to dumb it down still further. But make no mistake: Additional delay and more negotiations will not improve either the bill or the national security. To the contrary, they likely would jeopardize both.

That would be particularly true if the Patriot Act's most vociferous critics on the Left and their less numerous (and most unlikely) bedfellows on the Right get their way. They tend to characterize the Act as an assault on the basic freedoms enshrined in the Bill of Rights and have sought far-reaching changes in the tools it provides law enforcement to detect and prevent terrorist plots inside the United States.

In reality, the Patriot Act is an eminently sensible overhaul of the government's antiquated counterterror arsenal, an overhaul that reflects the realization we cannot hope to fight a 21st-century war using 20th-century legal instruments.

Consider two elements critics have most insistently demanded be repealed: (1) the socalled ''library records'' provision (Section 215) and (2) the authorization of what have been derided as ''sneak-and-peek'' search warrants (Sec. 213).

The dust-up over government access to library information is truly a manufactured controversy. For one thing, libraries are not mentioned anywhere in the pertinent Patriot Act provision. Moreover, law enforcement has been authorized for decades in ordinary criminal cases to subpoena library records (along with any other business records). This has not had any noticeable effect on Americans' reading habits.

The Patriot Act only made business records (including those of libraries) available on roughly the same terms in national security cases as they have long been in criminal cases.

The reason should be obvious: It makes no sense to enshrine libraries as safe havens for terrorist planning.

In fact, as we now know, many of the September 11 hijackers used American and European libraries to prepare the run-up to the attacks. Relevant literature, including bomb manuals and jihadist materials, have been staples of terrorism prosecutions for more than a decade. Privacy extremists of organizations like the American Civil Liberties Union (ACLU) nevertheless have reacted to the Patriot Act's much-needed business records law as if the Gestapo had seized office in the United States.

Similarly, the PATRIOT Act did not—as its critics would have us believe—create new and unsavory ''sneak-and-peek'' warrants. It does, however, allow agents to search premises but delay notification of the search to subjects of a terrorism investigation.

The PATRIOT Act's notification provision is no different in principle from the legal notice previously required to persons intercepted in a court-ordered wiretap. In such situations, notification of the target has routinely been delayed for weeks or months after the eavesdropping ends.

Doing so can be absolutely critical to the arrest and prosecution of suspected perpetrators: Delayed notification allows the government to complete its investigation without giving the subjects a heads-up that would certainly cause them to flee or destroy evidence.

The PATRIOT Act, in the so-called ''sneak-and-peek'' arena, established consistent standards federal courts must follow in determining whether to permit delayed notification. Previously, a hodgepodge of different rules were applied in various jurisdictions. This is precisely the sort of fairness and equal protection Congress should provide—yet, it has been criticized sharply for doing so in the PATRIOT Act.

On both the business records and delayed notification sections of the PATRIOT Act (among others), the stance of the American Civil Liberties Union and like-minded critics seems to have an ulterior motive. They not only oppose such legislation in the PATRIOT Act. They appear intent on reopening settled case law on use of these authorities on crimes unrelated to terror.

Congress should not encourage, let alone facilitate, such efforts by holding open the PATRIOT Act for further revision and adulteration. The original PATRIOT Act as a

whole infringed only modestly on our civil liberties and did not meaningfully intrude on the privacy rights of law-abiding Americans. We need to keep in mind, moreover, that if its precautions fail to prevent some future terrorist attack, we are likely to see impassioned demands for greater security measures at the expense of our freedoms. Since few, if any of us relish that prospect, we need to ensure the PATRIOT Act retains its core provisions and authorities—and remains an effective tool for securing the home front in the War for the Free World.

Mrs. MALONEY. Madam Speaker, I rise in opposition to the conference report to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Unfortunately, this bill does not do enough to protect the civil liberties of innocent Americans. Clearly, preventing another terrorist attack should be our highest priority. However, it should not be done at the expense of the basic rights guaranteed by the Constitution, and that is what I fear we are doing today.

Like the version of this legislation I voted against in July, this conference report would make permanent 14 of 16 provisions included in the original PATRIOT Act passed in 2001. I continue to have serious concerns about how this administration and future administrations could apply the provisions included in this bill. I simply do not believe that this body should relinquish its oversight duties. Many of these provisions should still have sunset clauses, and Congress should not be abrogating its responsibilities to review how these laws are being implemented.

By agreeing to this conference report today, the House will effectively give up its oversight over sneak-and-peek searches, secret search orders, and surveillance authority provided by this bill given how little oversight we have had on these issues. Our constituents expect more from us. Why are oversight and an independent review so opposed?

While I applaud the efforts of the conferees to reduce the extension of two key provisions relating to roving wiretaps, which allows taps on multiple phones and computers of a suspect, and business and library records from 10 years to 4 years, this legislation is woefully inadequate. My constituents are concerned that the government is watching them just because they are visiting their local library or bookstore. Under the PATRIOT Act, these records could be obtained with insufficient oversight by the courts or any independent review. Law enforcement should spend its time going after the terrorists, not using valuable resources reviewing the library records of innocent people. Unless we have an independent review, I know that I will not be satisfied that our rights are being protected.

To make matters even worse, there are entirely new provisions in the conference report to expand the Secret Service's ability to restrict free speech by creating ''exclusion zones.'' These provisions were included in neither the House nor the Senate version of this bill. I would think that this expansion of the Secret Service's authority at the very least deserves serious consideration by this body, and should not be slipped in at the last minute without any hearings or markups.

My constituents have legitimate concerns about the lack of independent, judicial oversight over the provisions included in the PATRIOT Act. We all want terrorists to be apprehended before they commit horrific acts of violence against innocent people. All we are asking is that we prevent unnecessary civil rights violations by ensuring that the administration is not abusing its powers. But this new provision is just the most glaring example of the lack of diligence that this Congress appears to have on protecting our rights.

I am incredibly disappointed that throughout the entire debate on this legislation, the leadership of this House has refused even to discuss the topic of civil liberties, the very issue that makes this legislation so divisive. When the House debated this bill in July, the Rules Committee denied a bipartisan effort to debate an amendment offered by Representatives CHRISTOPHER SHAYS, TOM UDALL and myself that would have made the Privacy and Civil Liberties Board, created by the Intelligence Reform and Terrorism Prevention Act, more robust. This board would have been in line with what the 9/11 Commission envisioned when they issued their report. Today, 3 days before the 1 year anniversary of the signing of the Intelligence Reform and Terrorism Prevention Act, the Privacy and Civil Liberties Board has yet to hold its first meeting and the 9/11 Commission has given Congress and the President a D for our work implementing this board. It appears to me that Congress and the President refuses to even have a discussion about our civil liberties and are opposed to implementing commonsense protections. This bill is just another example of that.

I urge my colleagues to vote against this conference report.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join my many colleagues, many victims of terrorism, and many victims of racial and religious profiling in opposing this legislation, H.R. 3199, for several reasons. First, we never have been given the facts necessary to fully evaluate the operation of the underlying bill, the USA PATRIOT Act. Second, there are numerous provisions in both the expiring and other sections of the PATRIOT Act that have little to do with combating terrorism, intrude on our privacy and civil liberties, and have been subject to repeated abuse and misuse by the Justice Department. Third, the legislation does nothing to address the many unilateral civil rights and civil liberties abuses by the administration since the September 11 attacks. Finally, the bill does not provide law enforcement with any additional real and meaningful tools necessary to help our Nation prevail in the war against terrorism. Since 2002, 389 communities and 7 States have passed resolutions opposing parts of the PATRIOT Act, representing over 62 million people. Additionally, numerous groups ranging the political spectrum have come forward to oppose certain sections of the PATRIOT Act and to demand that Congress conduct more oversight on its use, including the American Civil Liberties Union, American Conservative Union, American Immigration Lawyers Association, American Library Association, Center for Constitutional Rights, Center for Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, Lawyers' Committee for Civil Rights, National Association for the Advancement of Colored People—NAACP, National Association of Criminal Defense Lawyers, People for the American Way, and numerous groups concerned about immigrants' rights.

I sit as ranking Democrat on the Subcommittee on Immigration, Border Security, and Claims. Of particular concern to me are a number of immigration-related provisions that cast such a broad net to allow for the detention and deportation of people engaging in innocent associational activity and constitutionally protected speech and that permit the indefinite detention of immigrants and noncitizens who are not terrorists.

Among these troubling provisions are those that:

Authorize the Attorney General, AG, to arrest and detain noncitizens based on mere suspicion, and require that they remain in detention ''irrespective of any relief they may be eligible for or granted.'' (In order to grant someone relief from deportation, an immigration judge must find that the person is not a terrorist, a criminal, or someone who has engaged in fraud or misrepresentation. When relief from deportation is granted, no person should be subject to continued detention based merely on the Attorney General's unproven suspicions.

Require the AG to bring charges against a person who has been arrested and detained as a ''certified'' terrorist suspect within 7 days, but the law does not require that those charges be based on terrorism-related offenses. As a result, an alien can be treated as a terrorist suspect despite being charged with only a minor immigration violation, and may never have his or her day in court to prove otherwise.

Make material support for groups that have not been officially designated as ''terrorist organizations'' a deportable offense. Under this law, people who make innocent donations to charitable organizations that are secretly tied to terrorist activities would be presumed guilty unless they can prove they are innocent. Restrictions on material support should be limited to those organizations that have officially been designated terrorist organizations.

Deny legal permanent residents readmission to the U.S. based solely on speech protected by the first amendment. The laws punish those who ''endorse,'' ''espouse,'' or ''persuade others to support terrorist activity or terrorist organizations.'' Rather than prohibiting speech that incites violence or criminal activity, these new grounds of inadmissibility punish speech that ''undermines the United States'' efforts to reduce or eliminate terrorist activity.'' This language is unconstitutionally vague and overbroad, and will undeniably have a chilling effect on constitutionally protected speech.

Authorize the AG and the Secretary of State to designate domestic groups as terrorist organizations and block any noncitizen who belongs to them from entering the country. Under this provision, the mere payment of membership dues is a deportable offense. This vague and overly broad language constitutes guilt by association. Our laws should punish people who commit crimes, not punish people based on their beliefs or associations.

In addition, the current administration has taken some deeply troubling steps since September 11. Along with supporting the USA PATRIOT Act, it has initiated new policies and practices that negate fundamental due process protections and jeopardize basic civil liberties for noncitizens in the United States. These constitutionally dubious initiatives undermine our historical commitment to the fair treatment of every individual before the law and do not enhance our security. Issued without congressional consultation or approval,

these new measures include regulations that increase secrecy, limit accountability, and erode important due process principles that set our Nation apart from other countries.

I cosponsored the Civil Liberties Restoration Act, CLRA, reintroduced from the 108th Congress by Representatives HOWARD BERMAN and WILLIAM DELAHUNT, that seeks to roll back some of these egregious post-9/11 policies and to strike an appropriate balance between security needs and liberty interests. The CLRA would secure due process protections and civil liberties for noncitizens in the U.S., enhance the effectiveness of our Nation's enforcement activities, restore the confidence of immigrant communities in the fairness of our government, and facilitate our efforts at promoting human rights and democracy around the world.

While every step must be taken to protect the American public from further terrorist acts, our government must not trample on the Constitution in the process and on those basic rights and protections that make American democracy so unique.

My "safe havens" amendment that relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensory damages for which a terrorist organization has been adjudged liable, fortunately, was included in the text of the conference report as section 127:

It is the sense of Congress that under section 981 of title 18, United States Code, victims of terrorists attacks should have access to the assets forfeited.

This language seeks to allow victims of terrorism who obtain civil judgment for damages caused in connection with the acts to attach foreign or domestic assets held by the United States Government under 18 U.S.C. 981(G). Section 981(G) calls for the forfeiture of all assets, foreign or domestic, of any individual, entity, or organization that has engaged in planning or perpetrating any act of domestic or international terrorism against the United States, citizens or residents of the United States.

The legislation, H.R. 3199, as drafted, fails to deal with the current limitation on the ability to enforce civil judgments by victims and family members of victims of terrorist offenses. There are several examples of how the current administration has sought to bar victims from satisfying judgments obtained against the government of Iran, for example.

In the Sobero case, a U.S. national was beheaded by Abu Sayyaf, an Al-Qaeda affiliate, leaving his children fatherless. The administration responded to this incident by sending 1,000 Special Forces officers to track down the perpetrators, and the eldest child of the victim was invited to the State of the Union Address. Abu Sayyaf's funds have been seized and are held by the U.S. Treasury at this time. The family of the victim should have access to those funds, at the very least, at the President's discretion.

Similarly, the administration barred the Iran hostages that were held from 1979 to 1981 from satisfying their judgment against Iran. In 2000, the party filed a suit against Iran under the terrorist state exception to the Foreign Sovereign Immunity Act. While a Federal district court held Iran to be liable, the U.S. Government intervened and argued that the case should be dismissed because Iran had not been designated a terrorist state at the time of the hostage incident and because of the Algiers Accords—that led to the release of the hostages, which required the U.S. to bar the adjudication of suits arising from that incident. As a result, those hostages received no compensation for their suffering.

Similarly, American servicemen who were harmed in a Libyan sponsored bombing of the La Belle disco in Germany were obstructed from obtaining justice for the terrorist acts they suffered. While victims of the attack pursued settlement of their claims against the Libyan government, the administration lifted sanctions against Libya without requiring as a condition the determination of all claims of American victims of terrorism. As a result of this action, Libya abandoned all talks with the claimants. Furthermore, because Libya was no longer considered a state sponsor of terrorism, the American service men and women and their families were left without recourse to obtain justice. The La Belle victims received no compensation for their suffering.

In addition, a group of American prisoners who were tortured in Iraq during the Persian Gulf war were barred from collecting their judgment from the Iraqi government. Although the 17 veterans won their case in the District Court of the District of Columbia, the administration argued that the Iraqi assets should remain frozen in a U.S. bank account to aid in the reconstruction of Iraq. Claiming that the judgment should be overturned, the administration deems that rebuilding Iraq is more important than recompensing the suffering of fighter pilots who, during their 12-year imprisonment, suffered beatings, bums, and threats of dismemberment.

Finally, the World Trade Center victims were barred from obtaining judgment against the Iraqi government. In their claim against the Iraqi government, the victims were awarded $64 million against Iraq in connection with the September 2001 attacks. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

While the PATRIOT Act may not deserve all of the ridicule that is heaped against it, there is little doubt that the legislation has been repeatedly and seriously misused by the Justice Department. Consider the following:

It's been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having had nothing to do with terrorism.

It was used against Brandon Mayfield, an innocent Muslim American, to tap his phones, seize his property, copy his computer, spy on his children, and take his DNA, all without his knowledge.

It's been used to deny, on account of his political beliefs, the admission to the United States of a Swiss citizen and prominent Muslim scholar to teach at Notre Dame University.

Its been used to unconstitutionally coerce an internet service provider to divulge information about e-mail activity and web surfing on its system, and then to gag that provider from even disclosing the abuse to the public.

Because of gag restrictions, we will never know how many times its been used to obtain reading records from library and book stores, but we do know that libraries have been solicited by the Department of Justice—voluntarily or under threat of the PATRIOT Act—for reader information on more than 200 occasions since September 11.

It's been used to charge, detain and prosecute a Muslim student in Idaho for posting internet website links to objectionable materials, even though the same links were available on the U.S. Government's website.

Even worse than the PATRIOT Act has been the unilateral abuse of power by the administration. Since September 11, our government has detained and verbally and physically abused thousands of immigrants without time limit, for unknown and unspecified reasons, and targeted tens of thousands of Arab-Americans for intensive interrogations and immigration screenings. All this serves to accomplish is to alienate Muslim and Arab-Americans—the key groups to fighting terrorism in our own county—who see a Justice Department that has institutionalized racial and ethnic profiling, without the benefit of a single terrorism conviction.

Nor is it helpful when our government condones the torture of prisoners at home and abroad, authorizes the monitoring of mosques and religious sites without any indication of criminal activity, and detains scores of individuals as material witnesses because it does not have evidence to indict them. This makes our citizens less safe not more safe, and undermines our role as a beacon of democracy and freedom.

Right now, H.R. 3199 is the most appropriate and timely vehicle in which to address this issue and allow U.S. victims of terrorism to obtain justice from terrorist-supporting or terrorist-housing nations. Madam Speaker, I oppose this legislation and ask that my colleagues work to negotiate real fixes to the sunsetted provisions.

Mr. HYDE. Madam Speaker, I am very pleased with the conference report, H.R. 3199, to renew the PATRIOT Act. I want to thank and compliment all the conferees and the administration for bringing this about.

By renewing this measure, we are continuing to provide our law enforcement agencies and the administration with many of the critical tools needed to combat global terrorism and protect America. Provisions of the PATRIOT Act have already been instrumental in warding off further terrorist attacks since 9/11, and they are responsible for helping to keep us safe here at home.

In addition, the bill includes an added provision, which I authored, offering a new tool to attack the growing phenomenon of narco-terrorism, with the proceeds of illicit drug funding and financing feeding the Foreign Terrorist Organizations, FTOs, and supporting acts of terrorism. Passage of the PATRIOT Act conference report will enhance Federal criminal law to effectively address the current reality, according to the Drug Enforcement Administration, of illicit drugs being linked to nearly half of the designated FTOs around the globe today.

In this measure, my provision makes narco-terrorism, which involves both the illicit drug trade and support for terrorism, a Federal crime, and provides tough penalties that match the nature of such deadly and dual criminal activity.

Our hardworking Drug Enforcement Administration will no longer be challenged to

produce evidence of a nexus of these illicit drugs to the United States, if there is proof that the illicit drugs support FTOs or acts of terrorism.

In Afghanistan, most of the heroin from illicit drug production goes to Europe, rather than here, and much of the profit then finances and supports anticoalition terrorists and attacks on our forces there. My provision will give us the tools to attack that drug-related support for terrorism and further protect America, our troops, and coalition forces on the ground in places like Afghanistan.

Madam Speaker, I urge my colleagues to support the passage of the PATRIOT Act conference report.

Ms. HART. Madam Speaker, I rise in Support of H.R. 3199, the PATRIOT Act reauthorization conference report.

This is a balanced reauthorization—protecting civil liberties and extending the necessary provisions to help us fight the war on terror here at home.

I want to thank Chairman SENSENBRENNER for including a number of provisions from H.R. 3007 Combating Terrorism Financing Act.

Funding is the lifeblood of terrorist organizations—if we are to prevent future attacks and continue to dismantle terrorist organizations we must deny them funding.

Terrorist analysts often note that it is fairly inexpensive to carry out a single act of terror—for example, it is estimated that the attack on the World Trade Center cost only $500,000.

Terrorist organizations need money not just to carry out such attacks; they also need funding to continue their operations such as recruiting and training new members and support their current members.

One of the most important lessons we have learned is exactly how terrorists and other criminal organizations transmit money through unregulated financial markets.

Like the patchwork of terrorist organizations and cells, terrorism funding does not come from a single source. Terrorist networks are funded through state sponsorship, charities and businesses fronting as legitimate institutions, and exploitation of markets and financial networks.

The tough terrorism financing language in the conference report will increase penalties for terrorism financing.

In addition, the bill will add new predicate money laundering offenses to allow law enforcement to investigate and dismantle terrorist financing organizations.

Finally, the original PATRIOT Act added a new forfeiture provision for individuals planning or perpetrating an act of terrorism against the United States.

The language in the conference report adds a parallel provision for individuals planning or perpetrating an act of terrorism against a foreign state or international organizations acting within the jurisdiction of the United States.

The language in the conference report builds on our current laws, to address some of the shortfalls that we have learned about since September 11.

Terrorists work to find the holes in our laws and we must make sure that we continue to be diligent to update them so that we can cut off terrorist funds and stop future attacks against us and our allies in the war on terror.

Mr. SKELTON. Madam Speaker, the PATRIOT Act has been an important law enforcement tool in the years following the dastardly terrorist attacks on our country, and taken as a whole, the bill has enhanced our national security. The United States and our allies are fighting a war like no other. It is an unconventional war that must be met with unconventional tools used by law enforcement professionals to protect the American people from those who would do us harm.

The PATRIOT Act provides federal officers greater powers to trace and intercept terrorists' communications for law enforcement and foreign intelligence purposes. It reinforces federal anti-money laundering laws and regulations in an effort to deny terrorists the resources necessary for future attacks. It tightens laws pertaining to seaport security. And, it creates several new federal crimes, such as laws outlawing terrorists' attacks on mass transit and increases penalties for many other violations of the law.

As is true of any law that empowers the government to collect security-related information domestically, evaluating the PATRIOT Act requires us to weigh a wide range of competing interests, like the ability of our government to detect and thwart terrorist attacks and the constitutional rights of the American people. Of course, proper oversight of the PATRIOT Act by Congress is essential to guaranteeing our constitutional rights are not trampled.

Important for Missouri, the PATRIOT Act Conference Report also includes bipartisan language that helps fight the scourge of methamphetamine abuse in America. This drug epidemic has been especially hard on rural areas. The bill bans over-the-counter sales of cold medicines that contain ingredients commonly used to make methamphetamine, allowing the sale only from locked cabinets or behind the counter. It limits the monthly amount any individual could purchase, requires individuals to present photo identification in order to purchase such medicines, and requires stores to keep personal information about these customers for at least 2 years after the purchase of these medicines. The bill also allows judges to impose strict sentences for those who possess pseudoephedrine with the intent to distribute it for methamphetamine creation.

I urge my colleagues to support reauthorization of the PATRIOT Act.

Mr. KENNEDY of Minnesota. Madam Speaker, from keeping our children safe to winning the war on terrorism, we face many challenges, but few are like meth, which threatens lives, safety and health, at great cost to all of us.

I am pleased that this conference report contains many significant provisions that I have authored, including 4 enhanced criminal penalties originally introduced in the Kennedy-Hooley SLAM Act.

It also contains a drug certification provision of mine that will stop the flood of meth from international superlabs.

We must send a signal to the pushers of this poison that they are not welcome in our communities.

Madam Speaker, this bipartisan legislation deserves the support of both bodies because it is a comprehensive response to the methamphetamine problem in America.

It will send a strong signal that Congress is serious about fighting the scourge of meth.

While the criminal penalties in this bill would be more effective if they were as tough as what were originally introduced, Chairmen SENSENBRENNER and SOUDER showed tremendous leadership in moving this bill to the Floor, and I urge the swift passage of this important legislation.

Most importantly, our actions today will send a signal to the law enforcement officers who wake up every morning to protect our families that we stand with them in the fight against drugs and will work to give them every tool they need to be successful.

Additionally, this conference report reauthorizes the USA PATRIOT Act, which fulfills the high responsibility of protecting our citizens while ensuring their fundamental privacy rights are not abused.

For many years, law enforcement officers lacked the same tools for tracking down suspected terrorists as they had for drug dealers, mobsters and other criminals.

Extending the provisions of the PATRIOT Act that are scheduled to expire on December 31 will allow law enforcement officers to monitor suspected terrorists' communications and share critical intelligence information.

These are vital tools for law enforcement that we need to help keep America safe, tools that carry with them strict safeguards to prevent the abuse of our civil liberties.

These safeguards will ensure that the PATRIOT Act is used only for its intended purposes, catching terrorists before they can do us harm, and not to curtail the strong tradition of personal privacy that Americans have long enjoyed.

Madam Speaker, I urge all of my colleagues in both bodies to support this reauthorization of the PATRIOT Act, which contains important provisions in this Nation's fight against meth.

Mr. VAN HOLLEN. Madam Speaker, I rise to explain my decision to vote against the Conference Report on the PATRIOT Act. Some of the provisions that are being authorized in this bill provide law enforcement officials with important tools that may be helpful in detecting and disrupting terrorist activities. I support those provisions. Other provisions, however, fail to provide adequate safeguards to ensure that the privacy rights of innocent citizens are protected. It is very important that, in our effort to defend the liberties that Americans cherish, we not enact measures that erode the very freedoms we seek to protect. We can ensure that the government has the necessary surveillance powers without sacrificing the privacy rights of Americans.

In the aftermath of September 11, 2001, it is essential that we stregthen our ability to detect, deter, and disrupt terrorist activities. Many provisions in the PATRIOT Act accomplish this objective in a balanced way. Other provisions, however, leave citizens vulnerable to unchecked, unwarranted, and potentially abusive invasions of privacy. Many of these concerns were addressed in the Senate bill

that passed by bipartisan, unanimous support. unfortunately, the Conference abandoned many of the safeguards in the final Conference agreement.

The Conference Report falls short in a number of areas. Let me focus on 2 of these issues—the inadequate checks on the National Security Letters and the Foreign Intelligence Surveillance Act court orders.

The ''National Security Letters'' provision: (1.) This authorization has no sunset; (2.) It provides no judicial review of a National Security Letter gag order. This is a departure from current law which allows the recipient of such a Letter to challenge it in court. The conference agreement requires the court to accept the government's assertion as ''conclusive''. (3.) Moreover, the conference report allows the government to maintain information gathered from the National Security Letters to be kept forever in government databases.

''Foreign Intelligence Surveillance Act'' (FISA) Court Orders for Tangible Things (section 215): (1) Unlike the Senate bill, the Conference Report allows the government to obtain personal information on a mere showing of ''relevance'', thereby striking the safeguard contained in the Senate passed bill that required a 3-part test. This allows the government to obtain this information without demonstrating that the information that they are seeking has some connection to a terrorist or a spy. (2) The conference report does not permit the recipient of a section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment of the Constitution. (3) Finally, the conference report allows the government to use secret evidence to oppose a judicial challenge to a section 215 order. The court must review any government submission in secret, whether or not it contains classified material.

It is important that any policy that is advanced to enhance our nation's security always maintains appropriate ''sunshine'' and checks and balances on those law enforcement and intelligence agencies that are empowered to promote national security. History reminds us that these law enforcement tools can be overzealously used and may also be directed at innocent parties. The conference report on the PATRIOT Act that is before us today fails to strike the proper balance. The Senate version included many of the necessary safeguards. Unfortunately, many of those provisions were abandoned by the Conference Committee. As a result I voted in favor of Mr. CONYERS' Motion to Recommit the Conference Report to the Conference Committee so that the conferees could return to the consideration of the Senate passed bill. Unfortunately, this motion was defeated. Therefore, I must vote against the passage of the Conference Report that is before us today.

Mr. DINGELL. Madam Speaker, I rise in strong opposition to the conference report to H.R. 3199. We should go back into conference and work on a bipartisan, balanced conference report.

Instead of rushing to finalize a partisan conference report that dismisses concerns for Americans' civil liberties, we should pass a 3 month extension and try to find a bipartisan balance.

Unfortunately, the House leadership is unwilling to strike that balance and have put forth for consideration a conference report that no Democratic conferee signed. This is unconscionable.

Madam Speaker, many objectionable provisions remain in this conference report, but two issues in particular were ignored by the majority. First, the conference report fails to provide a standard to challenge national security letters. We recently learned that over 30,000 national security letters are issued every year to businesses of all types without court approval.

Yet, this conference report provides little to no mechanism to allow for a citizen to challenge these letters in court, and sets no deadline for destroying the private information that has been collected. Shame on us for not allowing a citizen to redress his grievances, and, shame on us for not ensuring that private information is destroyed once it is collected.

Second, this conference report fails to address the very real issue that has been of great concern to many Americans: Section 215 secret court orders for library, medical, and other personal records. It leaves the standard for obtaining ''any tangible thing'' at simply a ''relevance'' standard to an investigation, basically allowing the government to conduct a fishing expedition if it deems appropriate.

As I, along with several of my colleagues, said in a letter to Chairman SENSENBRENNER AND Chairman SPECTER, there is nothing in this standard to stop the FBI from asking a library to turn over its circulation list of everyone who had checked out a book on Islam since the September 11th attacks. Shame on us for allowing this to remain in the final conference report.

Madam Speaker, I have heard a lot of talk during the last four years that we will not yield to the terrorists. That we will fight tyranny with freedom and democracy, and the power of our ideas will prevail. I agree with that sentiment.

Yet, today, we are considering limiting freedoms by allowing provisions such as the Section 215 secret court orders and national security letters that I mentioned earlier. As a former prosecutor, I understand the need for tools to prosecute those who would do us harm. I also know that those same tools can be used to curtail freedoms of innocent Americans.

We must provide common sense tools to prosecutors, but we must protect the liberty of all Americans. As I asked in June of this year, and as I ask again now, ''What will generations to come think when they have seen we have permanently lowered the bar in protecting their civil liberties?''

Madam Speaker, whenever we discuss the PATRIOT Act, I am reminded of a very wise saying by one of our founding fathers, Benjamin Franklin. He said, ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

I will vote against this conference report and urge my colleagues to do the same. We should go back to conference and craft a conference report that protects all of our civil liberties.

Mr. LANGEVIN. Madam Speaker, today I rise in opposition to the conference report on H.R. 3199, the USA PATRIOT Act reauthorization. While I do not advocate permitting many of these important terrorism-fighting tools to expire at the end of the year, the American people would be better served by a bill that strikes a more reasonable balance between protecting civil liberties and fighting the war on terrorism. I am disappointed that the conference report does not closely mirror the bipartisan compromise that unanimously passed the Senate. I urge my colleagues to reject this conference report and take a bipartisan approach to protecting Americans' lives and liberties.

Since the USA PATRIOT Act was enacted shortly after 9/11, I have met with many constituents and countless groups to discuss the details of this controversial legislation. Last year, I hosted a town hall meeting to hear what my constituents thought about the USA PATRIOT Act. While some agreed that the act was necessary to prevent another terrorist attack, most of the crowd, as well as most Rhode Islanders, believed we have already ceded too much ground with respect to our civil liberties. In my State, seven cities and towns have passed resolutions opposing parts of the USA PATRIOT Act, and my constituents understand what this bill means to them and their freedom.

Last week, the 9/11 Commission released a report card on the implementation of the group's recommendations. For ''balance between security and civil liberties,'' the government received a ''B,'' which is a high grade considering they were given more ''Fs'' than ''As.'' However, the report card cautioned that ''robust and continuing oversight, both within the Executive and by the Congress, will be essential.'' We should strive to move closer to A than F, but this conference report does not accomplish that goal. By making 14 of the 16 expiring provisions of the USA PATRIOT Act permanent, I worry that Congress will be less likely to engage in vigorous oversight to protect the civil liberties of law abiding Americans.

The Senate proved that it is possible to protect both lives and liberties. Their legislation made permanent the less controversial portions of the act, but implemented commonsense changes to add a layer of protection for liberties while keeping America safe. Unfortunately, most of these improvements were not incorporated into the conference report. For instance, the Senate version required the government to show that a person is connected to terrorism or espionage before investigators could obtain medical, library or business records. The bill before us permits the government to go on fishing expeditions to look for information without probable cause. In addition, the Senate required new, strong protections for ''sneak and peak'' searches and roving wiretaps. These improvements are also absent, from the conference agreement. I urge my colleagues to join me in supporting the motion to recommit, which asks conferees to adopt the bipartisan Senate language.

I recognize the need for our laws to keep pace with new technology and a changing world, and I am committed to ensuring our law enforcement has the tools they need to keep our Nation safe. However, providing these tools need not come at the expense of the liberties and freedoms that we hold so dear. If we cede these, we have already given up the very values the terrorists are trying to destroy.

I am disappointed that conferees have decided to once again place partisanship over sound policy. Working together, we make America stronger, but Congress has again divided the American people. I urge my colleagues to join me in opposing H.R. 3199 and instead working to reauthorize the USA PATRIOT Act in a way that protects both our liberties and our country.

Ms. DEGETTE. Mr. Speaker, I was unavoidably absent from the vote today on H.R. 3199, the ''USA PATRIOT Improvement and Reauthorization Act of 2005'' due to a family medical emergency. Had I been present and voting, I would have voted ''no'' on this bill as I have steadfastly opposed similar versions of the PATRIOT Act when they have come up in the past.

Make no mistake, like all Americans I believe we should give law enforcement the tools it needs to investigate and fight terrorism. However, we can do this without sacrificing our American values. One of our most precious values is the right to be free from unwarranted government intrusion.

I voted against the original PATRIOT Act when it passed Congress in 2001 because it went too far in creating the potential for government abuses and violations of civil liberties. The bill today makes permanent almost all of the provisions enacted in 2001. While some have been altered to make them slightly less egregious, not enough has changed to allow me to lend my support to this reauthorization.

For example, section 109 of H.R. 3199 makes some changes to section 215 of the original PATRIOT Act, which expanded what the government could seize under the Foreign Intelligence Surveillance Act, FISA, of 1978 to ''any tangible things.'' These include library, medical, tax, and gun records. The bill today maintains the weak threshold adopted in the original PATRIOT Act by again failing to require the materials requested be tied or connected to a specific terrorist or terrorist organization. The broad standard in current law makes it dangerously easy for the records of innocent Americans to be viewed by government. Additionally, recipients of requests for information under section 215 are prevented from telling virtually anyone about the request and they cannot challenge this ''gag order'' in court.

While this bill at least includes a 4-year sunset for section 215, there is no sunset for section 505, which expanded the power of government to obtain information via national security letters, NSLs. NSLs allow the government, with no prior court approval, access to financial records, credit reports, telephone records, and information from internet service providers. As with section 215, this bill fails to require the materials requested be tied or connected to a specific terrorist or terrorist organization. Tragically, this weak standard is made permanent. There is no sunset. Also, as is true under section 215, there is a ''gag order'' under section 505. While H.R. 3199 adds a new ability to challenge this ''gag order,'' it is a sham. Violating this gag order even carries criminal penalties.

The bill also fails to adequately reform section 213 of the original PATRIOT Act, which expanded ''sneak and peek'' warrant authority. This allows the government to search American homes or businesses with delayed, not prior, notice. While the bill today does change the delay in notice allowed from a ''reasonable time'' to no more than 30 days, the bill allows for unlimited extensions. Limitations on instances in which delayed notice searches are allowed to remain broad. To protect our rights and privacy, the ability for the government to get into our personal lives and records without prior notice needs to be more narrowly crafted.

These are just some examples of the problems with H.R. 3199. I am confident that if we work together, we can develop laws which would allow us to combat terrorism without making it too easy for government to intrude into the private lives of Americans.

Mr. OXLEY. Madam Speaker, I support our action today to reauthorize the USA PATRIOT Act.

Within weeks after the horrendous terrorist attacks of 2001, Congress responded with the PATRIOT Act, providing our law enforcement and intelligence communities with much-needed tools to track down terrorists, sever their communications and funding networks, and prevent future attacks on our citizens.

As chairman of the House Financial Services Committee, I was proud to help write the antiterrorist financing provisions of this act. Millions of dollars in terrorist assets have been frozen or seized since 9/11. We have broken up suspected terrorist financing networks, including one in my home State of Ohio. The terrorist financing tools included in the act were further supplemented by the intelligence reform legislation approved in the wake of the 9/11 Commission's report.

As a former special agent of the FBI, I know that other sections of the PATRIOT Act have proven just as vital in assisting law enforcement combat the new threat of international terrorism. I am pleased that this reauthorization makes permanent all but a few of the act's expiring provisions, but regret that the 4-year sunset for the remaining authorities was made a part of this final product. Including any sunset sends the wrong signal to our law enforcement agencies, indicating that our trust in them is incomplete at a time when their services have helped prevent further terrorist attacks. They should have our full support and every reasonable tool we can give them to help fight the global war on terror.

One of the provisions still subject to a sunset deals with the use of roving wiretaps. As one of the few Members of Congress who has conducted undercover surveillance, I can tell you now that the need for roving wiretap authority will not expire in 7 years. Tying intercept authority to an individual suspect rather than a particular communication device is simply common sense in this era of throwaway cell phones and e-mail.

Further, there is absolutely no evidence that wiretap authority or any other USA PATRIOT Act provision has been used to violate the civil liberties of Americans. Congress recognizes the delicate balance between deterring terrorist activities and preserving the freedoms we hold so dear. I know beyond a doubt that terrorists make no such distinction.

The PATRIOT Act has been a success, and we as a nation are safer for it. Its provisions are helping to put the FBI and CIA on a more equal footing with terrorists, who use every available technology to plot with impunity. The act refines our surveillance laws for the high-technology era—something that has been long overdue.

I support the reauthorization of the USA PATRIOT Act, and hope that Congress will work toward making the roving wiretap and other temporary provisions permanent.

Mr. CARDIN. Madam Speaker, I rise in support of the conference report for H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Through the PATRIOT Act Congress has attempted the essential task of modernizing law enforcement tools to effectively combat the 21st century terrorist, who can now use cell phones, the internet, and e-mails to plan and coordinate attacks in the United States. As originally enacted in October 2001, many PATRIOT Act provisions are set to expire at the end of this month if Congress takes no action.

The conference report before us extends and improves many provisions of the PATRIOT Act. It is a substantial improvement to the bill that was passed by the House in July 2005. I do have significant concerns and misgivings about the administration's use of the new powers of the PATRIOT Act, and I am pleased that this legislation addresses many of these concerns. This legislation: includes three sunset provisions for PATRIOT Act authorities; requires greater oversight by Congress and the judiciary of the Justice Department; and gives new rights to subjects of a government investigation. Given the complexity and importance of this measure, let me review these provisions in some detail.

The 4-year sunsets adopted by the conference report apply to business records, roving wiretaps, and ''lone-wolf' terrorist suspects who operate alone rather than as an agent of a foreign power. Congress must revisit these provisions in 4 years, which will expire unless approved again. The conference report adopts the Senate position of 4-year sunsets, and rejected the House position of 10-year sunsets.

Under the business records provision, section 215 of the PATRIOT Act, the bill provides that the government may seek a court order for ''any tangible item'' if law enforcement officials assert that the records are sought in an effort to obtain foreign intelligence or in a terrorism investigation. The application to the FISA court, the Foreign Intelligence Surveillance Act court, must provide a ''statement of facts'' proving that the information sought is ''relevant'' to the investigation. This bill provides greater protection than current law, which simply requires the government to certify the records were sought for an authorized investigation without any factual showing.

The conference report also explicitly provides—unlike current law—that anyone who receives a request for records under this provision may consult with an attorney in order to challenge the request in court. The bill requires new high-level approval by one of the top three FBI officials for certain records, including library records, medical records, educational records, and tax return records. The bill has several new requirements for the Justice Department, including: issuing ''minimization procedures'' which limits the retention of, and prohibits dissemination of, information concerning U.S. persons; conducting two separate audits of the FBI's use of section 215 orders, which will examine any improper or illegal use of this authority, and the manner in which such information is collected, retained, analyzed, and disseminated by the FBI; and requiring the public reporting of the aggregate use of section 215 orders, and a breakdown of its use to Congress—comparisons of library, medical, educational records, for example.

The roving wiretaps provision, section 206 of the PATRIOT Act, provides that the FISA court may issue ''roving'' wiretaps to conduct surveillance on a foreign power or their agent when the target of surveillance has taken steps to thwart the investigation by changing accommodations, cell phones, internet accounts, or other forms of communications. Court orders would apply to a person or persons, not a particular device or location, so

that the government does not have to return to court each time that a target changes a communications device or moves to another location. The bill requires court orders for roving wiretaps to describe in detail the specific target in cases in which the target's identity is unknown, higher burden than current law, and requires more detailed and timely reporting by the FBI to the courts and Congress on the use of this authority.

The conference report also makes substantial improvements to the national security letter, NSL, process, which existed before Congress enacted the PATRIOT Act in 2001. NSLs allow the FBI to request customer records from communications companies and financial institutions related to an investigation. The bill explicitly provides a new right to NSL recipients to consult with an attorney to challenge the letter in court. The court is also given a new explicit right to review NSL requests. The bill provides that courts may block an NSL if it is ''unreasonable, oppressive, or otherwise unlawful'' (same standard as used to modify or quash a subpoena in a criminal case). Recipients are also given a new right to challenge the nondisclosure requirement in court. Congress also requires the Justice Department to report to Congress on the number of NSLs sent to U.S. persons or entities, and requires the department's inspector general to conduct an audit of the effectiveness of NSLs. The bill also provides that the Justice Department submit to Congress the annual aggregate number of requests made concerning different U.S. persons in an unclassified format.

Finally, the conference reports places some new restrictions on delayed notice search warrants, commonly called ''sneak and peek'', under section 213 of the PATRIOT Act. This type of search warrant, which existed before the PATRIOT Act was adopted, requires that a Federal judge must find that there is probable cause to believe that: (1) A crime has been or is about to be committed; (2) evidence of those crimes will be found at the location to be searched; and (3) immediate notice would cause harm under certain specified criteria. The conference report restricts the government's authority to delay notice to 30 days, and allows for an extension only if approved by a court. The bill also requires new reporting to Congress on the use of this provision.

Madam Speaker, we must not repeat the mistakes of the past, when the United States sacrificed the civil rights of particular individuals or groups in the name of security. Whether in times of war or peace, finding the proper balance between government power and the rights of the American people is a delicate and extremely important process. It is a task that rightly calls into play the checks and balances that the Founders created in our system of government. All three branches of government have their proper roles to play in making sure the line is drawn appropriately, as we uphold our oaths to support the Constitution. This legislation attempts to strike a balance as we seek to prevent another terrorist attack on U.S. soil, while protecting Americans' constitutional civil liberties. I will continue to work in Congress to exercise our critical oversight responsibilities to protect our civil liberties.

Mr. HONDA. Madam Speaker, I rise today in opposition to the conference report on H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Last week, Republican House and Senate negotiators reached an agreement to reauthorize the PATRIOT Act. As part of the deal agreed to by House and Senate Republican conferees, Federal law enforcement authorities will retain the right to: Investigate American citizens without judicial oversight, a power that is invoked more than 30,000 times each year; search individuals' private property without notifying them; access citizens' library records, medical records, school records, and financial records virtually unchecked by the judiciary.

The House-Senate conference committee had an opportunity to revise the PATRIOT Act's expiring provisions to protect the rights and liberties of all Americans more effectively. Regrettably, the opportunity was lost when Democratic conferees were excluded from key negotiations. The resulting conference report falls short of what the American people have every reason to expect Congress to achieve in defending their rights while advancing their security.

The conference report drops key protections in the Senate-passed bill regarding ''national security letters.'' National security letters, NSLs, are, in effect, a form of secret administrative subpoena. They are issued by Federal authorities—most often FBI agents—without any court supervision, and recipients are prohibited from telling anyone that they have been served. The conference report also fails to protect the records of innocent Americans collected by means of these NSLs. Under the conference report, such records may be kept forever in government databases, shared with the intelligence community, and used for datamining.

There is no more difficult task I have as a legislator than balancing the Nation's security with our civil liberties, but this task is not a zero sum game. By passing a conference report that allows the troubling aspects of the PATRIOT Act to continue, we pursue a false sense of national security at the expense of our civil liberties. I opposed the PATRIOT Act when it first came to us in 2001 and I vote against it today.

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

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. CONYERS. Yes, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conyers of Michigan moves to recommit the conference report on the bill H.R. 3199 to the committee of conference with instructions to the managers on the part of the House to recede from disagreement with the Senate amendment.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Madam Speaker, parliamentary inquiry, is it permissible to include instructions in the motion to recommit to conference?

The SPEAKER pro tempore. Yes, it is proper.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the conference report.

The vote was taken by electronic device, and there were—ayes 202, noes 224, not voting 7, as follows:

[Roll No. 626]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
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 (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)

Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Edwards
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
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

DeGette
Diaz-Balart, M.
Hyde
McDermott
Payne
Poe
Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining.

□ 1356

Messrs. BRADLEY of New Hampshire, DELAY, ROHRABACHER, MCHENRY, Ms. HART and Mrs. JOHNSON of Connecticut changed their vote from ''aye'' to ''no.''

Mr. SALAZAR changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 251, nays 174, not voting 9, as follows:

[Roll No. 627]

YEAS—251

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Edwards
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
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
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—174

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Bishop (UT)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCollum (MN)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (GA)
Price (NC)
Rahall
Rangel
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

DeGette
Diaz-Balart, M.
Hyde
McDermott
Ortiz
Peterson (PA)
Poe
Radanovich
Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1407

Mr. ISRAEL and Mr. BISHOP of Utah changed their vote from ''yea'' to ''nay.''

Mr. TAYLOR of Mississippi and Mr. BOYD changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 627. I was inadvertently detained. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unable to vote during rollcall No. 627. Had I been able to vote, I would have voted "yea" in support of the conference report on H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Clearly, we are in a time of heightened awareness and in need of greater security in order to prevent another terrorist attack on our land. It is our duty as Representatives of our constituents and fellow Americans to see to it that we provide the resources that are necessary to help prevent such an attack.

## GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the further conference report to accompany H.R. 3010.

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

There was no objection.

## FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 596, I call up the further conference report on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 596, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 13, 2005, at page H11348.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume, and I would just like to say to my colleagues and friends on the other side of the aisle to take a second look at this bill. I know that, in our first iteration, they did not give us any votes, but let me point out to you that if the bill were to fail, we would end up with a CR, a full year's CR, because you know we are not going home without something in this field.

These are important programs, over 500 of them. What would happen with a CR? Well, there would be $800 million less for student aid, $278 million less for innovation and improvement programs, $178 million less for higher education programs, $94 million less for title I programs and $84 million less for special education programs. That would be a disastrous result that I do not think any of us on either side of the aisle would want to happen.

In addition, if we were to go to a CR, if this bill were to fail, LIHEAP funding would be reduced by $298 million, with no contingency for extreme weather. Community Services Block Grant would be cut $317 million. National Institutes of Health would be cut $198 million, with 200 fewer research grants.

Mr. Speaker, I want to say to all my colleagues that this is not something we want to make as a Christmas gift to the American people, a CR on this bill. This bill is a good bill. It reflects good management of what we had to work with.

I might say at the outset that there are no earmarks in the bill, none, for anyone, either side or any person. Absolutely no earmarks, and no earmarks for the Senate either. But I want to tell you what happened to the earmarked money, because we had $1 billion in the bill that originally passed the House back early on. Of that money, $100 million is going to title I to help our schools; $100 million is going to special education State grants to help the programs that help the disadvantaged students.

□ 1415

Mr. Speaker, $250 million is going to NIH for research, and we recognize that the challenge is great in that field to research medical issues. There is $317 million for Community Services Block Grant, and these help people with limited means. There is $176 million in LIHEAP and $66 million for community health centers, and community health centers obviously provide a place for people who do not have a family doctor and have limited means. It gives them a place to go. So these are good programs. These are good uses of the money, and I think we all understand that in this time of tight budgets and tight resources, we have to set priorities. In so doing, we set the priorities I just outlined rather than to go into earmarks.

I want to say at the outset that this program is $1.4 billion under 2005, and there is no increase from the bill we had 2 weeks ago. How did we manage to meet these program needs? We did it by managing carefully. We looked at the programs and the funds that were available.

I want to point out to my colleagues on the other side of the aisle that I do not think you want to go home and tell people in the education field that you voted against an increase, let me emphasize, an increase of $100 million over last year in title I. I do not think you want to tell the parents and families of children with special needs that you voted against an increase in special education of $100 million over last year. Head Start is up $6.8 million. Math and science partnerships, and we hear a lot about that today, these are up over last year. We have $100 million to develop teacher and principal programs, incentive programs, particularly at the elementary level.

TRIO and GEAR–UP, the President's budget had zero, and we put those back in because we think those are good programs. Again, they are well funded. Community health centers I mentioned are up $66 million. This is an important program. It is important in many communities, as is LIHEAP. Medicare modernization, we are rolling out the new program, and we have $980 million in this bill to assist in getting people informed to meet their desires in terms of prescription drugs. That would not be in a continuing resolution.

NIH is $107 million over the President's request. It is up this year $200-some million. People think of NIH being research at Bethesda. NIH is basically managing 40,000 grants going out to colleges, hospitals, medical services all over the country. I would guess that almost every Member has one or more research grants in his or her district that is funded out of NIH. That is very important, and we have an increase in that program. That is again part of the earmarked money, $28.6 billion.

Community Services Block Grant, a program that helps people get GEDs, is just one example of what is done with the community services. There are a whole host of things to help people with limited income and who need additional help.

In the Labor Department, we have $1.57 billion for Job Corps and $1.48 billion for dislocated workers.

How did we manage to increase a number of programs while at the same time keeping the total number under last year, $1.4 billion? Well, one of the ways that we have gotten the necessary funding to do the items that I mentioned in the way of increases was to eliminate 20 programs. We went through the whole list of programs, the 500, and said, Does this work? Is this a productive program?

The bill that left the House had about 48 programs terminated. The other body decided to put back some of those, but we still have 20 programs that have been discontinued or will be

discontinued because, again, we recognize that we have to manage the resources as carefully as possible to do the important things: education, research at NIH, the effort in CDC to deal with the avian flu issue. So we tried to manage the funds available as carefully as possible. I think the results of that are reflected in the increases I mentioned.

I might say between this and the bill we had previously, we added $90 million for rural health programs, very important programs, obviously; and we did this by reducing the avian flu number because we are going to deal with that in another bill that will be coming along shortly.

So all in all, I want to say again this is a very positive bill; it is a very responsible bill in terms of using the resources that are available.

It is something that every Member can support, every Member can go home and say with a measure of confidence and satisfaction, I did something to improve education, I did something to help the special needs programs, the special education program, I did something to expand the community services programs and the Community Health Centers, NIH, LIHEAP, things that are extremely important to people. This literally is a people's bill, but it is a people's bill, too, in the sense that we manage their tax dollars carefully and try to give them as much in the way of service as possible. I hope my colleagues on the other side of the aisle will take a second look at what we have tried to do in this bill.

I recognize, of course, that you get into the tax issues, you get into budget issues, but this is not a tax bill. It is not a budget bill. This is a bill about taking resources that are available and using them in the best possible way to serve the people.

We had many hearings in our subcommittee. My colleague from Wisconsin was very helpful in those hearings to try to find out what is important to people. We tried to reflect that in the bill given the fact that we had a limited amount of resources. I would love to have more, and I am sure everybody else would, but the facts were we had to work with what we had available. I think the bill reflects a responsible use of the resources that were made available. I think it is a bill that will serve the American public very well.

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

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, let me stipulate from the outset that the gentleman from Ohio is a good man, and I think, with some exceptions, he and I have priorities in this bill that are pretty much the same. What I say is not in any way designed to be an attack upon him or his leadership of the subcommittee; but the fact is that this subcommittee has been given an inadequate allocation and as a result, this Congress is about to make a large mistake if it passes this bill because it will be short-changing this country in terms of the long-term investments that we should be making in America's working families and programs that are focused on the needs of America's working families.

The gentleman argues that we ought to vote for this bill because if we do not, then the majority will bring forth a continuing resolution which will do certain bad things. That is like saying, ''Save us before we are irresponsible again.'' I really think we understand that what needs to happen to this bill is that it needs to be repaired, not further savaged; and that is what we want to see done.

The reason we are in this fix is because the majority, just in the last week and a half, passed almost $70 billion in tax cuts and a very large percentage, approaching 50 percent, went into the pockets of the most well-off 1 percent of people in this country, people who make over $400,000 a year. And then they pay for it, partially, by squeezing bills like this one.

Let me make clear, this bill is virtually identical to the bill that the House rejected just a few days ago by a 209–224 vote on a bipartisan basis. It has moved around a small amount of money in hopes of picking up a few votes because of an improvement in rural health care, but outside of that the bill is virtually the same.

I want to make clear when we vote against this bill today, we will be voting against it not just because we are unhappy with the $1.6 billion cut below last year that this bill represents. To understand what this bill is doing, you must look at it in conjunction with the next step that the Republican leadership of this Congress has already announced that they intend to take, which is to further cut this bill by 1 percent across the board as they cut the entire discretionary budget 1 percent across the board.

That means that this bill will have a double hit. That means in the end this bill, for 1 year alone, will be $3 billion less than was provided for these same programs last year. Over a 5-year period, because this sets us on a course, over a 5-year period if we pass this bill, we will wind up spending $15 billion less for programs in this bill than we would otherwise spend if we simply stuck to last year's baseline.

In addition to that, 2 weeks ago our Republican friends pushed through a package of rescissions and reconciliation actions which cut $33 billion out of programs that benefit the same people who are benefited by this bill. They, for instance, cut $5 billion out of child support enforcement which will result in women in this country over the next 5 years getting $24 billion less in child support money than they are entitled to.

They are cutting over 200,000 kids off health care screening and cutting well over 200,000 families off food stamps. They are saying to people on disabilities, ''Sorry, but you are not going to get your full entitlement in your first check after you are declared eligible for disability.'' Right now the law says that if you apply for disability and if you are adjudged to be eligible, when you get your first check, you will be paid retroactive to the date of application.

The bill that passed 2 weeks ago on this floor, the reconciliation bill, said, ''Sorry, folks, if you are declared eligible, you will get only the first 2 months' entitlement in that check; the rest will be strung out over a period of months.'' The only reason the government saves money under that plan is because people will die before they get what they are entitled to get.

So this House has already taken all of those actions which will cut the assistance to middle-income families and poor families in this country by $33 billion, and then this bill over the next 5 years will wind up imposing an additional $15 billion cut in resources provided over that time.

□ 1430

And as far as I am concerned, it is ironic that this is happening at Christmastime. Usually, Mr. Speaker, at Christmastime, we fill children's stockings. This time around, in sort of ''Scroogenomics'' fashion, we are emptying those children's stockings and instead moving that money into the pockets of some of the wealthiest people in this country. I do not think that is a way to live up to the Christmas spirit.

I want to point out what some of the real reductions will be. We have 55 million children in public schools. State budgets are stretched thin. And yet, No Child Left Behind funding in this bill is cut $779 million and would be cut $1 billion after the 1 percent across-the-board cut is imposed.

Pell grants: Both parties go home and tell people how much we want to help families who are trying to send their kids to colleges. The College Board spelled out that in the last 5 years, the cost of a 4-year public education has increased by $3,100. The President's response to that was to add $100 to the Pell Grant maximum grant. So he proposed a $100 solution to a $3,100 problem. House Republicans said, ''Oh, no, that is too much.'' So, originally, this bill cut that to $50, and then the conference came back with nothing, zippo. So the Congress is doing nothing to ease the squeeze on families trying to send their kids to college.

And in the reconciliation bill which they passed just 2 weeks ago, they are making that problem, over the next 5 years, $12 billion worse or, I am sorry, $8 billion worse for those same families by raising fees, raising interest rates on student loans. And then they say that they are friends of education.

If you take a look at education technology, this bill cuts that program by $221 million or 45 percent. If you take a

look at low-income heating assistance, we have a need to at least double that program, given the fact that we have these huge increases in natural gas prices and home heating-oil prices. In fact, this bill freezes low-income heating assistance. And with the 1 percent across the board that is contemplated that will be on top of this freeze, you will wind up actually reducing money for low-income heating assistance.

Our Republican friends say, ''Oh, well, we are going to try to add $1 billion in the reconciliation bill.'' But we are already told that there is less than a 50/50 chance that reconciliation bill will even be passed before Congress leaves here for the holidays.

Then if you take a look at the International Labor Affairs Program, the program which is supposed to protect American workers' wages by seeing to it that they do not have to compete internationally against slave and child labor, that program is being cut by $21 million or 22 percent by this bill and the across-the-board cut that will shortly follow.

Community health centers: Everybody on both sides of the aisle talks about how important they are. But there is virtually no funding for new community health centers beyond those approved last year. And the majority, in this bill, eliminates the Healthy Communities Access Program, $83 million gone that helps provide health care to persons who do not have any or who do not have health care.

So I would say simply, Mr. Speaker, this bill is highly inadequate. It short sheets America's future. It does not make the investments in health research, in education, in worker training that any civilized, healthy leading society would make.

We do not meet our obligations in this bill, and I would urge a no vote. And I would urge that the majority go back to the drawing board, give this bill a better allocation and live up to the expectations of the American people.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH), a fellow chairman on the Appropriations Committee and a member of our subcommittee.

Mr. WALSH. Mr. Speaker, I would like to thank Chairman REGULA for his leadership on this bill. This bill, of all bills, has a very, very strong history of bipartisanship. One of the predecessor chairmen of this bill was a fellow named Bill Natcher who served with great distinction in this House for 40 years. Never missed a vote. And when he would get up and ask for bipartisan support for this bill, he would get it. As a member of the minority, for year after year I voted for this bill because it is the people's bill, because the needs of the American public are met by this bill. And the people who pay the taxes benefit in large part from the services and support programs provided in this bill. There are over 500 programs in this bill. It is a very complex bill, something that our chairman, Mr. REGULA, understands better than anyone. And he knows this bill inside and out. So I would appeal to my colleagues on the other side of the aisle to provide the same level of nonpartisanship that we did when we were in the minority.

The American public is very concerned about the level of acrimony and partisanship here in Washington today. Here is a day, here is a bill where we can set that aside and work together to provide a bipartisan vote to support this bill. Is it a perfect bill? No. But it is a good bill. And there is an old saying: Do not let the perfect be the enemy of the good. And this is a very good bill.

We do not have unlimited resources in this country. We have to make priorities. And Chairman REGULA has done that. Under his leadership, and since our party became the majority party, we have doubled—doubled the amount of Federal aid to public education. We have doubled. That is an astounding number. And there is an even better one. We have tripled the funding for the National Institutes of Health, the institute that provides the research, that supports the research done at American colleges and research institutions around the country, that gives us, this country, the level of quality of health care that it has, the best in the world. So we not only have set these priorities in a very tough budget year, but he has increased funding. By making further changes in the bill, Chairman REGULA has provided an additional $100 million for funding for special education to States.

Now, again, both parties have been very supportive over the years of the Individuals in Education Act. We, our party, I think, to our credit, have dramatically increased the level of funding in IDEA. The Democrats did their part. We are doing our part.

We have, again, increased LIHEAP, which is very important in my part of the country, in the Northeast. And community health centers, for the people who do not have health insurance in this country, here is an opportunity to help them, to provide health care, good solid health care that we all need. So I just hope that we can set partisanship and some of that acrimony that we all have to deal with on a daily basis down here; let us set it aside on this really good, solid effort, and let us all support this bill.

And I thank Chairman REGULA for his leadership, and I am proud to be a member of this subcommittee.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds. Let me simply say with respect to IDEA, aid to the disabled children, the fact is, this bill cuts the Federal share of that program from 18.6 percent to 18 percent. And under the across-the-board cut that will be coming shortly, it drops further to 17.8 percent. In all, the bill will provide $4 billion less than the glide path to full funding that the Republican budget resolution promised just 2 years ago.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, to my colleague on the other side of the aisle, I just might add that this is the people's bill. But, unfortunately, this particular bill is not meeting the needs of the American public as has been aptly pointed out by my colleague from Wisconsin.

I also might say that there has been bipartisan support in the past because together we could come together and increase the opportunity, whether it was IDEA, whether it was for low-income assistance, whether it was for education, and it was a rallying point on a bipartisan basis to do something for the American people.

Mr. Speaker, when we defeated this bill in November, it cut health research, college loans and low-income energy assistance. It cut assistance to working families and the unemployed by almost 4 percent. And at a time when America is falling behind competitors like China, whose economy is growing three times as fast as ours, it cut worker training. That bill failed by a bipartisan vote of 209 to 224.

What about the bill is so different this time that it warrants passage? Very little. Indeed, this bill is at the same funding level, simply shifting money from one underfunded priority to another. If anything, once you consider the additional $1.4 billion in cuts that the Republican leadership intends to impose with a 1 percent government-wide across-the-board cut, this bill is worse.

I understand that the chairman and his staff are doing their best. I do recognize that this bill includes many programs that the President had slated for elimination, especially in the area of education and community services block grants. But his is an impossible mission. He has been asked to craft a spending bill with resources that do not even allow for us to meet last year's levels with inflation. And why? And why? Not because America cannot fund these priorities. We are the richest country in the world. Rather, it is because the Republican leadership has chosen to use the funds we have for tax cuts that only impact Americans earning over $200,000 per year. I might add that 53 percent of those tax cuts will go to people who make over $1 million a year. That is the real story behind this so-called budget crunch. That is what is preventing us from providing so many needed resources to help the good people of this country, the good people in our communities to look to government in times of need, and they are looking to government today, and we are saying to them, what government says is: Later for you. Forget it. We are not there when you need it.

As I said in November, ask any middle class family today what is important to them, tax cuts for wealthy Americans or things like lowering the cost of health care, of heating their

homes this winter or sending their kids to college? They will tell you every time that all they want is something that makes a difference in their lives and in their family's lives. This bill fails the test. I urge my colleagues to oppose it.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON), a member of our subcommittee.

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding, and I want to commend him for producing a very good bill, and I want to commend the full committee chairman, Mr. LEWIS.

I came to Congress 11 years ago, and over that 11-year time period, I have seen the size of this bill more than double. The working families in my congressional district have not seen their incomes double in that time period.

We have seen unprecedented challenges that we have had to face this year, Hurricane Katrina, recovery from that, Hurricane Wilma, which significantly affected my district and the State I live in, and then, of course, we are fighting a war, a war on terror in this country.

This is a very, very responsible bill. It is a good bill. I just ask all Members to keep in mind, you will hear statements that this bill is going to devastate health care in America. We have an over $13 trillion economy. We spend more than 17 percent on health care. The discretionary accounts in this bill represent less than one-tenth of 1 percent of total health care expenditures.

This is a very, very good bill. It is a very responsible bill, and it is good policy.

I am a conservative. I came here to act in a responsible fashion, and that is what this bill does. I encourage all my colleagues to vote for it. And I again commend the chairman.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the ranking member, Mr. OBEY, and I thank him and applaud him for his steadfast voice on behalf of those who need a voice on the hill, who always speaks up on behalf of those without a voice. And I want to thank the chairman for his steadfast work trying to make the best of a bad situation.

You know, Mr. Chairman, I think that when you got on to that Republican bus and you were trying to find a seat up front for the people's bill, a seat up front for education, a seat up front for health care, a seat up front for human services, all the front row seats were already taken.

□ 1445

They were taken by the tax cut bill, they were taken by the corporate loophole bill for energy companies, and they were taken by the big pharmaceutical giveaways.

I tell the chairman, in many respects, just like Rosa Parks, whose life we celebrated just recently, you were told to take your people's bill to the back of the bus.

Right now, Mr. Speaker, that is just where all of our Nation's priorities are, at the back of the bus. These are priorities that ought to be at the front. These are priorities, like education, that are going to lead our country to the future.

We are talking about a war now in the Middle East. We are going to have another war on our hands. It is an economic war. We used to use our military for political and military hegemony. Now, for us to have political hegemony, we need intellectual power. Our military analogy is our young people need to have textbooks, not tanks. They need to have pencils. They need to have schools that are not falling down on them. They need to be able to go on to higher education.

But, unfortunately, Mr. Speaker, this bill represents the single biggest cut in higher education that we have ever seen in the history of this country. Imagine that at a time when our Nation's economy demands that our soldiers, our men and women who were trying to make a living for themselves, are being taken hostage because they do not have all the protective gear that they need. They do not have an education to wrap themselves around so that they can go out into that economic workforce and be protected and know that they can make a living for themselves in this new-world economy.

So I thank the chairman for doing the best job that he could; but I am sure, as he knows, the people's bill, unfortunately, in this budget took a back seat to many other bills that, unfortunately, I do not believe it should have taken a back seat to.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Washington (Miss MCMORRIS).

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

I rise in support of House bill 3010, and I especially wanted to highlight the increased funding for critical rural health programs.

Access to quality and affordable health care is one of my top priorities, and in a district that stretches 23,000 square miles between the Canadian, Idaho, and Oregon borders, the distance creates considerable challenges to ensuring quality health care. We continue to see an increasing shortage of health care professionals. In towns like Odessa, Republic, Davenport, primary care coverage is sparse. Pregnant women must travel over 1 hour for care. In addition, it is becoming nearly impossible to retain primary care physicians and dentists, let alone specialists. I have said it before and I will say it again: this is unacceptable for 21st-century health care.

This conference report is an important step in turning this tide for rural health care by increasing funds for the Office of Rural Health and Research Policy, Rural Health Outreach Grants, and Area Health Education Centers. Training in primary care and dentistry will receive $13 million above the original conference report. These title VII funds have helped support Family Medicine Spokane's rural training efforts, which is still producing family practice doctors who want to stay in practice in rural areas like Washington, Wyoming, Alaska, Montana, Idaho. Training and recruitment of health professional students remains an important priority.

When this bill was addressed on the floor in June, I spoke of the need for additional rural health care funds, and Chairman REGULA assured me that he would consider increasing those funds in the conference report. I thank him for helping to preserve the Federal rural health infrastructure and increasing funding for these necessary programs. I appreciate his leadership on this issue.

We have made a solid step, and I urge my colleagues to support this legislation as we continue to advance legislation that will strengthen America's rural health infrastructure.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

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

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me this time.

This is not Mr. REGULA's bill. I do not really believe it is Mr. LEWIS' bill. It is the bill that is the result of the fiscal policies we have been pursuing for the last 5 years, however.

And let us be clear. The so-called new and improved Labor-HHS bill is virtually identical to the conference report that the House rejected on November 17 in a bipartisan way. There is no reason for any Member to vote for it today, in my opinion. It is just like the flawed first version. This conference report betrays our Nation's values and, I think, investment in our future.

Last week, this House majority passed more than $94 billion in additional tax cuts, the benefits of which go mostly to the wealthiest in America. This week with this bill, we are slashing discretionary spending for education, health care programs, worker training, and assistance to the most vulnerable of Americans. That is just half of it. If the Republican leadership gets its way, it will impose an across-the-board cut that nearly doubles the cuts in this bill to some $3 billion.

Let no one be mistaken. When push comes to shove, this majority without fail puts its friends ahead of our Nation's future. I do not refer to the chairman of the committee or the chairman of the subcommittee.

Now, our colleagues on the other side of the aisle can claim there is little they can do to improve the funding levels in this bill, because the fiscal policies they have pursued have put them

in a position where we have insufficient funds to fund the priorities of this Nation.

They say they have no options, no alternatives. They say they are only complying with funding levels dictated by the Republican budget resolution. One of my Republican predecessors, Mr. REGULA's Republican predecessor, refused to vote for the budget simply for that reason a number of years ago. He said, I cannot do this bill within the context of the budget that is presented.

Now they want to conveniently ignore the undeniable truth. They voted for that budget resolution, which put them in the straits they now find themselves. They want to vote for draconian cuts in April and proclaim that they are getting tough on spending and then 8 months later they want to disclaim responsibility when those cuts are enacted.

The inappropriate funding levels in this conference report are the inevitable consequence of the most irresponsible fiscal policies in the history of our Nation that we are pursuing, of policies that have spawned record deficits. This administration started with a $5.6 trillion surplus. It is now confronted with a $4 trillion deficit. There are no fiscal conservatives on that side of the aisle, I tell my friends, of policies that this Republican majority and the administration have enacted to deliberately deprive our government of the resources that it needs and that our people know our country needs.

Finally, Mr. Speaker, let me say that I am particularly incensed that at a time of record heating costs, the subcommittee defeated Mr. OBEY's amendment to provide an additional $2 billion for the Low Income Home Energy Assistance Program.

I predict to you today, just as when we rejected funding for the veterans that we said was necessary and their health care, you are going to be back here with a supplemental funding additional energy costs for seniors.

And, by the way, let me also say Mr. OBEY had an amendment which was going to give to seniors an additional 6 months to make a determination to figure out this incredibly complex prescription drug bill that we have put on their doorstep, and that was rejected unanimously by Republicans while it was unanimously supported by Democrats.

The message here, Mr. Speaker, is unmistakable and sad. While the wealthy have money to burn, the poor get to shiver in silence. I simply do not understand why the majority refused to adopt a second amendment, as I said, to extend time for seniors. We all know the reality. The Republican prescription drug plan is so complicated and confusing that millions of seniors need and deserve more time to weigh their options.

I urge my colleagues to vote against their conference report. I regrettably say that, but I think the failures contained in it compel that conclusion.

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

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, one of the previous speakers on the majority side of the aisle said that we have limited resources, we have to make priority choices. That is absolutely right. The problem is with the priority choices that the majority has made.

They are fond of pointing to the fact that we have had extraneous expenses such as Katrina, and they say that is why we have to squeeze bills like this. But, in fact, under actions already taken by the majority party in this Congress, over the next decade they will provide $1.2 trillion in tax cuts for persons who make more than $400,000 a year, the top 1 percent of earners; and they have done virtually all of it by borrowing money to provide those tax cuts. I would point out that that $1.2 trillion is more than five times as much as the Federal Government will spend by anybody's estimate on repairing Katrina.

I would say that also the actions of the last week, when they added $70 billion to the tax breaks that they are providing, again with 50 percent going to the top 1 percent, demonstrate what the values and what the priorities of the majority party would be.

If we ask the average family in this country what they need in order to be able to deal with their own problems, I think what they would say is they need help to see to it that they have adequate access to education for their children. I think they would say that if somebody loses a job, they need help to get decent retraining. I think they would ask for fair treatment in the workplace. I think they would ask that their family have decent health care. And I think seniors would ask that they be provided a secure retirement with adequate medical care and help to pay their drug costs. The fact is that this bill fails on virtually all tests.

I would say also, as the gentleman from Maryland indicated, we did try to do one additional thing for senior citizens. Because of the incredibly confusing prescription drug program which seniors are being asked to sign up for, because that program is so incredibly confusing, we tried to get the majority to consider a 6-month delay in the deadline that seniors have to meet in signing up for that program. That motion failed on a party-line vote, unfortunately, on a 7–7 vote.

I would hope that before this Congress ends, the Congress will recognize that that program is so incredibly convoluted that there must be a delay in the sign-up deadline so that seniors have more time to make what could be a very confusing and devastating choice if they make the wrong choice.

Having said that, Mr. Speaker, I want to thank the staff on both sides of the aisle for the work that they have done on this bill. It has taken a good number of good people to produce what I think is a bad product because of the allocation; but, nonetheless, I appreciate the hard work and I appreciate the enduring friendships that we have across the aisle.

□ 1500

Mr. Speaker, I assume this is the last time I will speak on the floor before Christmas, so I want to wish everyone Merry Christmas and a happy new year, and enough blessings so that you will reconsider some of the mistakes in this bill.

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

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

Mr. Speaker, I say to my colleague from Wisconsin, if you would give us a few votes, we would have an even merrier Christmas.

Mr. OBEY. Unfortunately, our constituents would not.

Mr. REGULA. Well, I am not too sure about that. I think it is going to be kind of tough to go home and explain how you are voting against an additional $100 million for title I, and I think you are going to have a tough time explaining to parents of children that have special needs that you voted against an additional $100 million for the programs for special needs kids. I think you are going to have a tough time explaining how you voted against adding $250 million in medical research at NIH to deal with the multitude of challenges, and to the communities that are earmarked for Community Health Centers, to help people without a doctor, without medical care. I am not sure how you explain to them they are going to have a merry Christmas when they are not getting their Community Health Centers and the Community Services Block Grants.

I want to say to my colleagues, this is a good bill. I recognize we had limited resources. There are a lot of things that were unusual this year with Katrina and with other challenges, and what we have tried to do is do the best we can with what was available; and I think we have done some pretty positive things.

I want to say to my colleagues on our side of the aisle, we are not getting any help from our friends on the minority side, so I would hope that we will have strong, strong support on our side to demonstrate that we can govern, that we can pass a very responsible bill with less money than the past because we have managed what we had in a more effective way.

But also I say to my colleagues that we want to say to the public that we do care about education, that we do care about the teachers, that we do care about the students who will benefit from that extra $100 million in title I. We want to say to the families of special needs children, we do care about your problem, and we want to support that extra $100 million that is in this bill. And we want to say to people who are confronted with the whole myriad

of challenging medical problems, such as juvenile diabetes, that we want to help and we want to support an additional $250 million for NIH.

We want to say to those that need Community Health Centers, where they do not have access to medical care, we want to help you with $66 million additional, and with LIHEAP, with the Northeast in particular, and with the Community Services Block Grants.

This is a bill that is caring about people. I would suggest to my colleagues on this side that we need to demonstrate with a very strong vote that even though our friends on the other side think it is not enough that it is going to have problems involving reconciliation; but this is not a Ways and Means bill, this is not a Budget bill, this is the people's bill with people's programs. It is not the reconciliation bill. That is another topic, and people will have their opportunity to vote on that.

But I simply want to say that given the resources that we have, given the times that we are confronted with, that we have done a very responsible job, even to the point that Members have sacrificed their earmarks. They have sacrificed $1 billion worth of earmarks in order to do the things that I outlined before, to do more education, to do more health research, to do more Community Health Centers. So this is something that all of us are taking part in trying to serve the needs of the American people as effectively as possible. This is a lot of money, $142.5 billion, and this literally is the people's bill.

I want to point out to my friends on the other side that when the Republicans became the majority party, this bill was $69 billion. Today, it is $142 billion, more than double what it was in 1994. That is pretty substantial dedication to education, to health research, to a whole host of things.

I would point out in the last 10 years we have increased title I aid to disadvantaged students by 91 percent. We have increased special education by 380 percent. That is a dramatic increase. I think it is great that we, and I want to say historically that has had strong bipartisan support, that we care about people who have needs.

I was once an elementary principal in a public school, and we did not have any special education program. That was the problem of the families. Today, we have billions of dollars spent on these programs. That is a credit to America, that people do care about each other; and it is demonstrated by the support we have for IDEA, with an increase of 380 percent. That has been bipartisan. We have tripled the Federal funding for reading programs. I think we are more and more aware that learning to read early in your education experience is vitally important.

Today, we are faced within the United States with a dropout rate of over 30 percent. That is a terrible waste of human talent. One of the things that causes that, I think, is inadequate reading programs early on. We are trying to address that problem. We have addressed that problem.

We are also recognizing in this bill that the key to a good public education system is a good teacher, a good principal, a good superintendent, caring people. So we put in this bill some additional money to recruit and retrain quality public school teachers and principals. Parents who have worked with principals in the school system know how important that is.

Pell grants, we have gone up 64 percent in the last 10 years. Again, we want to help those students who want to get an education who have limited economic resources to get an opportunity to participate in the American Dream. We have done this with America's Historically Black Colleges. We have increased their funding 182 percent. That is a dramatic commitment on the part of the Federal Government.

All in all, I think we as a Congress can take some pride. This is not the back of the bus when you spend $142 billion. Anything but. This is a front-row seat. And we have tried to make sure that every American, every American, could be in that front-row seat on the education bus, on the health research bus, on the Labor Department programs for job retraining bus. I think this is a bill we can take pride in.

My colleagues on my side, since we cannot get any help from our friends on the minority side for whatever reason, I have not quite figured that out, but I think our Members need to strongly support this bill and continue the pride we can take in our accomplishments since we became a majority, since 1994, as I have outlined, and particularly in the last 10 years.

This is a bill that is responsible, it is a bill that reflects good management of resources, it is a bill that we should all support strongly. I hope my colleagues on the majority side will come in and vote in a positive way to increase education, to increase medical research, to increase a whole host of things that will serve our people throughout this land effectively.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to this FY 2006 Labor-HHS Conference Report.

Almost a month ago, this House rejected an earlier version of this legislation by a vote of 209–224 because it shortchanged the nation's critical education, health care and job training priorities.

Today we are being asked to pass judgment again on a virtually identical piece of legislation—as if shuffling $180 million between accounts in a $602 billion conference report can begin to compensate for the deficiencies in the underlying bill.

Mr. Speaker, the Labor-HHS Appropriations bill used to be called "the people's bill." So what are the people getting today? Here's a sample from this legislation's hall of shame:

There are $779 million in cuts for No Child Left Behind, meaning 3.1 million kids won't get the reading and math help they were promised.

A freeze in the Low-Income Home Energy Assistance Program, LIHEAP—despite the 44 percent increase in natural gas prices and 24 percent increase in home heating oil prices expected this winter. This House has refused to provide sufficient help to families in need despite the fact that it voted a few months ago to give the oil and gas industry a $14 billion tax subsidy.

A cut in real terms from the National Institutes of Health that will result in NIH funding 505 fewer research grants than it did just two years ago.

A 5 percent cut in critical services for the 7.4 million unemployed and displaced workers left behind by our increasingly globalized economy.

Mr. Speaker, the list goes on and on.

While this conference report is not completely without merit—ranging from its increased funding for rural health to the reinstatement of the Bureau of Labor Statistics' women worker survey—its overarching trajectory falls far short of what our nation and its people deserve. I do not believe that it reflects the values and priorities of the American people.

Mr. MARKEY. Mr. Speaker, I rise today to oppose the second FY 2006 Labor, Health Human Services and Education Conference Report.

I opposed the first conference report last month because it inadequately funded virtually every area of need and slashed $1.5 billion from our country's critical health, human services, education and labor programs. This new, but definitely not improved conference report slashes $1.6 billion from these programs actually increasing the total cuts to these agencies by $90 million.

While I was pleased to see increases in the Title VII programs and other important health programs, this bill did not provide new funds for these programs, it simply robbed Peter to pay Paul. In this case, the Republican leadership has apparently decided that its more important to provide federal funding for Viagra and other erectile dysfunction drugs than it is to fully prepare ourselves for the threat of a pandemic flu, such as the Asian bird flu.

The new conference report eliminates $120 million for pandemic flu preparedness in order to fund these increases with the promise that they will make up for it in other bills. However, you can't cram for a pandemic. We need to have the funds in place to prepare our public health system for the threat of pandemic influenza now.

Further, the Republicans have been considering making an additional 1 percent cut to all of the programs funded by this bill. If they do that, it will double the cuts in the bill, bringing the total cuts to $3 billion. That is $3 billion less for critical education, job training, health, and energy assistance programs. When you combine these cuts with the Republican spending cuts bill that they passed as a part of Reconciliation, programs that help the poor, the sick, the elderly and other Americans who need our help the most will be cut by $48 billion over the next 5 years.

When you compare these massive cuts for the most vulnerable to the incredible $56 billion Republican tax cut giveaway for millionaires that Republicans passed last week, there is no question where the Republicans priorities are.

When in the span of 2 weeks, the Republicans give the top 1 percent of Americans

who are millionaires an extra $32,000 a year and cut unemployment insurance and employment service offices to help the unemployed by $229 million and cut Head Start by $11.2 million and cut Community College training grants by 50 percent and cut the international assistance grants to eradicate child labor by $20 million it is clear what the Republican priorities are.

While the Bush administration has never fully funded the No Child Left Behind Act, this bill goes a step further by actually cutting total federal education funding for the first time in a decade—cutting No Child Left Behind so that it is now $14 billion below the authorized level, slashing special education, safe and drug free schools, education technology grants and freezing the maximum Pell grant award for the fourth year in a row despite rising tuition costs.

At a time when we are trying to prepare our country for the aging of the baby boomers and threat of pandemic flu, this bill cuts funding for healthcare. It cuts the CDC's budget by $249 million and provides the smallest percentage increase to NIH in three decades. And if the Republicans make a 1 percent cut to all of the programs, NIH will get a real cut.

The bill before us today would also freeze funding for the Low-Income Home Energy Assistance, LIHEAP, at $2.18 billion, counting both basic formula grants and emergency grants—the FY 2005 level. LIHEAP serves about 5 million households, the majority of which have at least one member who is elderly, disabled, or a child under age 5. The conference report is freezing LIHEAP even though consumers are expected to pay 52 percent more for natural gas, 30 percent more for home heating oil, and 11 percent more for electricity this winter.

The Republicans won't fully fund LIHEAP because they have other priorities. Their budget makes that quite clear. Tax cuts for millionaires, tax cuts for the giant oil companies, weakening environmental regulations for their business cronies. Those are the priorities for the Republican-controlled Congress. Funding for education, health care and low-income home energy assistance so that seniors on fixed incomes, and poor families can heat their homes this winter, are not their priorities.

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

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to the Labor, Health and Human Services and Education Appropriations conference report before us. One month ago, the House of Representatives voted this bill down because it failed to address the priorities of the American people. I am disappointed that the conferees have sent it back to us without significant changes.

Before we voted on this bill in November, my constituents told me what was important to them. Rhode Islanders, like all Americans, are concerned about health care and the economy. I believe the public sentiment on these issues accounted for the failure of this bill last month. With more than 45 million uninsured Americans and 7.4 million unemployed Americans, now is not the time to cut health professions training grants by 51 percent or take $229 million away from the unemployment insurance and service programs. Yet, this second conference agreement once again proposes to do just that.

The consequences of ignoring these societal problems are far-reaching. Major cutbacks in the areas of education and health care will have a tremendous economic impact on our Nation. However, the Republican leadership set the stage for cuts in these critical programs. When Congress passed H. Con. Res. 95, the Budget Conference Report, they made it clear that tax cuts for the wealthy will continue to be paid for by slashing programs that Rhode Islanders depend on.

Last month, I outlined my concerns about specific aspects of this bill—cuts for No Child Left Behind, an already underfunded mandate; the failure to increase the maximum Pell Grant as included in the original House bill; and providing insufficient funding for the National Institutes of Health, which would decrease the number of federal research grants for the second year in a row. As these concerns have not been addressed in the second conference report, I urge my colleagues to reject H.R. 3010—again.

Mr. STARK. Mr. Speaker, I rise in strong opposition to the newer, but not better, Labor-HHS-Education appropriations conference report.

Less than a month ago, the Members of this House rightfully defeated the previous version of this conference bill. Unfortunately, the Republican Majority did not get the message that Americans do not want Congress to cut $1.5 billion in critical programs.

Like their previous bill, the Republicans continue their assault on health care programs. Even with nearly 46 million uninsured Americans, 800,000 of whom were added last year alone, the Republicans provide virtually no funding for new Community Health Centers beyond those approved last year. They also propose cutting grants for immunizing children, responding to disease outbreaks and improving care for people with chronic diseases.

Unbelievably, the Republicans did not stop there. Just one year after failing to have enough flu vaccine available and with the impending pandemic of avian flu, this bill cuts $100 million of funding for flu preparedness. Also, just one day after President Bush acknowledged that the current Medicare prescription drug benefit was confusing, this bill ensures that help will be even more difficult to come by. It cuts by $60 million the funding used to pay for helping seniors' choosing their new Medicare prescription drug benefit.

Cuts were not limited to health care programs. This bill also cuts No Child Left Behind funding, education technology programs and special education programs. The Education for the Disadvantaged Program receives the smallest increase it has ever received in 8 years, negatively affecting 3.1 million low-income children. It is no wonder Republicans pushed so hard to privatize Social Security earlier this year. With the poorly educated workforce the Republicans are surely creating, there may be too few highly-trained workers to pay into Social Security to take care of my Republican colleagues and me in our retirement.

Beyond education, this bill will literally leave people out in the cold. Consumers are expected to pay 44 percent more for natural gas and 24 percent more for home heating oil this winter, yet Republicans failed to increase funding for programs that provide home heating assistance for low-income seniors and children.

There are, regrettably, many more worthwhile programs the Republicans have targeted. Programs to train workers for high skill, high paying jobs are cut $125 million; job search assistance is cut $89 million; state unemployment insurance and employment service offices are cut $245 million eliminating help for 1.9 million people. The International Labor Affairs Bureau, tasked with protecting American workers from being undercut by child and slave labor abroad, is being cut $20 million. Based on the Republican efforts to cut employment services, you'd never know this Administration has overseen the lowest rate of job growth since Herbert Hoover.

America can do better than a bill that cuts education, health care and labor programs especially while Republicans work to propose tax breaks for the wealthiest among us. This bill clearly shows the misguided priorities of the Republican Majority. I urge my colleagues to join me in voting ''no'' on this harmful and dishonorable bill.

Ms. LEE. Mr. Speaker, I rise in strong opposition to this conference report and thank Mr. OBEY, Ranking Member of Approps Committee, for the time.

This morning I greeted hundreds of faith leaders on the steps of the Cannon building. They gathered from across the country to march together and pray together and to deliver a message to Congress. Their message was simple: The budget is a moral document and we have a moral obligation to ensure its priorities reflect our values.

Mr. Speaker, I have to ask why aren't we listening to them?

Who better than faith leaders, who serve on the front lines, who feed the hungry, who clothe the naked, who house the homeless, to tell Congress about the impact of this immoral budget on our families and our communities?

They recognize that the priorities reflected in our budget are not a partisan issue, but an issue of who we are as a Nation, and what our values are.

We know that the Republican budget cuts and this conference report, which is a critical part of their budget, is nothing more than an assault on the least among us—and it does not reflect our values.

That is why I encourage my colleagues to vote with their values and let's defeat this bill just like we did a month ago.

Don't tell me we can't do better.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to express my opposition to H.R. 3010—the Labor-HHS-Education Appropriations bill for FY 2006. Just like the conference report that preceded it, and was rejected in the House on November 17, 2005, H.R. 3010 finances tax cuts for this Nation's millionaires and billionaires—those who have the most—on the backs of those who have the absolute least. We, as a Nation, can and should do better.

H.R. 3010 strips critically important dollars from education, health care, job training and social programs—the very same programs that already were underfunded, and the very same programs that help our most vulnerable residents and those who have fallen on hard times have a chance to achieve the American dream.

Mr. Speaker, H.R. 3010 undermines the value and importance of education by cutting No Child Left Behind by $779 million. What's worse, the revised version will leave 3.1 million children without adequate reading and math help and instruction—two academic subjects that are among the most important and

in areas where the United States lags behind other countries. H.R. 3010 will leave 6.9 million children without adequate special education services, and cuts safety and drug-free programs by 20 percent! Additionally, H.R. 3010 breaks its promise to low-income students who achieved what some may have thought impossible: working extremely hard to earn acceptance into college. The revised version does not increase the Pell Grant. Instead, it freezes it for the 4th year in a row, all while tuition at public colleges and universities has increased 34 percent in the last 4 years. Furthermore, H.R. 3010 freezes all other student financial aid support and programs. Well, Mr. Speaker, as a parent and as someone who deeply values education, I am not willing to tell hard working kids who are using education as a vehicle to better their situations and their futures that I did not hold up my end of the deal.

Mr. Speaker, I am obviously disheartened by the disastrous cuts to education programs that are included in H.R. 3010. However, as a physician who knows—first hand—how important health care access is to health and well being, and how beneficial health professions training programs are to diversifying the rising pipeline of health care providers, I am horrified at the extensive cuts to health care programs, which include the following:

Cutting $153 million from Title VII health professions training programs;

Putting an essential end to the President's community health center initiative;

Freezing most Ryan White CARE Act programs that provide medical and dental care, and extend often life-saving support service programs to people living with HIV/AIDS and the families who care for them;

Eliminating the Healthy Communities Access Program, a program that was designed to meet the health care needs of this nation's ever-growing uninsured citizens; and

Cutting the Maternal and Child Health Block Grant—which helps states provide mothers with important prenatal care and offer preventive health care and medical treatment to children, including those with disabilities and special needs—by $24 million.

Mr. Speaker, I know what these cuts to health care programs will do: they will increase the already unacceptably high numbers of uninsured Americans; create insurmountable barriers to necessary health care services and treatments for our most medically-needy and medically-underserved citizens; exacerbate the racial and ethnic as well as the rural health disparities that plague and cost our health care system; and leave hundreds of thousands of hard working and decent men, women and children in poorer health with less access to health care.

And, Mr. Speaker, all of this just to finance tax cuts for the wealthiest people in this country.

As a physician, as the Chair of the Congressional Black Caucus Health Braintrust and as a parent and grandparent, these funding cuts to education, health care, job training and other important social programs have me convinced that if we do not change our funding priorities, then we—as a Congress—will be playing an instrumental role in sending this Nation down the wrong path. And, Mr. Speaker, that is not a legacy that I am interested in leaving, and I encourage my colleagues—on both sides of the aisle—to oppose H.R. 3010.

Ms. ROYBAL-ALLARD. Mr. Speaker, I regrettably rise in opposition to the Labor-HHS-Education Appropriations Conference Report, because it grossly under funds the essential programs in education, health and human services that help improve the quality of life of the American people.

Chairman REGULA has done his best to meet the needs of the most vulnerable in our society with the very limited resources he was given. Ironically, these inadequate resources are a direct result of his own Republican leadership putting tax cuts for the wealthiest in our country before the needs of working and middle-class Americans.

This is the second time that the Labor-HHS Conference Report is before this House. Three weeks ago, Republicans and Democrats defeated the original conference report in a rare show of bipartisanship. Members on both sides of the aisle voted against the injustices of this bill, and refused to allow this 109th Congress to be defined by a Labor-HHS-Education bill that turned its back on the American people. This revised Conference Report continues the policy of shortchanging the needs and priorities of the majority of Americans.

There are, however, two incremental improvements in this revised Conference Report. The report restores $37 million to rural health outreach grants and rural health research, bringing them back to last year's funding levels. It also adds $53 million to bring four of the Health Professions Training Programs back to FY 2005 levels. Nevertheless, these modest changes will have little impact on rectifying the enormous gaps created by the funding cuts in this bill. It is simply another version of misguided priorities and unacceptable choices.

If we pass this conference report, the Departments of Labor, Education and Health and Human Services (HHS) will all receive less funding next year than they did in FY 2005. For example, the Department of Labor will receive $430 million less than in FY 2005, resulting in the elimination of skills training for 100,000 personnel in growth industries, and the abolishment of job search assistance for 1.9 million unemployed workers. These are two critical programs that benefit the 7.6 million Americans who remain out of work. The Department of Education will receive $59 million less than it did in 2005, and contrary to the administration's professed commitment to leave no child behind, this second conference report will reduce the ''Even Start'' program for low-literate and low-income families by 56 percent, freeze the English Language Training program, and fund IDEA with the smallest increase in over a decade. In addition, at a time when 45 million Americans are without health insurance, the Department of Health and Human Services will receive $1.1 billion less than the FY 2005 appropriation. The result is that this revised conference report will further erode the health care safety net by terminating the Healthy Communities Access Program, cutting $24 million out of the Maternal and Child Health Block Grant, and eliminating the Health Care Planning Access Grants that help states expand health coverage to the uninsured.

The revised Labor-HHS-Education Conference Report does not even come close to meeting the health and social welfare needs of our families, the educational requirements of our children, and the responsibilities we have to our most vulnerable citizens. Mr. Speaker, this country was built on a promise of hope and equal opportunity for all of its people. If the majority continues to ignore these values that have set our country apart and contributed to its greatness, we will lose our moral high ground and jeopardize our place as the most powerful country in the world. Our children will then be forced to live with the consequences of an undereducated workforce, a weak economy, and a society where good health and social justice are only afforded to the most privileged. Mr. Speaker, I urge my colleagues to reject this still ill conceived, unacceptable and unnecessarily under funded conference report.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to the conference report on H.R. 3010, Labor, Health and Human Services and Education Appropriations bill for fiscal year 2006. Like the version rejected by the House last month, the revised version still slashes health, education and jobs programs by $1.6 billion below the FY 2005 enacted level.

Mr. Speaker, this is the second time the House has considered the LHHS conference report. Sadly, a second look at the conference report is not better. On November 17, the conference report was rejected because the bill showed that the Republican-led Congress was out of touch with the priorities and needs of the American people.

The bill before us today does not change the core principles rejected in the first conference report. The second conference report still underfunds key programs because of the Republican-led Congress and the Administration's fiscally irresponsible budget priorities, continued insistence on large additional tax cuts for the super rich, and the wars in Iraq and Afghanistan. Although appropriators must make tough choices because of these extraordinarily tight budget constraints, programs that help millions of Americans should not be on the chopping block.

With a record 55 million children in public schools and state budgets stretched thin, No Child Left Behind (NCLB) funding is cut by $779 million. Title I, which is the core of NCLB's efforts to improve reading and math skills, receives the smallest increase for Title I in 8 years—only $100 million—which means 3.1 million low-income children will be left behind.

Even as the cost of a 4-year public college education has increased by 34 percent since 2001, the maximum Pell Grant is frozen for the fourth straight year at $4,050, and no new funding for all other student financial aid and support programs is provided in this conference report.

This conference report will actually cut the federal share of special education costs from 18.6 percent in FY 2005 to 18.0 percent by providing the smallest increase for the Individuals with Disabilities Act in a decade. The bill provides $4 billion less than what was promised for IDEA.

With 7.6 million Americans out of work, Republicans cut the Community College Initiative's, which trains workers for high skill, high paying jobs by $125 million-rescinding funds provided last year and denying this assistance to 100,000 Americans.

Republicans also cut job search assistance through the Employment Service by 11 percent and cut State Unemployment Insurance

and Employment Service Offices by 7 percent, eliminating help for 1.9 million people.

Consumers are expected to pay 52 percent more for natural gas, 11 percent more for electricity, and 24 percent more for home heating oil this winter, yet this conference report failed to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and families with children.

Nearly 46 million Americans are without health insurance yet this conference report provides almost no funding for new Community Health Centers beyond those approved last year and eliminates the Healthy Communities Access Program and state planning grants to improve health care coverage.

Preventive Health Block Grants to state health departments help address critical public health problems. The bill provides less for responding to disease outbreaks, immunizing children, and improving care for people with chronic diseases, when it cuts these grants by $31 million.

This conference report reflects the priorities of this Republican-led Congress and not those of Democrats and most Americans. The country's priorities should be based on the shared sacrifice of all Americans, not just sacrifices for the poor, working class, students and seniors.

The Labor-HHS-Education bill should fund significant health, education, job assistance, training and research programs that impact every American. This conference report is way short in meeting the needs of Americans. Congress is walking away from our commitment to equal opportunity and a better quality of life for all Americans. Greater access to employment training, jobs, affordable healthcare, quality education, and ending disparities should be our goal.

This bill falls short of achieving those goals.

Mr. Speaker, despite the addition of modest funding increases for certain rural health programs, this bill still dramatically cuts the core principles and programs that are important to Americans.

I oppose this LHHS conference report and urge all of my colleagues to reject this bill full of misguided priorities.

Mr. BLUMENAUER. Mr. Speaker, a month ago, I voted against H.R. 3010, the Labor, Health and Human Services, Education and Related Agencies first conference report, which failed in the House with 22 Republicans also voting against the bill. Today, a similar bill with some minor tweaks to gain a few more votes for a narrow passage is before the House again.

While I am glad to see $90 million restored to rural health programs, the overall bill is still bad. It is irresponsible to raid from one program to pay for another program. This bill contains $1.6 billion in cuts from FY 2005 to important labor, health, social services, and education services.

It is unfortunate that Republicans in Congress are choosing to strip away essential safeguards for families in order to implement tax cuts benefiting the wealthiest Americans. I am voting against this bill because Americans deserve better.

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

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 213, not voting 6, as follows:

[Roll No. 628]

YEAS—215

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

NAYS—213

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

NOT VOTING—6

DeGette
Diaz-Balart, M.
Feeney
Hyde
McDermott
Ros-Lehtinen

□ 1540

Mr. BROWN of Ohio, Mrs. MCCARTHY, Mr. GUTIERREZ, and Mr. DINGELL changed their vote from ''yea'' to ''nay.''

Messrs. HOEKSTRA, REYNOLDS, HEFLEY and YOUNG of Alaska changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

## CFTC REAUTHORIZATION ACT OF 2005

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4473) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

The Clerk read as follows:

H.R. 4473

*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 ''CFTC Reauthorization Act of 2005''.

### TITLE I—GENERAL PROVISIONS

**SEC. 101. COMMISSION AUTHORITY OVER AGREEMENTS, CONTRACTS OR TRANSACTIONS IN FOREIGN CURRENCY.**

(a) IN GENERAL.—Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—

''(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

''(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a))); and

''(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

''(aa) a financial institution;

''(bb)(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5); or

''(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

''(cc) a futures commission merchant registered under this Act (that is not also a person described in item (bb)), or an affiliated person of such a futures commission merchant (that is not also a person described in item (bb)) if such futures commission merchant makes and keeps records under section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of such affiliated person;

''(dd) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

''(ee) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956); or

''(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i))).

''(ii) Notwithstanding item (cc) of clause (i)(II) of this subparagraph, agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if the agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of items (aa), (bb), (dd), (ee), or (ff) of clause (i) of this subparagraph.

''(iii)(I) Notwithstanding item (cc) of clause (i)(II), a particular person shall not participate in the solicitation or recommendation of any agreement, contract, or transaction described in clause (i) entered into with or to be entered into with a person described in such item, unless the particular person—

''(aa) is registered in such capacity as the Commission by rule, regulation, or order shall determine; and

''(bb) is a member of a futures association registered under section 17.

''(II) Subclause (I) shall not apply to—

''(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

''(bb) any such person's associated persons.

''(C)(i)(I) This subparagraph shall apply to any agreement, contract, or transaction in foreign currency that is—

''(aa) offered to, or entered into with, a person that is not an eligible contract participant (except that this subparagraph shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

''(bb) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

''(II) Subclause (I) shall not apply to—

''(aa) a security that is not a security futures product; or

''(bb) a contract of sale that—

''(AA) results in actual delivery within 2 days; or

''(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

''(ii)(I) Agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b).

''(II) Subclause (I) of this clause shall not apply to—

''(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

''(bb) any such person's associated persons.

''(iii)(I) A person shall not participate in the solicitation or recommendation of any agreement, contract, or transaction described in clause (i) of this subparagraph unless the person is registered in such capacity as the Commission by rule, regulation or order shall determine, and is a member of a futures association registered under section 17.

''(II) Subclause (I) shall not apply to any person—

''(aa) any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

''(bb) any such person's associated persons.

''(iv) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in clause (i) of this subparagraph as if the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

''(v) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

''(vi) This subparagraph shall not be construed to limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products.''.

(b) EFFECTIVE DATE.—Clause (iii) of section 2(c)(2)(B) and clause (iii) of section 2(c)(2)(C) of the Commodity Exchange Act, as amended by subsection (a) of this section, shall be effective 120 days after the date of the enactment of this Act or such other time as the Commodity Futures Trading Commission shall determine.

**SEC. 102. ANTIFRAUD AUTHORITY.**

Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking ''SEC. 4b.'' and all that follows through the end of subsection (a) and inserting the following:

**''SEC. 4b. CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.**

''(a) UNLAWFUL ACTIONS.—It shall be unlawful—

''(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce or for future delivery that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

''(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g), that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

''(A) to cheat or defraud or attempt to cheat or defraud the other person;

''(B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record;

''(C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of paragraph (2), with the other person; or

''(D)(i) to bucket an order if the order is represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market; or

''(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior

consent of the other person to become the buyer in respect to any selling order of the other person, or become the seller in respect to any buying order of the other person, if the order is represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market unless the order is executed in accordance with the rules of the designated contract market.

''(b) CLARIFICATION.—Subsection (a)(2) of this section shall not obligate any person, in or in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g), with another person, to disclose to the other person nonpublic information that may be material to the market price, rate, or level of the commodity or transaction, except as necessary to make any statement made to the other person in or in connection with the transaction, not misleading in any material respect.''.

**SEC. 103. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES.**

(a) The agencies represented on the President's Working Group on Financial Markets shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30, 2006, risk-based portfolio margining for security options and security futures products; and

(2) by June 30, 2006, the trading of futures on certain security indexes by resolving issues related to debt security indexes and foreign security indexes.

**SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

''(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of the fiscal years 2006 through 2010.''

**SEC. 105. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) Section 4a(e) of the Commodity Exchange Act (7 U.S.C 6a(e)) is amended in the last proviso by striking ''section 9(c)'' and inserting ''section 9(a)(5)''.

(b) Section 4f(c)(4)(B)(i) of such Act (7 U.S.C. 6f(c)(4)(B)(i)) is amended by striking ''compiled'' and inserting ''complied''.

(c) Section 4k of such Act (7 U.S.C. 6k) is amended by redesignating the second paragraph (5) as paragraph (6).

(d) The Commodity Exchange Act is amended—

(1) by redesignating the first section 4p (7 U.S.C. 6o–1), as added by section 121 of the Commodity Futures Modernization Act of 2000, as section 4q; and

(2) by moving such section to after the second section 4p, as added by section 206 of Public Law 93–446.

(e) Subsections (a)(1) and (d)(1) of section 5c of such Act (7 U.S.C. 7a–2(a)(1), (d)(1)) are each amended by striking ''5b(d)(2)'' and inserting ''5b(c)(2)''.

(f) Sections 5c(f) and 17(r) of such Act (7 U.S.C. 7a–2(f), 21(r)) are each amended by striking ''4d(3)'' and inserting ''4d(c)''.

(g) Section 8(a)(1) of such Act (7 U.S.C. 12(a)(1)) is amended in the matter following subparagraph (B)—

(1) by striking ''commenced'' the 2nd place it appears; and

(2) by inserting ''commenced'' after ''in a judicial proceeding''.

(h) Section 22(a)(2) of such Act (7 U.S.C. 25(a)(2)) is amended by striking ''5b(b)(1)(E)'' and inserting ''5b(c)(2)(H)''.

**TITLE II—NATURAL GAS PRICE TRANSPARENCY**

**SEC. 201. MARKET SURVEILLANCE.**

(a) IN GENERAL.—The Commodity Futures Trading Commission (in this section referred to as the ''Commission'') shall detect and deter manipulation and attempted manipulation and increase the transparency of the pricing of natural gas by conducting surveillance of trading in contracts for natural gas.

(b) CERTAIN EVENTS REQUIRED TO BE REVIEWED.—

(1) REQUIREMENT.—In the event of a significant and highly unusual change in the settlement price of any physically delivered natural gas futures contract traded on a contract market (within the meaning of section 5 of the Commodity Exchange Act) or derivatives transaction execution facility (within the meaning of section 5a of such Act), the Commission shall conduct a review of the factors that caused the price movement in order to determine if manipulation or attempted manipulation in violation of such Act has occurred.

(2) CERTAIN FACTORS REQUIRED TO BE CONSIDERED.—The Commission shall consider in its review, among other things and as appropriate to the circumstances, the following:

(A) Prices and price relationships in the futures and cash markets.

(B) Market information, and cash market supply and demand factors which may be relevant to the price event.

(C) Large futures and options market positions and large futures and options market transactions on the contract market or derivatives transaction execution facility.

(D) Any related contract, agreement or transaction in natural gas.

**SEC. 202. REPORTING OF LARGE POSITIONS INVOLVING NATURAL GAS.**

(a) IN GENERAL.—Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (e), by striking the last sentence; and

(2) by adding at the end the following:

''(f) REPORTING OF LARGE POSITIONS INVOLVING NATURAL GAS.—

''(1) IN GENERAL.—The Commission, by rule, shall require any person holding, maintaining, or controlling any position in a contract of sale of natural gas for future delivery, or option thereon, on or subject to the rules of any contract market or derivatives transaction execution facility, at or in excess of such limits as the Commission may specify as reportable, to maintain for a period of 5 years and provide on request to the Commission, records of the person regarding the position and any related contract, agreement, or transaction in natural gas to which the person is a party.

''(2) NO DUPLICATE REPORTS.—Except as otherwise provided in this paragraph, the rules prescribed under paragraph (1) shall not apply to any position that otherwise is required to be reported to any agency of the United States if the report would otherwise satisfy the requirements under this subsection and the report of the position is available to the Commission at the request of the Commission. Notwithstanding the preceding sentence, any report of any such position to any agency of the United States shall constitute a statement, report, or document required for the purposes of section 9.

''(3) CRITERIA FOR RULES.—

''(A) IN GENERAL.—In prescribing rules required by paragraph (1), the Commission shall consider—

''(i) the purposes for monitoring large positions in any contract for future delivery of natural gas;

''(ii) the effect of the reporting requirements on the efficiency and liquidity of the market for any agreement, contract, or transaction made in connection with any contract for the future delivery of natural gas; and

''(iii) the costs and burden on the persons that would be required to file the reports.

''(B) FREQUENCY.—The Commission shall require the provision of records under paragraph (1) only in circumstances where manipulation is suspected, except that the Commission may prescribe rules requiring regular or continuous reporting if the Commission finds that such reporting would help to deter or to detect manipulation in any market for any agreement, contract, or transaction made in connection with any contract for the future delivery of natural gas.

''(C) FILING REQUIREMENTS.—Records required to be provided under paragraph (1) shall be required to be filed with the Commission in accordance with such requirements regarding the form, timing, and manner of filing such reports, as the Commission may prescribe by rule.

''(5) OTHER RULES NOT AFFECTED.—This subsection shall not be interpreted to prohibit or impair the adoption by any board of trade licensed, designated, or registered by the Commission of any bylaw, rule, regulation, or resolution requiring reports of positions in any agreement, contract, or transaction made in connection with a contract of sale for future delivery of natural gas (including such a contract of sale), including any bylaw, rule, regulation, or resolution pertaining to filing or recordkeeping, which may be held by any person subject to the rules of the board of trade, except that any bylaw, rule, regulation, or resolution established by the board of trade shall not be inconsistent with any requirement prescribed by the Commission under this subsection.''.

**SEC. 203. CRIMINAL AND CIVIL PENALTIES.**

(a) ENFORCEMENT POWERS OF THE COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in clause (3) of the 10th sentence—

(1) by inserting ''(A)'' after ''assess such person''; and

(2) by inserting after ''each such violation'' the following: ''or (B) in any case of manipulation of, or attempt to manipulate under section 9(a)(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to such person for each such violation,''.

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of such Act (7 U.S.C. 13a) is amended—

(1) in the 1st sentence, by inserting '', or, in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty of not more than $1,000,000 for each such violation'' before the period; and

(2) in the 2nd sentence, by inserting '', except that if the failure or refusal to obey or comply with the order involved any offense under section 9(a)(2), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(f)'' before the period.

(c) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of such Act (7 U.S.C. 13a–1(d)) is amended by striking ''(d)'' and all that follows through the end of the paragraph (1) and inserting the following:

''(d) CIVIL PENALTIES.—(1) In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

''(A) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

''(B) in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.''.

(d) VIOLATIONS GENERALLY.—Section 9(a) of such Act (7 U.S.C. 13(a)) is amended—

(1) by striking ''(or $500,000 in the case of a person who is an individual)''; and

(2) by striking ''five years'' and inserting ''10 years''.

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

The Chair recognizes the gentleman from Virginia.

□ 1545

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

Mr. Speaker, the Committee on Agriculture brings to the House today H.R. 4473, a bill that, among other things, reauthorizes appropriations for the Commodity Futures Trading Commission through fiscal year 2010. The committee approved the bill last week by voice vote.

The committee began the reauthorization process early this year, holding 2 days of hearings in March when all witnesses supported CFTC reauthorization and testified favorably to the general success of the Commodity Futures Modernization Act of 2000. The CFMA brought legal certainty to the off-exchange derivatives industry and brought the exchange-traded regulatory program into an era when the futures pit is being replaced by electronic trading.

The bill the committee brings to the floor today contains remedies to the areas of concern outlined by then FTC chairman, Sharon Brown-Hruska, in her testimony before the Risk Management Subcommittee. With the assistance of the President's Working Group on Financial Markets, the committee has included the following provisions:

A change to the so-called Treasury amendment contained in section 2(c) of the Commodity Exchange Act to stop unscrupulous persons who write and market contracts in foreign currencies that are nothing more than schemes to defraud the general public; a final resolution to the outstanding issues on establishing risk-based portfolio margining systems for stock futures products and stock options; as well as moving forward on approval of trading on foreign debt indexes and foreign security indexes; of these two matters, the bill provides deadlines for action by the Securities and Exchange Commission and the CFTC; a clarification of the Commission's authority to bring anti-fraud actions in off-exchange principal-to-principal transactions under section 4(b) of the CEA; and a refinement of the CFTC's surveillance program to provide certainty to consumers that the CFTC is looking at significant and highly unusual price moves in natural gas and additional information to the CFTC's large trader reporting system.

A number of end user and consumer groups have endorsed title II of the bill, which was originally drafted by my committee colleagues, the gentleman from Missouri (Mr. GRAVES) and the gentleman from Georgia (Mr. BARROW). These new provisions will codify the factors the CFTC will consider as they conduct surveillance of volatile markets in natural gas futures and option contracts. I believe this will go a long way to restore the public's trust and confidence that the price discovery mechanism for natural gas is subject only to the factors of supply and demand.

In conclusion, Mr. Speaker, this legislation makes the adjustments in the Commodity Exchange Act that will enable our markets to continue their efficient operations for price discovery and risk management. The legislation will provide additional tools for the CFTC and the self-regulatory organizations under its purview to police the markets and bring enforcement actions for fraudulent business practices aimed at the unsuspecting public. I urge my colleagues to adopt H.R. 4473.

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

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of the bill before us.

I want to commend Chairman GOODLATTE for this fine work, and I also want to thank the subcommittee chairman (Mr. MORAN) and the ranking member (Mr. ETHERIDGE), who have done an excellent job in helping us put this bill together. In addition, Mr. GRAVES, Mr. BARROW and Mr. MARSHALL, all members of the committee, have worked very hard on important issues related to energy markets. I think the bill before us makes important progress thanks to their efforts.

Mr. Speaker, during hearings held in the Agriculture Committee, there was substantial discussion regarding the potential of the effects of the Zelener decision. In that case, the CFTC sought to use provisions of the Commodity Exchange Act to put an end to the deceptive sales practices being employed by one company in the marketing of retail foreign exchange contracts. The case was thrown out, however, because the defendant prevailed in court with his argument that the product he was offering was not technically a futures contract and, therefore, not the jurisdiction of the CFTC. The ruling was upheld in a Federal appeals court, and the Solicitor General declined to appeal the case to the Supreme Court.

Some of our witnesses who testified about the Zelener decision expressed concern that it will have far-reaching effects. Other witnesses were more concerned that a broad response to the decision would have harmful unintended consequences. The President's Working Group on Financial Markets advised the Agriculture Committee to adopt a relatively modest response, and that is what is included in this bill.

Mr. Speaker, I believe the remedy included in this bill will restore the CFTC's ability to ensure that similar perpetrators of deceptive schemes involving foreign exchange trading can be policed effectively. However, because the scope of this fix is limited to foreign exchange contracts, we need to be prepared for the possibility that a similar problem will arise in other product areas.

Because the future in this area is so uncertain, we are counting on the CFTC to monitor developments carefully to determine whether or not in fact criminals are using the Zelener reasoning to avoid detection and prosecution. In their letter to the Agriculture Committee, the President's Working Group did not explain clearly why they are so sure that the modest fix is sufficient to solve the problem. Hopefully, the Working Group's members will join us in monitoring future cases and will be open to developing policy changes quickly that may be necessary to protect our Nation's investors.

Mr. Speaker, the futures industry is an important segment of our economy. Adequate regulation and investor protection must be balanced with the need to allow businesses to promote responsible innovations. Passage of the bill before us today will help us ensure that the Commodity Futures Trading Commission can continue to protect America's investors without excessively impeding progress. I urge passage of the bill.

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

Mr. GOODLATTE. Mr. Speaker, I would also like to thank the gentleman from Minnesota (Mr. PETERSON) for the cooperation from him and a number of others on his side of the aisle, and also the gentleman from North Carolina as well as my subcommittee chairman, the gentleman from Kansas (Mr. MORAN).

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the Financial Services Committee, another individual who has played a critical part in bringing this legislation to the floor and thank him for his cooperation as well.

Mr. OXLEY. Mr. Speaker, let me thank the gentleman for yielding and thank him for his leadership on this critical issue.

I fully support title I of the legislation, particularly sections 101 and 103. These sections reflect legislative language that the President's Working Group proposed this past November clarifying the Commodity Futures Trading Commission's anti-fraud authority, mandating the application of risk-based portfolio margining to both options and single stock futures positions, resolving issues related to the definitions of narrow-based security indexes.

I am inserting the President's Working Group's November letter which proposed this language and the accompanying report language in the RECORD. These provisions will enhance the liquidity and competitiveness of our capital markets, all the while preserving investor protection. These provisions also reaffirm the intent of the CFMA, that is that regulatory parity applies to options and single-stock futures, and that the SEC and the CFTC jointly regulate single-stock futures.

I fully support the application of risk-based portfolio margining not only to options and single-stock futures, as this legislation so mandates, but also to all equities. Risk-based portfolio margining more accurately reflects economic exposure to the marketplace than does the traditional strategy-based margining methodology. Today's investors often use equity options and futures positions interchangeably, and a broader portfolio margining rule would more appropriately reflect these investors' economic risk. I urge the SEC to approve rules to permit portfolio margining for all equities in the same time frame, as this legislation calls for, with respect to options and single-stock futures.

Title II authorizes the CFTC to survey the trading of natural gas contracts to deter manipulation, and we are all familiar with that language. The reasoning behind this title is to combat perceived, and I say perceived, manipulation of prices in the trading of natural gas contracts. This legislation attempts to address deep-seated factors in our energy markets, namely supply-and-demand issues. However, it does so by revamping a derivatives policy that was well-negotiated and well-settled in 2000 under the Commodity Futures Modernization Act.

The CFTC's General Counsel commented this past July that ''the CFTC has reviewed this natural gas market several times during the last few years and each time has concluded that the volatility had been due to fundamentals such as tight supplies and other market forces and not due to any price manipulation.'' Federal Reserve Chairman Greenspan has weighed in similarly, stating that high natural gas prices ''are the result of a lack of adequate liquified natural gas import facilities in the United States as well as a lack of adequate facilities abroad to produce liquified natural gas. They are not the result of weaknesses in the regulation of U.S. natural gas markets generally or futures exchanges specifically.'' And Chairman Greenspan was asked and testified such to our committee on at least two occasions.

This proposed new regulation of over-the-counter derivatives in natural gas may have unintended consequences, including detrimentally affecting the competition in our robust capital markets. I have asked my counterpart at the Committee on Agriculture to work with the Committee on Financial Services and the President's Working Group to ensure that these provisions do not upset the intent of the Commodities Futures Modernization Act. The CFMA was the product of lengthy, and bipartisan congressional negotiations and reflected the President's Working Group's 1999 report.

It was decided then and reflected in the CONGRESSIONAL RECORD and most keenly in a report accompanying the CFMA by the House Banking and Financial Services Committee, one of the predecessor committees to the Committee on Financial Services, that legal certainty and regulatory relief for OTC derivatives was necessary. That committee stated that these products ''have become essential to banks' risk-management strategies. These OTC derivative markets have become central to a wide range of banking activities.''

I would like to work with the Committee on Agriculture as this legislation moves forward to ensure that the regulatory relief and legal certainty that the CFMA imposed upon the OTC derivative markets in 2000 remain in law.

Upon the introduction of this legislation last Thursday, my colleague, the gentleman from Massachusetts (Mr. FRANK), our ranking member, and I sent a letter to the members of the President's Working Group requesting their views on this title. I am inserting this correspondence in the RECORD and will share a few of their concerns.

Treasury Under Secretary for Domestic Finance, Randal Quarles stated that the provisions in title II ''could result in unintended adverse consequences and undermine the regulatory relief and legal certainty that were so carefully crafted through the CFMA of 2000. They could have a significant and negative impact on the important risk-management function that these OTC markets perform in the U.S. economy.''

Federal Reserve Chairman Alan Greenspan responded that the

provisions of Title II are rather vague and could be construed as a broad expansion of the Commodity Futures Trading Commission's mandate. . . . The case for such a broad expansion of the Commission's mandate simply had not been made . . . [B]roadening recordkeeping and reporting requirements beyond futures contracts could impose substantial burdens on market participants that are unlikely to be outweighed by their benefits.

CFTC Chairman Reuben Jeffery reiterated that the CFTC already "has the necessary tools to oversee the markets it regulates."

It is my intent that if this legislation moves forward that the views of the President's Working Group will be taken into consideration. In the event of a House-Senate conference, the Committee on Financial Services will be represented. Our conferees will take into account the intent of the CFMA and the counsel of the President's Working Group.

I thank my colleagues for their time and their work on these important issues.

Mr. Speaker, as mentioned above, I include for the RECORD the President's Working Group's November letter with the proposed language and the accompanying report language.

DEPARTMENT OF THE TREASURY,
*Washington, DC, November 3, 2005.*

Hon. MICHAEL G. OXLEY,
*Chairman, Committee on Financial Services, House of Representatives, Washington, DC.*

DEAR CHAIRMAN OXLEY: As Chairman of the President's Working Group on Financial Markets (PWG) and on behalf of its members, I am enclosing a joint PWG letter which transmits legislative and report language that addresses the retail foreign currency fraud issues raised by the 7th Circuit's decision of last year in CFTC v. Zelener. The enclosed letter also transmits legislative language to establish statutory deadlines for the resolution of issues related to portfolio margining and certain security indexes. The PWG will continue to monitor the very recent events concerning Refco and its affiliates as the facts unfold to determine whether or not any measures may be needed to address any additional issues that the situation raises.

Sincerely,

JOHN W. SNOW,
*Secretary of the Treasury.*

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DEPARTMENT OF THE TREASURY
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, U.S. SECURITIES AND EXCHANGE COMMISSION, U.S. COMMODITY FUTURES TRADING COMMISSION.

Hon. MICHAEL G. OXLEY,
*Chairman, Committee on Financial Services, House of Representatives, Washington, DC.*

Hon. BARNEY FRANK,
*Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.*

DEAR CHAIRMAN OXLEY AND RANKING MEMBER FRANK: As representatives of the President's Working Group on Financial Markets (PWG) testified before the Senate Banking Committee on September 8, 2005, the PWG principals have reached agreement on an approach to address the retail foreign currency fraud issues raised by the 7th Circuit's decision of last year in CFTC v. Zelener. As promised, we are enclosing legislative and accompanying report language that would implement the PWG's agreement. This legislative language is supported by each member of the PWG and is drafted as an amendment to section 2(c)(2) of the Commodity Exchange Act (CEA).

The PWG's amendment confirms the CFTC's anti-fraud jurisdiction over retail foreign currency transactions similar to those that were involved in the Zelener case that are offered by persons not already regulated by another financial regulator. The amendment also would grant the CFTC authority to require certain persons involved in soliciting and recommending retail foreign currency futures and similar transactions to register with the CFTC, if such persons are not already regulated by another financial regulator. It is the view of the PWG that it is not necessary at this time to deal with anti-fraud jurisdiction over other products or instruments other than retail foreign currency as set forth in the attached proposed amendment.

In addition to retail foreign currency fraud issues, the PWG members have discussed the complex issues related to (1) the implementation of risk-based portfolio margining systems for security futures products and security options, and (2) resolution of definitional issues relating to narrow-based security indexes. As part of these discussions, the PWG is committed to resolving the portfolio margining system and narrow-based index issues within the time frames set forth below.

With regard to portfolio margining, the SEC has committed to approving self regulatory organization (SRO) rules that permit the use of a risk-based portfolio margining methodology to determine margin requirements for portfolios that include security futures products and for security options by June 30, 2006. In the event that the SEC does not approve such SRO rules, the SEC will promulgate rules to permit risk-based portfolio margining for security options by September 30, 2006, and the SEC and CFTC will do so jointly for security futures products by the same date.

With regard to futures on indexes composed of debt securities, the CFTC and SEC have committed to use joint authority to accommodate the trading of such products by excluding certain debt securities from the definition of ''narrow-based security index'' by June 30, 2006, and permit trading of futures based on such indexes. The CFTC and the SEC also have committed to resolve whether it is appropriate to exclude certain foreign security indexes from the definition of ''narrow-based security index'' by June 30, 2006.

We are enclosing legislative language that directs the PWG, working through its member agencies, to resolve these issues within the time periods described above. For both the portfolio margining and narrow-based index issues, the PWG will continue its efforts to resolve these important issues by meeting as appropriate and ensuring open and ongoing communication and discussion among the PWG members and staff. In addition, the PWG will continue to focus on developing a consistent approach to regulatory oversight of margin requirements. Thank you for the opportunity to provide input into your important work of reauthorizing the CFTC and related legislative issues. We look forward to working with your Committee and your counterparts in the Senate as this process moves forward.

Sincerely,

JOHN W. SNOW,
*Secretary of the Treasury.*

CHRISTOPHER COX,
*Chairman, Securities and Exchange Commission.*

ALAN GREENSPAN,
*Chairman, Board of Governors of the Federal Reserve System.*

REUBEN JEFFERY, III,
*Chairman, Commodity Futures Trading Commission.*

COMMODITY EXCHANGE ACT—FOREIGN CURRENCY AMENDMENTS

Section 2(c)(2) of the Commodity Exchange Act is amended by striking all of existing subparagraphs (B) and (C) and inserting instead the following:

''(B) Agreements, contracts, and transactions in retail foreign currency.—

''(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

''(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 [15 U.S.C. 78f(a)]); and

''(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

''(aa) a financial institution;

''(bb)

''(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5); or

''(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

''(cc) a futures commission merchant registered under this Act (that is not also a person described in item (bb)), or an affiliated person of such a futures commission merchant (that is not also a person described in item (bb)) if such futures commission merchant makes and keeps records under Section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of such affiliated person;

''(dd) an insurance company described in section la(12)(A)(ii) of this title, or a regulated subsidiary or affiliate of such an insurance company;

''(ee) a financial holding company (as defined in section 1841 of title 12); or

''(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 [15 U.S.C. 78q(i)]).

''(ii) Notwithstanding item (cc) of subparagraph (B)(i)(II), agreements, contracts, or transactions described in subparagraph (B)(i) shall be subject to subsection (a)(1)(B) and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if such agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II).

''(iii) Notwithstanding item (cc) of subparagraph (B)(i)(II), any person who participates in the solicitation or recommendation of any agreement, contract, or transaction described in subparagraph (B)(i) entered into with or to be entered into with a person described in item (cc) of subparagraph (B)(i)(II) must be registered in such capacity as the Commission by rule, regulation or order shall determine and must be a member of a futures association registered under section 17 of the Act. This clause shall not apply to any person (i) described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II) or (ii) its associated persons. This paragraph shall be effective 120 days from the date of enactment or such other time as the Commission shall determine.

''(C)(i) This subparagraph (C) shall apply to any agreement, contract or transaction in foreign currency that is—

''(I) offered to, or entered into with, a person that is not an eligible contract participant (except that subparagraph (C) shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

''(II) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis; ''Provided, however, that subparagraph (C) shall not apply to—

''(aa) a security (as defined in section 1a(30)) that is not a security futures product (as defined in section 1a(32)); or

''(bb) a contract of sale that—

''(AA) results in actual delivery within two days; or

''(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

''(ii) Agreements, contracts, or transactions described in subparagraph (C)(i) shall be subject to subsection (a)(1)(B) and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b). Provided, however, that this clause shall not apply to any person described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II) or to such person's associated persons.

''(iii) Any person who participates in the solicitation or recommendation of any agreement, contract, or transaction described in subparagraph (C)(i) must be registered in such capacity as the Commission by rule, regulation or order shall determine and must be a member of a futures association registered under section 17 of the Act. This clause shall not apply to any person (i) described in any of items (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II) or (ii) its associated persons. This clause shall be effective 120 days from the date of enactment or such other time as the Commission shall determine.

''(iv) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in subparagraph (C)(i) as though the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

''(v) Subparagraph (C) does not limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

''(vi) Subparagraph (C) does not limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products''.

REPORT LANGUAGE TO ACCOMPANY PRESIDENT'S WORKING GROUP RETAIL FOREIGN EXCHANGE LEGISLATIVE LANGUAGE

The Committee notes that the term ''line of business'' in new subparagraph (C)(i)(II)(bb)(BB) refers to any legitimate line of business, not just a foreign exchange business.

SEC. XXX. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES

(a) The agencies represented on the President's Working Group on Financial Markets shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30,2006, risk-based portfolio margining for security options and security futures products; and

(2) by June 30, 2006, the trading of futures on certain security indexes by resolving issues related to debt security indexes and foreign security indexes.

DEPARTMENT OF THE TREASURY,
*Washington, DC, December 12, 2005.*

Hon. MICHAEL G. OXLEY,
Hon. BARNEY FRANK,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR CHAIRMAN OXLEY AND RANKING MEMBER FRANK: I am replying on behalf of Secretary Snow to your letter of December 8, 2005, in which you requested our views on certain language that was recently approved by the House Committee on Agriculture in its ''Commodity Futures Trading Commission Reauthorization Act of 2005.'' The bill contains language in Title II (''Natural Gas Price Transparency'') that has not been reviewed previously by the Department of the Treasury or the President's Working Group on Financial Markets (PWG).

While the Treasury Department has had only a brief opportunity to review the natural gas provisions of the Agriculture Committee's bill, we have serious concerns with Title II that are similar to concerns that Treasury and other PWG members have expressed in the past regarding provisions that could affect over-the-counter (OTC) derivatives markets, including energy and natural gas markets.

The scope of Title II is broad, and its vague language could be construed to have implications for natural gas transactions in OTC markets. These provisions could result in unintended adverse consequences and undermine the regulatory relief and legal certainty that were so carefully crafted through the Commodity Futures Modernization Act of 2000 (CFMA). They could have a significant and negative impact on the important risk management function that these OTC markets perform in the U.S. economy.

In testimony before the Senate Banking Committee in September on the subject of the CFMA and recent market developments, I stated that major changes to the significant modernizations made by the CFMA were not warranted. Unless there were a clearly demonstrated need, Treasury continues to believe that legislation that would undo any of the modernizations made by the CFMA—in the area of legal certainty or otherwise—is not warranted.

Thank you very much for the opportunity to present our views on this important matter.

Sincerely,

RANDAL K. QUARLES,
*Under Secretary for Domestic Finance.*

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BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
*Washington, DC, December 13, 2005.*

Hon. MICHAEL G. OXLEY,
*Chairman, Committee on Financial Services,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: You have asked for my views on Title II of the CFTC Reauthorization Act of 2005, which relates to transparency of the pricing of natural gas, and has not been reviewed by the President's Working Group on Financial Markets. Natural gas prices in the United States have been higher and more volatile than natural gas prices abroad in recent years, and these price movements have weakened the competitive position of industries that are heavily dependent on natural gas. However, these developments are the result of a lack of adequate liquefied natural gas import facilities in the United States, as well as a lack of adequate facilities abroad to produce liquefied natural gas. Title II does not affect those market fundamentals and, therefore, will not lower natural gas prices or reduce price volatility.

The provisions of Title II are rather vague and could be construed as a broad expansion of the Commodity Futures Trading Commission's mandate. Specifically, the legislation requires the Commission to conduct surveillance of trading in contracts for natural gas, which could be read to require surveillance of cash markets and over-the-counter derivatives, as well as the exchange-traded markets that the Commission currently oversees. The case for such a broad expansion of the Commission's mandate simply has not been made.

The legislation also directs the Commission to require persons that hold large positions in natural gas futures contracts on an exchange to keep records and submit reports on those contracts, as well as on any related contracts to which the person is a party. The Commission already has broad authority under existing law to require records and reports on futures contracts, so there does not appear to be a need for additional statutory provisions with regard to that authority. Potentially broadening recordkeeping and reporting requirements beyond futures contracts could impose substantial burdens on market participants that are unlikely to be outweighed by their benefits.

Sincerely,

ALAN GREENSPAN,
*Chairman.*

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U.S. COMMODITY FUTURES
TRADING COMMISSION,
*Washington, DC, December 13, 2005.*

Hon. MICHAEL G. OXLEY,
*Chairman, Committee on Financial Services,*
*House of Representatives, Rayburn House Office Building, Washington, DC.*

Hon. BARNEY FRANK,
*Ranking Member, Committee on Financial Services, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN OXLEY AND RANKING MEMBER FRANK: Thank you for your letter of December 8 requesting the views of the Members of the President's Working Group on Financial Markets (PWG) regarding the proposed CFTC Reauthorization Act of 2005 (the ''Reauthorization Act''). In reporting this bill, the House Agriculture Committee has taken a significant step forward in the process of Congressional reauthorization of the Commodity Exchange Act (CEA).

Thank you for this opportunity to share views on this important legislation. As a member of the PWG, I am supportive of the provisions of the proposed Reauthorization Act that address the issues of retail foreign currency transactions, risk-based portfolio margining for security options and security futures products, and trading of futures on certain debt security and foreign security indexes. These provisions incorporate legislative language on these issues that the PWG submitted to Congress on November 3, 2005. Mindful of the deadlines that would be established if the Reauthorization Act is enacted, staff from the PWG agencies has continued to work on the risk-based portfolio margining and security index issues during the weeks since November 3.

The amendment included in the Reauthorization Act to Section 4b of the CEA, the CFTC's primary anti-fraud provision, incorporates consensus legislative language of the CFTC and industry representatives. It provides an important clarification of the CFTC's anti-fraud authority with respect to off-exchange, principal-to-principal transactions.

We are aware that our PWG colleagues have expressed concern that the proposed natural gas provisions in the Reauthorization Act could be construed to have negative implications on the risk management functions of over-the-counter markets. Our understanding is that these provisions are intended to be narrow in scope and ensure that there is appropriate surveillance in the event of a significant and highly unusual price movement in any physically delivered natural gas futures contract traded on a contract market or derivatives transaction execution facility. The CFTC has stated on many occasions that it has the necessary tools to oversee the markets it regulates, but appreciates the bi-partisan effort by the House Agriculture Committee to address consumer concerns over volatility in the natural gas markets. We will work to ensure that these provisions maintain legal certainty and avoid unintended consequences.

As the legislative process moves forward on CEA reauthorization, we stand ready to work with you and Chairmen Goodlatte, Chambliss, and Shelby, and the respective Committees, to ensure a successful resolution of these issues.

Sincerely,

REUBEN JEFFERY, III.

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U.S. SECURITIES AND
EXCHANGE COMMISSION,
*Washington, DC, December 14,2005.*

Hon. MICHAEL G. OXLEY,
*Chairman, Committee on Financial Services,*
*House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN OXLEY: Thank you for your December 8, 2005 letter asking for the views of the members of the President's Working Group on Financial Markets on the CFTC Reauthorization Act of 2005.

I applaud the fact that Title I of the CFTC Reauthorization Act includes language carefully considered and agreed to by the members of the President's Working Group (PWG) that was transmitted to you and other Members of Congress last month on November 3, 2005. That consensus language addresses issues involving retail foreign currency fraud, portfolio margining for security options and security futures products, and debt security indexes and foreign security indexes.

Title II of the CFTC Reauthorization Act includes provisions that would, among other things:

Require reviews by the Commodity Futures Trading Commission (CFTC) of the factors that cause significant and highly unusual changes in the settlement price of any physically delivered natural gas futures contract traded on a contract market or derivatives transaction execution facility;

Require CFTC rulemaking requiring record-keeping and reporting of large positions in natural gas;

Expand CFTC enforcement powers to include criminal and civil penalties for manipulation or attempted manipulation of the price of any commodity.

Unfortunately, there is not enough time between now and the scheduled House consideration of the CFTC Reauthorization Act for the PWG to review and provide you with a reaction to the language in Title II of the proposed legislation. I would note, however, that the PWG has provided comments in the past expressing concerns with other legislative proposals to increase the regulation of over-the-counter derivatives markets.

Although the provisions in Title II do not appear to affect the Commission or the securities markets directly, the Commission has historically been supportive of the development of a robust over-the-counter derivatives market that is free from unnecessary regulatory requirements.

Thank you for bringing this legislation to my attention. I appreciate the opportunity to work with you on this and other matters that affect our Nation's securities markets.

Sincerely,

CHRISTOPHER COX,
*Chairman.*

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from North Carolina (Mr. ETHERIDGE), the ranking member of the Risk Management Subcommittee, who along with Chairman MORAN provided outstanding work and leadership on bringing this legislation to the floor.

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

This has been a long day coming, but today, this body will vote, and I trust pass, H.R. 4473, a bill that will reauthorize the Commodity Futures Trading Commission. I want to applaud the chairman for his hard work, our ranking member of the full committee, as well as my colleague Mr. MORAN for his hard work, who is chairman of the subcommittee that has jurisdiction over the CFTC for their hard work in making this possible.

I would be remiss if I did not thank the members of our staff who worked hard to help get all the details done.

I also want to add my appreciation to Mr. BARROW, Mr. MARSHALL and Mr. GRAVES for their efforts to bring attention to rising natural gas prices. The provisions in this bill will go a long way to bringing greater transparency to this important market as a result of their actions.

Some people believe that H.R. 4473 does too much. They would have preferred a simple two-line bill that reauthorized the CFTC for 5 years and nothing more. However, it is important that we use the CFTC reauthorization to review the Commodity Exchange Act and the reform enacted in 2000 through the Commodity Futures Modernization Act.

□ 1600

That is because the futures industry impacts our lives every single day. Derivatives trading provides customers with forums for price discovery and price hedging for a wide variety of commodities and financial instruments.

We are talking about a trillion-dollar-plus industry that impacts the price of corn, wheat and soybeans that goes into our food products, the price of meat at the grocery store, the price of gas at the pump, the price of energy to heat our homes, the interest rates we pay on our credit cards, the interest we pay on our mortgages, the price of metals that make up the products that we buy, and many other things that we use every single day.

The issues affecting futures trading are often complex and esoteric. However, it is important that we work through these tough issues if we want to maintain a healthy and vibrant derivatives industry.

I am one of those who believes we should have done more with this bill. I am concerned what we left undone today could come back to haunt us tomorrow, and you have heard talk of the Zelener decision, so I will not go into that. I hope years from now we are not hearing stories of fraud being perpetuated upon the American people through contracts for oil, natural gas, gold, or platinum that act like futures, but remain outside the CFTC's jurisdiction, because we chose to limit this bill's reach to foreign exchange products as recommended by the working group.

I hope we are not seeing an industry still waiting for risk-based margining on security futures or a broad-based security index definition that allows them to compete with foreign exchanges offering similar products.

However, we should not let the perfect become the enemy of the good. This bill remains a good piece of legislation. I intend to support this plan because I believe it is time to move forward. We do not need this legislation unresolved any longer. It is time to pass it and send it to the Senate. I urge my colleagues to vote for H.R. 4473.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN), the chairman of the Commodities Subcommittee.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Virginia and the gentleman from Minnesota for their efforts in regards to this piece of legislation, and especially thank Mr. ETHERIDGE, my ranking member.

The Subcommittee on General Farm Commodities and Risk Management has jurisdiction over the Commodities Futures Trading Commission; and our work product, together with the full committee, is here before the House today for its consideration. I would assure my colleagues in the House that our committee has taken extraordinary steps to make certain that we provide oversight, review, and understanding of what is transpiring at the Commodity Futures Trading Commission since the passage of the Commodity Futures Modernization Act in 2000.

Mr. Speaker, I actually believe that the Commodity Futures Modernization Act of 2000 was one of the most successful pieces of legislation that has been passed by Congress in my time here. What we learned in the hearings and oversight in the reauthorization effort was that it is working well. With only a couple of changes, a couple of additions to this legislation, we bring this modernization act back to the floor for approval again today.

We made a change to deal with what is known as the Zelener case to make certain that the CFTC has jurisdiction over foreign exchange contracts. A court determined CFTC did not have jurisdiction. We have now made that clear. We need to continue to keep our eye on other commodities other than foreign exchange to make certain that if similar circumstances arise to the foreign currency problem that Congress acts. And we also continue to find frustration with the inability of the Securities and Exchange Commission and others to come together to develop the protocols necessary for single stock futures to be traded on markets in the United States. I think there is great opportunity for expansion of this market if we can come together on uniform responsibility for margins between the CFTC and the SEC.

This legislation establishes a firm deadline by which we expect that response to be concluded. So I urge passage of this bill and thank my colleagues for their efforts.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH), one of our more valuable members of the Committee on Agriculture.

Ms. HERSETH. Mr. Speaker, I am pleased to rise today in support of H.R. 4473, the CFTC Reauthorization Act of 2005. As a resident of a farm State and a member of the Committee on Agriculture, I understand the critical role that futures exchanges play in the marketing of agricultural commodities. They are indispensable in providing price discovery and market transparency for producers and commodity users alike. That said, futures markets cannot perform these functions if they are being manipulated. Futures markets must be effectively regulated in order to ensure their integrity and protect the well-being of small investors. This bill strikes that balance.

Five years ago, Congress undertook a major overhaul of the Commodity Exchange Act, which my colleagues who have already risen in support of took a lead. By most accounts, the reforms adopted at that time have worked well, but there have been some issues that have arisen since the bill passed. I believe today's legislation makes important improvements to the act while maintaining a good balance between the competing goals of promoting robust futures exchanges and protecting market participants.

One provision of this bill that is particularly important is language on energy derivatives. This legislation would increase recordkeeping requirements on entities that hold large quantities of natural gas contracts, and give the CFTC access to these records so it can better investigate and prevent market manipulation. The bill also raises civil and criminal penalties for energy price manipulation. In light of today's high natural gas prices, this authority is needed.

Because of the balance that it strikes and because of the provisions that it leaves alone, I strongly support this legislation and urge my colleagues to vote ''yes'' on this important bill.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I rise today to urge my colleagues to support H.R. 4473. It has been 5 years since this body last passed legislation aimed at reauthorizing the CFTC, which has jurisdiction over futures and options markets.

The Ag Committee has jurisdiction over futures and options because the derivatives were first developed on agricultural products, or commodities as they are commonly called. These innovative products are now predominantly traded on other financial products, such as interest rates and foreign currencies.

The CFTC implemented the Commodity Futures Modernization Act of 2000 in a very straightforward and responsible manner. Yes, there have been a few bumps in the road, but overall CFMA has been very successful.

What issues brought us to the point in 2000 that a major rewrite of the futures laws and passage of CFMA was required? The U.S. futures markets were quickly losing ground to foreign exchanges in the late 1990s due to heavy-handed regulation and antiquated business models. The over-the-counter markets were coming to grips with the fact that they did not have a high enough degree of legal certainty to ensure that their swap products would not be challenged in court as illegal off-exchange futures. And, finally, some foreign exchanges were beginning to seriously encourage the development of single stock futures products.

The futures markets, and other agricultural commodities, were deregulated to allow them to compete with foreign exchanges in both open outcry and electronically traded arenas. The OTC markets were given legal certainty, and the single stock futures guidelines were set in place.

Fast forward to 2005, what has happened? The domestic futures and options exchanges have been reinvigorated. The OTC market is thriving, and a few issues have come to light. The President's working group, consisting of the Federal Reserve, Treasury, the SEC and the CFTC, have weighed in on the Zelener case which found that the CFTC did not have adequate authority to stop certain fraudulent activities regarding retail currency transactions. H.R. 4473 will authorize the CFTC to stop those unscrupulous actors.

The natural gas markets have become an arena of intense scrutiny over the last few years. There is unprecedented demand for natural gas and still a fairly captive supply in the U.S., and indeed the world. It will take time for the energy bill that we recently passed to increase supply, and we are most likely in a period of relatively high natural gas prices. The CFTC does have fairly broad authority under the CFMA to investigate the natural gas markets. It is a very fine line for Congress and the CFTC to decide how much to regulate a market without creating excessive regulatory burden or causing it to become inefficient or allowing another country to become the leader of trading in that commodity.

As a member of both the Agriculture and Financial Services Committees, I know how seriously the two chairmen take their responsibilities. I also know that fair and appropriately applied regulation is necessary. I encourage my colleagues to vote ''yes'' on H.R. 4473.

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

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I rise in support of H.R. 4473, the reauthorization of the Commodity Futures Exchange Act, and I want to thank the chairman for the opportunity to speak on this very important issue.

Last week we passed an amendment out of the Committee on Agriculture markup by a voice vote that addressed prices and market manipulation in the natural gas markets. I am glad to report that the measure had very broad bipartisan support, and I want to thank the chairman for working with me on this very important issue.

The amendment that the chairman and I introduced, along with other members of the committee, addresses volatility in the natural gas market. This amendment seeks to ensure that market manipulation is not creating some of the price spikes that we are seeing today in that natural gas market. Through increased transparency, penalties and oversight, this goal is going to be achieved.

Energy prices right now are at a high. Most solutions being discussed are in the long term. Today's bill includes a provision that can provide some short-term relief by ensuring Americans, consumers, that market manipulation is not going to continue and will not be a contributing factor in the price of natural gas.

It is the farmers, it is the senior citizens, manufacturers, and consumers that I had in mind when I introduced this measure last spring. The price of natural gas is almost double what it was when I first brought this issue to my colleagues' attention. It is my hope that H.R. 4473 will bring some stability to the natural gas market and limit losses associated with extreme natural gas prices and price spikes.

Mr. Speaker, I encourage my colleagues to support this important measure and pass it on the floor.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), the vice chairman of the Committee on Agriculture.

Mr. BOEHNER. Mr. Speaker, I congratulate both the gentleman from Virginia and the ranking member, Mr. PETERSON, for a job well done on the Commodity Exchange Act reauthorization. This is a very important bill for the futures markets in our country. The work that was done in 2000 clearly has paid significant dividends. The Commodity Futures Modernization Act is working and it is working well. I think what we have seen over the last 5 years is nothing short of a firestorm of innovation in these markets.

Between 2000 and 2004, the volumes of futures and options contracts traded on exchanges has increased from 600 million contracts a year to more than 1.6 billion contracts per year. I think the futures industry is stronger today as a result of the Commodity Futures Modernization Act because it has allowed those markets to function without the heavy hand of government, as heavy as it used to be.

I think the bill before us makes some changes to that act. Clearly, in the Zelener case, which has been talked about, I think we take a practical approach to solving the Zelener problem.

Secondly, it follows through on promises made on CFMA by setting a date certain for risk-based portfolio margining for single stock futures and for a definition of broad-based securities indexes.

Now, my colleague before me, Mr. GRAVES, talked about the issue of natural gas. This provision is included in the bill, and it is there because we are hearing from farmers and consumers about the high cost of natural gas. Unfortunately, the provision would not lower the cost of fertilizer or heating oil or natural, and it may have the reverse effect. I have concerns about the language there. I think it is very intrusive and could be overly far reaching. I would hope as this bill goes to conference that my colleagues will take a close look at the natural gas provisions so we do not overreach like we did back in the 1990s.

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Pennsylvania (Ms. HART).

□ 1615

Ms. HART. Mr. Speaker, I also appreciate the opportunity to speak on behalf of the reauthorization of the Commodities Exchange Act. I appreciate the hard work of the gentleman from Missouri (Mr. GRAVES) and especially Chairman GOODLATTE for making sure that this language was included. Very important to a number of us who live in the Northeast, this bill will provide the Commodity Futures Trading Commission with the necessary tools to ensure against market manipulation in the trading of natural gas futures, which could lead to higher prices.

With this cold winter arriving in my district in western Pennsylvania, this issue is especially important to many of the residents in my district who rely on natural gas for heat. Higher heating costs because of the rise in the price of natural gas are already impacting many of my constituents. This legislation will ensure that natural gas traders are not able to gain profits through manipulation of prices on the backs of these individuals.

The price of natural gas is also important to the many manufacturers located in and around my district. This issue translates also into job stability. Unfortunately, many of these manufacturers are already being squeezed by other issues, and the high cost of natural gas is just a contributing factor to their financial problems.

I recently met with many glass manufacturers in Western Pennsylvania, and they explained to me some of the challenges they are facing. Kopp Glass in Pittsburgh, for example, has seen their natural gas cost rise by 83 percent over the last year, eating into the company's profits by 50 percent and also eating into their opportunities to grow their business.

General Shale Products, a brick manufacturer, has announced they are going to close after 40 years of operation because of high natural gas prices. A steel manufacturer has recently asked us to do something about it.

This bill will ensure that the Commodity Futures Trading Commission has the tools it needs to find and prosecute market manipulators.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise in support of H.R. 4473, the Commodity Trading Commission Reauthorization Act. And I support the underlying bill, and I salute the chairman's efforts to reauthorize the CFTC. But I do have a little concern with the specific section of the bill dealing with natural gas price transparency. Title II of the bill contains new regulatory burdens on the trading of natural gas, such as future contracts, over-the-counter transactions and cash market purchases. While these provisions will place unwarranted and open-ended regulatory burdens on legitimate business activities, they will in no way reduce volatility or lower the price of natural gas. See, the Commission currently has full authority now to examine and oversee the futures market and to request complete trading information from any participant in the futures market if it suspects price manipulation is occurring.

But the bill now, with that provision, would shift the regulatory intervention away from fraud manipulation to an undefined standard that is not based upon law but is based upon legitimate movements in natural gas prices. I would just urge the conferees, when this bill goes to conference, not to add any new missions to the responsibility and take away from the core responsibilities of the CFTC.

Mr. PETERSON of Minnesota. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the natural gas language contained in the committee bill makes two changes to the CFTC's current regulatory program to detect and deter manipulation or attempted manipulation.

First, upon a finding that there has been a significant and highly unusual change in the market price of natural gas, the CFTC is required to determine what had caused that price change.

Second, persons with futures or option positions in natural gas are required to keep records of those trades and other related transactions and to submit those records to the CFTC upon request.

In the committee's view, and in my view, this is a reasonable compromise that does not add significant new costs to transactions in natural gas, whether futures or options contracts or other transactions used in over-the-counter strategies of most of the major firms involved in the natural gas markets on a daily basis.

This new recordkeeping requirement is the only part of the legislation that imposes any new regulatory mechanism. The CFTC is not required to impose itself into any new market arena and will not as a result of this legislation. The bill requirements are unobtrusive, contain no burdensome new costs and will be used sparingly.

We have seen over the years, over the course of the last half year, an energy sector that is under great stress. And the price response to that stress has been of great concern to all of us. This bill does nothing to add to that stress, and it should be adopted today.

I urge my colleagues to support this legislation.

Mr. POMBO. Mr. Speaker, I rise today to contribute to the debate on H.R. 4473 which is currently under consideration. Title II of the bill creates new regulatory authority for the Commodity Futures Trading Commission (CFTC) to investigate suspected manipulation of the natural gas futures markets.

Currently, the price of natural gas in the United States is floating at a high near $14 MMBtu. When compared to most nations around the world, this amount is four, five, even fourteen times higher than some developing countries! I am encouraged by the attempt of some of my colleagues to correct this serious problem, but I have serious concerns with the manner by which we address this issue in legislation.

As Federal Reserve Chairman Alan Greenspan has made very clear in a recent letter to Chairman MIKE OXLEY, the fundamental problem of natural gas price spikes is a shortage of supply. The only way this can be solved, and Chairman Greenspan appears to agree, is through increased production domestically and less barriers to liquefied natural gas imports. When the supply increases, natural gas prices will most certainly fall.

While I will support passage of H.R. 4473, I believe Title II is a misguided approach that will not ultimately result in lower prices for natural gas. Sadly, some Members of Congress who support Title II of this bill have consistently opposed additional domestic production of energy supplies. They may believe that by voting for this legislation today, they will receive further cover for their positions, when in fact these Members' positions have led to our nation's high energy prices.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4473.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

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

There was no objection.

## ESTABLISHING THE TASK FORCE ON OCEAN POLICY

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 599) establishing the Task Force on Ocean Policy.

The Clerk read as follows:

H. RES. 599

Whereas the House of Representatives is in need of a Task Force on Ocean Policy to review the final report of the United States Commission on Ocean Policy, entitled ''An Ocean Blueprint for the 21st Century'', which affects the jurisdiction of several committees of the House, including the Committee on Resources, the Committee on Science, the Committee on Transportation and Infrastructure, and the Committee on International Relations: Now, therefore, be it

*Resolved,*

**SECTION 1. ESTABLISHMENT.**

There is hereby established a Task Force on Ocean Policy.

**SEC. 2. COMPOSITION.**

The task force shall be composed of 12 members appointed by the Speaker, of whom 5 shall be appointed on the recommendation of the Minority leader. The Speaker shall designate one member as chairman. A vacancy in the membership of the task force shall be filled in the same manner as the original appointment.

**SEC. 3. JURISDICTION.**

The task force may develop recommendations and report to the House on the final report of the United States Commission on Ocean Policy, making recommendations for a national ocean policy, entitled ''An Ocean Blueprint for the 21st Century''.

**SEC. 4. PROCEDURE.**

(a) Except as provided in paragraphs (1) and (2), rule XI shall apply to the task force to the extent not inconsistent with this resolution.

(1) Clause 1(b) and clause 2(m)(1)(B) of rule XI shall not apply to the task force.

(2) The task force is not required to adopt written rules to implement the provisions of clause 4 of rule XI.

(b) Clause 10(b) of rule X shall not apply to the task force.

**SEC. 5. STAFF; FUNDING.**

(a) The chairman may employ and fix the compensation of such staff as the chairman considers necessary to carry out this resolution. To the greatest extent practicable, the task force shall utilize the services of staff of employing entities of the House. At the request of the chairman, staff of employing entities of the House or a joint committee may be detailed to the task force to carry out this resolution and shall be deemed to be staff of the task force.

(b) There shall be paid out of the applicable accounts of the House $450,000 for the expenses of the task force. Such payments shall be made on vouchers signed by the chairman and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

**SEC. 6. REPORTING.**

The task force shall report to the House the final results of its investigation and study, together with detailed findings and such recommendations as it may deem advisable, as soon as practicable and in no event later than on June 30, 2006.

**SEC. 7. DISSOLUTION AND WINDUP OF AFFAIRS.**

The task force shall cease to exist after July 31, 2006.

**SEC. 8. DISPOSITION OF RECORDS.**

Upon dissolution of the task force, the records of the task force shall become records of any committee designated by the Speaker.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from California (Ms. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and include extraneous material thereon.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 599 will establish a House Task Force on Ocean Policy with the express purpose of developing recommendations and reporting to the House on the findings of the United States Commission on Ocean Policy by June 2006.

This bipartisan task force will have members appointed by the Speaker and Minority Leader who will focus on the final report of the United States Commission on Ocean Policy entitled, ''An Ocean Blueprint for the 21st Century.''

While the task force will have no legislative jurisdiction, it will put in place a mechanism to allow the House to look broadly at the question of caring for our oceans.

The gentleman from Maryland (Mr. GILCHREST) is to be commended for his untiring commitment to the preservation of our ocean resources. We are able to bring this resolution forward today because of his good work and interest on this subject.

It is important that this resolution be considered quickly, so that Members may be appointed to the task force and can begin their work and produce a report by June 2006.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. GILCHREST) and ask unanimous consent that he be allowed to control the time that I have.

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

There was no objection.

Mr. GILCHREST. Mr. Speaker, I want to thank Mr. HASTINGS for helping bring this legislation to the floor, and I want to thank him for yielding the time. I will speak now for a few minutes explaining the legislation, and I would hope, Mr. Speaker, that we can have a bipartisan vote to move this task force along so that the myriad of issues that cover a broad range of committee assignments, both on the House and the Senate side, and a broad array of Federal departments and agencies can be viewed with a single entity, this task force, between now and June to understand the comprehensive magnificent work of the people under Admiral Watkins that put together this commission report.

The members on the commission are people who have represented and continue to represent the oceans, aquariums around the country, the port authorities, coastal studies, offshore oil drilling, the U.S. Navy, shipping and marine transportation, ocean ecology and fisheries, environmental interests and the banking industry, a broad array of individuals that were appointed by the President, the House and the Senate.

The scientists that represent the Ocean Commission Report that worked to develop the recommended policies are scientists from universities all across the country. Their expertise and diverse fields are in marine economics, coastal and estuarine issues, atmospheric issues, Gulf of Mexico issues and the whole array of problems with hurricanes, fishery science, coastal development, physics of ocean currents, oceanography. The list goes on and on and on.

They presented this report to the U.S. Congress in September of 2004. In this report, there are 31 chapters. Seven of the 31 chapters come under the jurisdiction of the Fisheries and Oceans Subcommittee on Resources. Seven of the 31 chapters come under my jurisdiction in this Ocean Subcommittee. We have held hearings on our part of the Ocean Commission Report. But 24 chapters lie outside the jurisdiction of that Fisheries Subcommittee. And it is important to get this task force so that all those other committees in this House can view this commission task force from the specific recommendations that the task force will assume from the ocean commission report.

What I would like to do is explain to my colleagues, the ocean commission task force makes recommendations in the following areas, which are outside the jurisdiction of the Ocean Subcommittee. Those are: The Congress should establish for better leadership and coordination a national ocean council and a non-Federal ocean council of advisors to view the full range of issues in the departments, the agencies and the executive branch and what goes on in the States and the tribes and the international arena regarding oceans.

They make recommendations to improve NOAA, EPA, the Corps of Engineers, the Department of Interior, USDA and the States in their regional coordination. Right now it is severely fragmented. They make recommendations to clarify offshore responsibilities as far as leasing oil and gas, aquaculture, bioprospecting, wind energy, fisheries, just to name a few. They recommend structural changes in NASA, the Corps of Engineers, the Coast Guard, the U.S. Navy, the National Science Foundation, Aquaculture, Health and Human Services, Department of Justice, Department of State, Department of Labor, Department of Transportation and the United States Agency for International Development. Can all of this be done with one subcommittee or fragmented throughout the course of this Congress? Promote lifelong ocean education, ocean stewardship, science literacy, future ocean leaders, helping to bridge the gap between scientists and educators, a need for qualified ocean science in the classroom, bringing the ocean to the vast array of students across this country. This is the Committee on Education.

Better financial technical institutional support for watershed management initiatives through existing Federal and State laws linking coastal and offshore ecosystems. Better financial technical institutional support for all these issues. Something that is dear to our hearts right now as a result of this past hurricane season, several chapters dealing with guarding people and property against national hazards such as hurricanes and floods. And a year ago, a year and a half ago, in the commission report they predicted, right down to the letter, what could and eventually did happen to New Orleans, to coastal Louisiana, to Mississippi. A vast array of information.

Managing sediment flows: 30 States contribute sediment in the Mississippi River that eventually goes through Louisiana, Mississippi and the Gulf of Mexico.

□ 1630

How do we manage those sediment flows?

Techniques for cost benefit analysis is in this report. Marine commerce and transportation across the oceans, the estuaries, and the rivers in this country. Addressing coastal and water pollution, three major laws, statutes. The National Pollutant Discharge Elimination System, Total Maximum Daily Load Program, Clean Water State Revolving Loan Fund, those are outside the jurisdiction of resources entirely. Their recommendations are for dealing with wastewater treatment plants, septic tanks, industrial facilities, agriculture, urban and suburban runoff.

Addressing the atmospheric deposition problem: the single biggest issue

with many estuaries including San Francisco and the Chesapeake Bay is air deposition. Thirty percent of the problem with degrading the Chesapeake Bay is air deposition.

Watershed monitoring: in 1974 we had 500 stations across the country that monitored the quality of water. Today there are 32, from 500 down to 32. The lack of coordination between the State, the Federal Government, and the institutions is appalling.

Limiting vessel pollution and improving vessel safety: that is the EPA, the Coast Guard, and the International Maritime Association. How to deal with invasive species with ballas water, marine organisms, major problems in the Great Lakes, the Mississippi River, and many estuaries around the country.

Connecting the oceans and human health: biomedical research, marine bacteria, contaminated seafood, harmful alga blooms, recommendations that can be gleaned from a single perspective with a single entity such as this task force and then legislative recommendations to the myriad committees that deal with these issues.

Creating a national strategy for increasing scientific knowledge in ocean science, technology, and understanding the oceans' ecosystem.

Collaborating with the international community and funding recommendations for how long this is going to work.

The Ocean Subcommittee under the Resources Committee does not have the time or the resources or the people or the jurisdiction to do this. We have dealt in that ocean subcommittee with our jurisdiction regarding the Ocean Commission Report, which is marine debris, fisheries management, marine mammals, coral reefs, agriculture, ocean observing system, coastal habitats, and so on.

This report by Admiral Watkins and many scientists around this country deserve to have the United States Congress, this institution, take a comprehensive view of this report, study it for several months, and then make legislative recommendations to this body.

I urge my colleagues to vote for the task force.

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

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

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

Ms. MATSUI. Mr. Speaker, strange things happen around this place when we are getting ready for recess. Legislation just seems to come out of the woodwork sometimes, like the resolution on the Suspension Calendar today.

The bill before us today would spend $400,000 of taxpayer money to establish a House Task Force on Ocean Policy. Quite simply, it is duplicative and wasteful. There is already a standing House committee to deal with ocean policy that professional staff already have in place.

The Rules Committee has not met to consider this resolution. In fact, no action, at least none that I am aware of, has been taken beyond the simple introduction of this measure. This resolution just appeared on the schedule at the last minute with no explanation, no details, and no reason for its urgency.

So I am a bit puzzled about why this task force is needed at all. Generally, task forces are created when there is an issue that crosses the jurisdictional lines of several different committees, all of whom claim primary jurisdiction. In that circumstance, there may well be a need to coordinate efforts in an efficient manner. However, in this case, the primary issues fall within the jurisdiction of the Resources Committee. In fact, there is a Subcommittee on Fisheries and Oceans chaired by the gentleman from Maryland (Mr. GILCHREST). That is where this issue belongs.

Let me be clear: our Nation's ocean policy is a worthy project, but I believe that this issue should be taken up by the Resources Committee. That is where the expertise is.

I hope that the resolution's sponsors and other Members speaking here today will shed some light on the need to move so quickly on this measure.

Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman from California for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, in 2003 the Pew Ocean Policy Commission put out a comprehensive report telling us that our oceans were in serious trouble. The Republican leadership quickly ignored the report, saying they wanted to wait for the results of the congressionally appointed U.S. Commission on Ocean Policy. And lo and behold, last September that commission came to the same basic conclusion: that our oceans are in peril from degraded waters, compromised resources, and conflicts between man and nature, and that immediate action is needed. They laid out some pretty pointed recommendations for Congress, and I would like to show this book, which is their recommendations. Over 500 pages at a cost of $10 million. It took them 3 years. They did a comprehensive report at a cost of $10 million.

Well over a year has gone by and still the House Republican leadership has sat on its hands and done virtually nothing for our oceans. At the end of 2004, the Fisheries and Oceans Subcommittee, on which I am the ranking member, held exactly one hearing on the U.S. Ocean Commission's recommendation. This year our subcommittee and the full Resources Committee have done nothing to comprehensively consider or address the commission's recommendations despite my repeated requests.

What we have done instead is to hold a random assortment of hearings on a few areas that are mentioned in the commission's report, but without getting into any of the commission's recommendations. We seem to be highlighting the status quo rather than using the commission's recommendations to move forward.

Now, today in the face of the Republicans' consistent refusal to comprehensively address ocean issues, we are now handed the emptiest of promises that this oceans task force would mean real progress in dealing with the commission's recommendations. We are not going to fall for that, Mr. Speaker. Democrats are going to oppose this task force because it does nothing. Its task will literally be to write a report on a report that itself is already quite prescriptive in its instructions to Congress.

We don't need to study what is wrong with the oceans. We don't need more reports. What we need now is action, real action, not this task force.

I would point out that the resolution says we are going to spend $400,000, that is on top of the $10 million that the U.S. Oceans Commission has already spent. That is taxpayer dollars. That does not count the Pew Commission. That, I think, was mostly private funds. And this is at a time when I keep hearing from the House Republican leadership about how we do not have any money and we have to cut expenses and we do not want to waste our money. Well, why are we wasting another $400,000 in taxpayers' money on a task force that does not even have any legislative responsibility?

I listened to Mr. HASTINGS, who sponsored this resolution. He said that there is no legislative jurisdiction in this task force. And I have heard my colleague, whom I respect greatly, the gentleman from Maryland. He is my chairman and I respect him greatly, but he goes on to say that there are so many committees that have jurisdiction over this that we don't have the time to deal with it.

Let me tell you, the House Republican leadership has no problem even ignoring committees and writing a lot of legislation in the Rules Committee when they want to get something done. I respect my colleague, but don't tell me that this Republican leadership needs another task force to write a bill, because I have seen bills written in the Rules Committee and come to the floor directly without even going to committee. I just don't buy it.

The truth is the real obstructionists are the Republican leaders and the Republicans on the Resources Committee, not all, but most, who have refused to allow a comprehensive consideration of major ocean issues this entire year.

And I mean not just haphazard hearings, but actually doing something that is meaningful.

The majority proposes to ignore this issue for another 6 months by creating a task force that has no legislative authority and comes with no guarantee that we will be any closer to serious action than before we started.

I want to say that my Democratic colleagues have specific recommendations that they have put in legislative form, and some of them are here on the floor. The gentleman from California (Mr. FARR) has put together the Oceans 21 bill that has most of the government's issues that come out of the U.S. Commission report.

He is a cochair of the Oceans Caucus. The gentleman from Maine (Mr. ALLEN) has put forward the Fishing Quota Standards Acts, again adopting a lot of these recommendations. We also have the reauthorization of the Coastal Zone Management Act.

Democrats have been out there with legislation that we would like to move through committee that adopt the recommendations of the U.S. Oceans Commission's report. We have alternatives. We do not need another task force.

And I would point out over and over again I am getting very frustrated, and it may be obvious, with the fact that there is no action on the Republican side. The oceans are a tremendous resource for this Nation. The fishermen, the beach-goers, the coastal business owners in my district, they know this. They expect us to be working on problems facing our oceans. They would be quite disappointed to hear that the House leadership continues to ignore these problems and instead is choosing to avoid real action by studying this problem for another year.

Again, the Pew Commission, U.S. Oceans Commission, they have sounded an alarm; and it is time to do something to save our oceans and what is in our oceans. Let us reject this unnecessary task force and get down to some real work.

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

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

I would just like to respond to my colleague on the other side of the aisle. This issue did not pop up out of thin air. My colleagues on the other side of the aisle know full well that we have been working on this. We have had numerous, numerous conversations since last May on this particular task force. Leon Panetta, who headed the Pew Ocean Policy Commission's report, is in favor of this task force. Admiral Watkins, who worked on the Oceans Commission's report, is in favor of this task force. As a matter of fact, both of those men, Leon Panetta and Admiral Watkins, are urging my colleagues on both sides of the aisle to vote in favor of this.

Now, as far as my subcommittee that Mr. PALLONE serves on dealing with these issues, this is a commission report that did cost a few million dollars, and it is worthy of our close scrutiny, not having staff make up a bill that we do not know the substance of that bill. This commission report is worthy of our attention, of our observation, of our analysis, of our critical understanding of it.

My subcommittee has been dealing with the issues that have come under our jurisdiction. We are working on the marine mammal recommendations, marine debris recommendations, coral reef recommendations, Magnuson Act recommendations. We are doing that and passing that through the subcommittee. But 24 chapters are outside those issues. They deal with the Science Committee, the Transportation Committee, the Agriculture Committee, the International Relations Committee, the Education Committee, the Financial Services Committee. We think, instead of fragmenting this all over again because 30 and 40 years ago we went through this with the Stratton report and there was not any single entity in the House of Representatives that took a critical and analytical view of the Stratton report, we want to do that now. Now is the time to do that.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON).

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

Mr. Speaker, I rise today in support of the resolution to create a House Ocean Task Force.

During the more than 20 years I have been here in the Congress, I have made it a priority to promote protection of our oceans and effective conservation and management of the living marine resources. From protecting coastal wetlands to cleaning up our estuaries to promoting sustainable fisheries to preventing ocean pollution, each has been a priority.

We have accomplished a great deal. But as highlighted in the more than 200 recommendations contained in the U.S. Commission on Ocean Policy report released last year, much remains to be done. And as Mr. GILCHREST just pointed out, a bipartisan group to coordinate this activity is necessary, given the fragmentation that has existed in the committee system as it relates to ocean issues for more than 50 years.

As a chief sponsor in the House of the legislation to establish the U.S. Commission on Ocean Policy, I feel it is important to follow through and ensure the recommendations are effectively implemented.

□ 1645

We need to build on the momentum generated last year by the release of both the U.S. and the Pew Ocean Policy Commission reports and accomplish a true sea change in the way we utilize and manage our ocean resources. Given the scope and sheer number of recommendations from both commissions, it is also clear that we need to prioritize our efforts.

The U.S. commission recommendations to Congress include a range of issues that cannot be addressed by any single committee. This task force will develop a number of recommendations that will be forwarded to the relevant standing committees and work with those committees to see that the recommendations are implemented.

I feel it is time that we recognize that in order to make progress, we need a coordinated Congressional focus incorporating policy justifications of each of the standing committees to draft a comprehensive national oceans policy. This task force will enable us to do that, and I might say that the Republican leadership and I hope the Democrat leadership is committed to help in this effort in a very direct way.

It took more than 10 years to implement the recommendations of the Stratton Commission. We cannot wait 10 years. The first U.S. Commission on Ocean Policy was an important one, but 10 years is just too long to wait. We need to work together to ensure implementation does not take that long this time.

We need to capitalize on the enthusiasm and momentum generated by the commission reports and their recommendations. I urge my colleagues on both sides of the aisle to support this House Ocean Task Force resolution so that we will better be able to deal with ocean issues.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I want to put this debate in some perspective. It was a year ago this week that the commission that the United States Congress created gave their report to us, after spending approximately $10 million of the taxpayers' money to put the report together, a year ago. This debate is about how we spend another year before we do anything, and that is wrong.

What is lacking here is leadership. The ocean issue goes back generations. It goes back to the last administration. President Clinton had the first White House Conference on the Oceans out in California in 1997. That was where all the ideas were created that we needed to upgrade all the oceans. President Bush signed into law and appointed members of the committee which gave us this report.

What is happening is that this task force that is before the House today is just a way of delaying, stalling and not getting anything done. Everybody that is speaking here today loves the oceans. Everybody is a supporter of it, and there is not a greater supporter than Mr. GILCHREST. But, unfortunately, there is a lack of leadership behind Mr. GILCHREST.

Where, Mr. Speaker, is the leadership? There is a bill in his committee, it has been there for almost a year, and

they say, We need more time. That bill was put together with a coalition of Democrats and Republicans and Sea Grant Fellows, the staff, the Ph.D.'s and MAs to come here and work together. They are on it a year with Members and other staff.

There has been all the work done, and it has been put in a bill. It is a bipartisan bill. It has all the cosponsors of the Oceans Caucus, three Democrats and three Republicans. That bill is H.R. 2139 and the leader of that bill is Mr. WELDON from the Republican Party. We have not even been able to have a hearing, not even scheduled a hearing. That bill could pass, and it is the ocean policy. It is the sum total of the parts of those two commissions. We do not need to spend more taxpayer money and more time in our House trying to decide what to do; we just need to do it.

Now, we created a commission after 9/11, and after the recommendations came back, yes, there was debate on it, but in the same year we adopted it, and we took the recommendations. This is not being done.

Mr. GILCHREST is not getting the support. What they are giving him is a bone and saying, Here, go out and use the bureaucracy of the House to have another task force. I ask, what date are we going to have a hearing for our bill? If we want to have some leadership on this, can you give us a date when the Oceans-21 bill will be heard in your committee?

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

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

Mr. GILCHREST. I will tell you this, Mr. FARR: The aspects of Oceans-21 in your bill that is subject to the jurisdiction——

Mr. FARR. I just want to know the date. What month? January?

Mr. GILCHREST. The parts of your bill that comes under my jurisdiction—

Mr. FARR. Can we have a hearing on it?

Mr. GILCHREST. We have held hearings on those issues. We have. And we have developed from your bill legislation that is moving through the subcommittee, that many of them have already passed the subcommittee and the full committee and are awaiting floor action.

Mr. FARR. I have not seen any of that, and I am one of the cosponsors of that bill.

The Oceans Blueprint for the 21st Century is the report that we spent $10 million on. The bill to implement that is called Oceans-21. This task force, the caucus, have all been bipartisan, have been equally split. But if you want to look at it, this task force is not only a delay tactic, it is also a very partisan tactic. The task force, for no apparent reason, will have seven Republican members and only five Democratic members. This is the first time in any of the debates we have not been an equal number in leadership and work.

This is a cynical attempt to just delay, to stall. Although you have quoted Mr. Panetta and Admiral Watkins, I know they want more than anything legislation to pass, not creation of another task force.

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

Mr. Speaker, I would like to read the first paragraph, because there has been a lot of mention around here about delay and the cost of the ocean commission report. I want to read the first paragraph of the ocean commission report: America's oceans and coasts are priceless assets, indispensable to life itself. They also contribute significantly to our prosperity and overall quality of life. Too often, however, we take these gifts for granted, underestimating their value and ignoring our impact on them. Then our use of the oceans becomes abuse and the productive capacity of our marine resources is diminished.

In 6 months, June 30, this bipartisan task force, made up as a reflection of the ratio of Democrats and Republicans in the House, which is standard practice for all committees, will issue its comprehensive report, legislative recommendations, so that each one of the fragmented committees will not have to deal with these issues that they have very little expertise with in any way.

This is a bipartisan task force that is funded with its own staff separate from any other committee or influences from any other committee to deal with the issue of oceans, which determine the climate, determine the weather, determine the air we breathe, the food source for billions of people. This is an issue that we can get together on, have a bipartisan working relationship and put aside our partisan bickering, because the oceans are priceless. We have some work to do, and we can accomplish that by June 30.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this resolution for many of the reasons that my colleagues have cited.

The fact of the matter is, we have the blueprint for what needs to be done on the oceans. $10 million was spent developing it. We have another one from the private sector, from the Pew Foundation, led by our former colleague Leon Panetta. I think they spent over $4 million. The Resources Committee has a budget of $14 million. If there are five other committees, most of their budgets are larger than ours, so you are approaching almost $100 million in public moneys that are available to deal with this issue. And yet we are going to create a task force to study a study and spend another $400,000. Either the place is so terribly bureaucratized that it cannot respond or it does not want to respond.

The fact of the matter is, we can do this through a select committee and end up with a legislative product, or we can do this through a task force and end up with a study of a study recommending to the committees, that have not shown any interest to date, that they should do something about the oceans.

You are right, the oceans are far too important to be left to that mechanism. But the fact of the matter is, this task force does not take this any further down the road.

This is about action. As Mr. FARR said, it is about leadership. We have the expertise in the committees. When we did the energy bill, the Speaker told us that the energy bill would be on the floor by a certain date. The Commerce Committee did their part, the Ways and Means Committee did their part. Transportation did their part. Resources did their part. We saw the bill on Monday. We talked about it on Wednesday, voted on it on Friday. It was on the floor the following week. Not a great process, but they obviously wanted to do something to have an energy bill on the floor.

We have done that in other cases. Here they simply do not want to do it. They really just do not want to do this to protect the oceans, because it requires a commitment of resources. It requires a national commitment to protect the oceans, and the Republican Congress is not interested in doing that. If they wanted to do it, they would do it. They simply do not want to do it.

But what they want to do now is just throw some additional money at it to kind of kick the can down the road. The emotions are too important to be kicked down the road. This should be addressed by this Congress. We have had a year, and nothing has happened. So now we are going to spend another 6 months and the ball is not going to get advanced very far, other than politically, and then we are going to be back telling the committees they should do something about the oceans. We just spent $15 million telling the committees they should do something about the oceans.

So this is about whether you have the will to do something about the oceans, whether you have the political ability to do something about the oceans and the leadership to do something about the oceans, or you do not. It just does not make any sense.

This system, I guess, should become more flexible to deal with, because almost all of the tasks now that the Congress deals with cut across committee jurisdiction lines. So we ought to become more flexible to deal with it. We should not just be throwing more money at it to pretend like we are doing something to advance this incredibly important, incredibly urgent oceans agenda. This task force does not deal with that. I urge my colleagues to vote against this.

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

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

Mr. Speaker, as one point of clarification regarding the claim made by the gentleman, our chairman, that no select committee was formed to consider the Stratton Commission recommendations, I believe that the gentleman from Maryland was in fact wrong on that. The Senate specifically established a National Ocean Policy Study in the Commerce Committee for that purpose.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, as the saying goes, it is time for a lot less talk and a lot more action. The other side of the aisle talks a good game on protecting our oceans, but they control the Resources Committee. They control the House floor schedule. They control this Congress. And what have they done? At any time, they can use the House Resources Committee to bring up legislation to protect the oceans, but they have yet to have hearings or move legislation on marine protected areas, regional governance or coastal management. Instead, they have continually tried to open up our coasts to offshore drilling.

I have introduced H.R. 1712 to protect the coast of Sonoma County, California, as part of the National Marine Sanctuary Program, but there have been no hearings on this bill or any other bill to protect our oceans. Let us be clear with the American people: This task force that this bill creates will have no ability to truly affect policy.

Mr. Speaker, I would ask that instead of talking a good game, that they start bringing up bills, such as H.R. 1712, that would truly protect our oceans.

Mr. GILCHREST. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

□ 1700

Mr. SAXTON. Mr. Speaker, I would just like to point out to my friends on the other side of the aisle that Mr. GILCHREST has spent a great deal of time in working with leadership on this issue, recognizing that there is a process problem here in that the Oceans-21 bill that we all want to see passed is in the jurisdiction of quite some number of committees.

For example, the Agriculture Committee has jurisdiction with regard to issues involving runoff. The Armed Services Committee has obvious jurisdiction over issues involving the Navy. The Transportation Committee is where the Coast Guard subcommittee is housed. The Resources Committee, obviously made up of Interior members I might add, has great jurisdiction here, as does the Financial Services Committee and the Education Committee.

What Mr. GILCHREST is attempting to do here, and I support his effort very much, is to have a bipartisan commission made up that can work with leadership to work it through this morass, this maze of standing committees. If we do not do that, the sure bet is that this bill in this term is going nowhere.

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

Mr. Speaker, again, I think it is very important that we vote no on this resolution. Essentially, it is going to accomplish nothing. I said before that, when Mr. HASTINGS, who is the sponsor, first spoke earlier today, he said that the task force will have no legislative jurisdiction. If you read section 3, Jurisdiction, under the resolution, it specifically says: The task force may develop recommendations and report to the House on the final report of the U.S. Commission on Ocean Policy making recommendations for a national oceans policy entitled, An Ocean Blueprint For the 21st Century.

So, again, it says in the resolution, this is nothing but a report on another report which is already 500 pages, and $10 million of taxpayers' money has been spent on it. Why should we spend another $400,000 to come up with another report on the report with no legislative action? My democratic colleague Mr. FARR says he has a bill, Oceans-21. He is the co-chair of the Oceans Caucus, bipartisan legislation. He asked the gentleman from Maryland, when is there going to be a hearing on that? No answer. When is it going to be reported out? No answer. Why? Because this Republican Congress does not want to take any action on the ocean commission's recommendations. They just want to do another study, another report, another 6-month delay, another $400,000, $500,000 spent. It is ridiculous. We had the gentlewoman from California (Ms. WOOLSEY) she said, why isn't her bill being reported?

Now, I know my colleague from Maryland said, Well, we can't do this because this goes across so many committees' jurisdictions. That is really not a legitimate argument.

The bottom line is that this House Republican leadership has taken bills, as I said many times, written them in the Rules Committee. The notion that they cannot get their act together and report out some of these bills, it just does not make any sense. I think that what we are seeing here is a delaying tactic. If you think about it, once this gets started, another 6 months, we will be halfway into the last year of this Congress, and we will basically see absolutely nothing happen. The only way that we are going to see action on the Ocean Commission's recommendations, the only way that we are going to see anything happen here is if we eliminate this task force and we demand and build pressure on the Republican leadership to report out legislation that has already been introduced that would enact the U.S. ocean commission's report. That is the main reason I believe why we must vote no on this legislation. It will accomplish nothing. It is simply another delay.

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

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

Mr. Speaker, this task force creates an opportunity to bypass, eliminate the bureaucracy and fragmentation of the myriad of jurisdictions of this body. This task force creates a new dynamic. It brings people in, Democrats, Republicans. It brings the public into the process. It brings scientists into the process. It brings people who work in all the various marine industries into the process to evaluate, to analyze in a very clinical manner the ocean commission recommendations.

This is about specific recommendations coming out of a bipartisan task force with the idea that we eliminate bureaucracy; we eliminate the committee jurisdiction problems and hand to these various committees the specific recommendations that we have evaluated over this 6-month period of time.

The subcommittee is moving legislation with the recommendations from the ocean commission report and the Pew Commission report on oceans. We are dealing with what to do about sanctuaries, marine protected areas, coral reefs, marine debris, Magnuson issues, ecosystem management of the fisheries. All of these things subject to our jurisdiction and the rules of the House are being moved through that subcommittee. I urge my colleagues to vote in favor of the task force.

Mr. RAHALL. Mr. Speaker, I rise to express my opposition to this resolution.

This Ocean Policy Task Force resolution, while well intentioned by its sponsor, is misguided. Its effect would be to deceive the American public into believing that the House of Representatives is actually working to advance the recommendations of two comprehensive ocean policy reports when the opposite is true.

As the Ranking Democratic Member on the Committee on Resources, I staunchly support efforts to restore our ocean and coastal environment. But what we have before us today smells fishy and I urge Members to oppose this ill-advised resolution.

Last September, the U.S. Commission on Ocean Policy sent up to the Congress a comprehensive report that included over two-hundred specific recommendations to guide the development of a new national ocean policy for the 21st Century.

That report—the first of its kind in over thirty years—handed the Congress an action agenda to finally address the degraded condition of our ocean and coastal resources. The Commission was filled with highly credentialed professionals with expertise in policy, economics, science, technology and resource management drawn from both the public and private sectors and academia.

No one, absolutely no one, questions the caliber of the Commission. For the Congress to assert that it can do a better job in six months time than the experts appointed to the Commission did in three years is absurd.

Moreover, the Ocean Commission's report echoed similar findings and recommendations to those made in the 2003 report released by the independent Pew Oceans Commission, chaired by our former colleague, the Honorable Leon Panetta.

If there was anything that these reports conveyed, it is that this is a pressing national problem.

Unfortunately, rather than rolling up our sleeves and working in a bi-partisan fashion to begin a process of genuine oversight to evaluate the merits of the Ocean Commission's work, months have been allowed to lapse with little, if any, meaningful oversight; without the development of any joint strategy; and absent any leadership by the Republican majority.

I, along with Members from both sides of the aisle, have introduced legislation to implement several of the Commission's recommendations. My legislation, for example, addresses fisheries management, including how the various fisheries management councils can perform in a more transparent and effective manner.

But instead of debating these substantive proposals, the majority leadership trots out a resolution to create a toothless Task Force on Ocean Policy which will only waste precious time.

This is a classic stalling tactic of government—to study an issue to death. Sadly, our oceans could be on life support before this Republican-led Congress acts to implement the Commission's recommendations.

I urge members to support true oversight of the Ocean Commission's recommendations and to oppose this misguided resolution.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the resolution, H. Res. 599.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## COAST GUARD HURRICANE RELIEF ACT OF 2005

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4508) to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

The Clerk read as follows:

H.R. 4508

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Coast Guard Hurricane Relief Act of 2005''.

**SEC. 2. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.**

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The Coast Guard strategically positioned its aircraft, vessels, and personnel the day before Hurricane Katrina made landfall and launched search and rescue teams within hours after Hurricane Katrina struck.

(3) The Coast Guard moved its operations in areas threatened by Hurricane Katrina to higher ground and mobilized cutters, small boats, and aircraft from all around the United States to help in the response to Hurricane Katrina.

(4) The response to Hurricane Katrina by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(5) The Coast Guard rescued more than 33,000 people affected by Hurricane Katrina through the air and by water, including evacuations of hospitals, and has been at the center of efforts to restore commerce to areas affected by Hurricane Katrina by clearing shipping channels, replacing aids to navigation, and securing uprooted oil rigs.

(6) The Coast Guard was at the forefront of the Federal response to the numerous oil and chemical spills in the area affected by Hurricane Katrina.

(7) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to the Gulf of Mexico coastal region.

(8) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Coast Guard should play a major role in response to any future national emergency or disaster caused by a natural event in the United States in a coastal or offshore area.

**SEC. 3. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.**

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding section 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title until not later than February 28, 2006, if—

(1) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(2) the individual is a resident of any other State, and the records of the individual—

(A) are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(B) were damaged or lost as a result of Hurricane Katrina.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the Department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title until not later than February 28, 2006, if—

(1) the individual is a resident of Alabama, Mississippi, or Louisiana; or

(2) the individual is a resident of any other State, and the records of the individual—

(A) are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(B) were damaged or lost as a result of Hurricane Katrina.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

**SEC. 4. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.**

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 3 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires February 28, 2006.

**SEC. 5. PRESERVATION OF LEAVE LOST DUE TO HURRICANE KATRINA OPERATIONS.**

(a) PRESERVATION OF LEAVE.—Notwithstanding section 701(b) of title 10, United States Code, any member of the Coast Guard who serves on active duty for a continuous period of 30 days, who is assigned to duty or otherwise detailed in support of units or operations in the Eighth Coast Guard District area of responsibility for activities to mitigate the consequences of, or assist in the recovery from, Hurricane Katrina, during the period beginning on August 28, 2005, and ending on January 1, 2006, and who would otherwise lose any accumulated leave in excess of 60 days as a consequence of such assignment, is authorized to retain an accumulated total of up to 90 days of leave.

(b) EXCESS LEAVE.—Leave in excess of 60 days accumulated under subsection (a) shall be lost unless used by the member before the commencement of the second fiscal year following the fiscal year in which the assignment commences, or in the case of a Reserve members, the year in which the period of active service is completed.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

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

Mr. Speaker, I urge my colleagues to support this important bill to address the concerns of Coast Guardsmen and the merchant mariner community that

were affected by the recent hurricanes along the gulf coast. Most of the provisions that are being offered in this bill are nearly identical to the language that was included in H.R. 889, the Coast Guard Maritime Transportation Act of 2005, that is currently in conference with the Senate. The conferees have made a great deal of progress towards reconciling the language in both bills. However, some issues remain unresolved. As a result, we are moving these temporary extensions today.

This bill authorizes the Coast Guard to temporarily extend the validity of Merchant Mariner Document licenses and vessel certificates of inspection for mariners and vessel owners in the region that was affected by Hurricane Katrina. This extension will allow merchant mariners to continue working in the gulf region and will also allow the Coast Guard to continue its efforts to recover documents that were held at the Regional Examination Center in New Orleans.

This bill also includes a provision to preserve up to 90 days of accumulated leave that would have been lost at the end of this year for Coast Guardsmen who were assigned to operations in response to Hurricane Katrina.

Lastly, the bill commends the men and women of the Coast Guard for their heroic and extraordinary service in response to Hurricanes Katrina and Rita this year.

We all watched with admiration at the skill of the Coast Guard helicopter and boat crews who rescued over 33,000 Americans. And while there were a lot of questions and still remain a lot of questions about the Federal response and that whole situation surrounding the gulf coast storms, the Coast Guard is a shining bright light of what dedication and extraordinary service to their country these young men and women have provided in response to a national disaster and emergency, the likes of which we have hardly ever seen before. We thank them for their selfless service and celebrate their bravery and outstanding efforts.

I urge my colleagues to join me in supporting the Coast Guard and the maritime community by supporting this important bill.

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

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume. I thank Mr. LOBIONDO for moving this legislation so rapidly given the emergency circumstances.

As the chairman said, during the days and weeks after the onslaught of Hurricanes Katrina and Rita, the Coast Guard showed what a Federal agency can do when it is prepared.

The Coast Guard, whose motto is Semper Paratus, always ready, was prepared to respond to this storm. Before levees ever broke, the Coast Guard was flying additional helicopters and extra air crews into the gulf region. Once the storm hit, their air crews and boat crews were operating 24 hours a day to save their countrymen.

The chairman and I visited the Coast Guard after the bulk of the work was done in the New Orleans area to get a briefing and to congratulate them on behalf of all the Members of the Congress for their work. And we saw their work. We saw that being prepared to respond to a disaster is not just a paper exercise to sit on the shelf when the big one occurs. Being prepared is something they do every day. They develop relationships with State and local government officials. They know who in the private sector can help provide resources to respond. They make decisions quickly so that they can implement an effective response. And as the chairman said, they saved over 33,000 lives during their response to the hurricanes.

So this bill addresses a number of Coast Guard related issues that need to be addressed very quickly. They were in H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, when we passed the bill in the House in September. However, the conferees on this bill have been unable so far to come to a resolution on all the issues, and there are a few time-sensitive provisions that cannot wait. For example, section 3 of this bill allows the Coast Guard to temporarily extend the license and Merchant Mariner Documents for individuals whose personnel records were damaged or destroyed in the 8 feet of water that flooded the Coast Guard Record Center in New Orleans. It also allows the Coast Guard to extend the license and documents of individuals who are residents of Louisiana, Alabama and Mississippi since their own personal records may have been destroyed in their home or office.

Current law states that a license or Merchant Mariner Document is only valid for 5 years. Some of those documents are expiring, and the Coast Guard feels they cannot extend them without the paperwork that is in their flooded building or in the mariner's home. So this bill allows these licenses and documents to be extended to the end of February 2006.

The gentleman from Florida (Mr. BOYD) has raised this issue with me over the past week when it became apparent that the conferees were not going to complete the work on H.R. 889. And I want to thank the chairman and his staff for allowing us to work this out so quickly and to be able to assure the gentleman that his concerns have been addressed in this bill. Any mariner who is a resident of Florida may have his or her license or Merchant Mariner Document renewed if their records were in the Coast Guard's Records Office in New Orleans that was flooded.

Similarly, section 4 allows the Coast Guard to temporarily extend the certificate of inspection or certificate of compliance if the vessel is normally inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi or Louisiana.

Several hundred men and women in the Coast Guard spent so much time responding to Hurricane Katrina that they themselves were not able to use their accumulated leave before the end of the fiscal year. So this bill in section 5 allows Coast Guard personnel who were involved in this hurricane response to carry over for 90 days instead of the normal 60 days that they were allowed.

Finally, Mr. Speaker, H.R. 4508 expresses a sense of Congress that the men and women serving in the Coast Guard went above and beyond the call of duty when they responded to Hurricane Katrina and thanks them for their continued dedication and service to our Nation.

Mr. Speaker, again, I want to thank Chairman LOBIONDO and his staff for working so closely with our staff to get this out quickly. I urge my colleagues to voice their support for H.R. 4508.

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

Mr. LOBIONDO. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I want to thank and praise Chairman LoBiondo for his steadfast, consistent, constant advocacy of the Coast Guard because that has been very important here in Congress and very important to the Coast Guard.

I rise to commend the Coast Guard's outstanding response to Hurricane Katrina and support the Coast Guard Hurricane Relief Act of 2005. Recently, more than ever, the Coast Guard has demonstrated its unique multi-mission role as the world's premiere maritime service.

The devastation caused by Hurricane Katrina along our gulf coast had been well documented. One of the best stories to emerge from this disaster has been the heroic work of our Coast Guard. Hurricane Katrina ravaged Coast Guard stations in Gulfport and Pascagoula, Mississippi, and looters wrecked part of its New Orleans base.

□ 1715

But that did not stop the Coast Guard from sending out rescue helicopters, cutters, and small boats on dangerous and exhausting missions to save lives and clear waterways after the hurricane ravaged the gulf coast.

By August 30, the Coast Guard had rescued some 1,200 people even though continued gale force winds made air and sea operations extremely hazardous.

In the first 5 days after Katrina hit, the Coast Guard surged 30 cutters, 38 helicopters and over 5,000 personnel into the affected areas. In addition to search-and-rescue operations, these assets also provided vital security, logistics, and communications support to the areas hardest hit by the storm. At the height of Katrina rescue operations, over 33 percent of the Coast Guard aircraft were deployed to the affected region.

As a military, multimission maritime service, the Coast Guard performs

a unique blend of humanitarian, law enforcement, regulatory, and military missions. The service plays a critical role in providing maritime security, maritime safety, protection of natural resources, and national defense services.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources and a member of the Committee on Homeland Security, I am very aware of the critical role performed by the Coast Guard in drug interdiction and homeland security.

In this past week alone, the Coast Guard, in partnership with the Federal law enforcement agencies in the Department of Homeland Security and Justice, and the Department of Defense, seized over 10 tons of cocaine bound for our shores. In fiscal year 2005, the Coast Guard seized over 300,000 pounds of cocaine, worth approximately $9.7 billion. This was another record year of drug seizures, and the Coast Guard plays a critical role in interdicting these enormous loads before they reach our cities.

As Hurricane Katrina has made abundantly clear, our country needs a strong and robust Coast Guard, and Congress needs to ensure that we are putting the right tools and equipment into the very capable hands of Coast Guard men and women so that they may continue to deliver the robust maritime safety and security America expects and deserves.

The Coast Guard's Deepwater recapitalization project plays an absolutely critical role in building a more ready and capable 21st-century Coast Guard equal to the challenges we face today and anticipate tomorrow.

It is vitally important to our national drug control strategy and our national security, as well as protecting our Nation's citizens from natural disasters such as Hurricane Katrina, that the Deepwater project be accelerated and that there be more Coast Guard ships and aircraft to respond to the many critical missions of the Coast Guard.

The Coast Guard's motto, ''Semper Paratus,'' Always Ready, has been earned through the courage and actions of each member of the Coast Guard. I am very eager to support the Coast Guard Hurricane Relief Act of 2005 and urge this vital legislation be hopefully unanimously adopted.

Mr. LOBIONDO. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I thank the gentleman from California (Mr. FILNER) and the gentleman from New Jersey (Mr. LOBIONDO) for their work and for yielding me time.

Mr. Speaker, as has been said here earlier, the Coast Guard facility in New Orleans was destroyed by Hurricane Katrina that handles vessel licensing for those of us on the gulf coast, and with that, many of the records that handle the relicensing for those vessels.

I want to thank Chairman YOUNG and Ranking Member OBERSTAR and these gentlemen for having the foresight to try to fix this problem. They were working on it in the Coast Guard reauthorization bill, obviously; and this piece of legislation will do that.

I also want to particularly thank them for resolving the issue as it relates to Florida boat owners; and so, Mr. Speaker, I just came to say to them, thanks.

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

I will close briefly and thank the gentleman from California (Mr. FILNER) for joining me, and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for their strong support. I thank the gentleman from Florida (Mr. BOYD).

This is a great example of how we can recognize a problem, put our shoulders to the same wheel, and move forward with an issue.

I will just use the opportunity, in addition to urging my colleagues to support this legislation, to remind them that over the year we have continued to give the Coast Guard many more missions, but not any more resources. Katrina and Rita were a great example of the dedication and the training and the patriotism of our men and women in the Coast Guard, and it should be a great example for all of us as to why we must continue to focus on getting these men and women the key resources they need for additional personnel, for men and for assets.

There is not a mission that we could give the Coast Guard that they could not do unless we deny them the ability through the resources to be able to do that.

We have made some great strides this year. The Coast Guard continues to do an outstanding job in relation to their domestic priorities, but especially for their number one mission now, which is homeland security and maritime antiterrorism.

So, Mr. Speaker, once again, I thank my colleagues and urge everyone to support this legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to offer my full support for H.R. 4508, commending the Coast Guard for its outstanding response to Hurricane Katrina.

On August, 2005 we saw one of the worst natural disasters in our nation's history ravage the gulf coast along Alabama, Louisiana, and Mississippi. While many of our government agencies were unprepared to deal with such a disaster, the Coast Guard responded immediately and courageously.

The Coast Guard was responsible for saving over 33,000 lives—six times the number of lives the Coast Guard saved in 2004—after Katrina hit, coordinating pollution response with the Environmental Protection Agency, the state of Louisiana and local industries, and managing the mega-shelters in my hometown of Houston, Texas, where tens of thousands of the evacuees found relief following the storm. They have also been at the center of efforts to restore commerce to areas affected by Katrina by clearing shipping channels, replacing aids to navigation, and securing uprooted oil rigs.

Coast Guard Lieutenant Joe Leonard and the units in Houston did a remarkable job in managing these shelters that received thousands of people in the days and weeks following Katrina. Many of these people were left with nothing, but these shelters provided them food, water, and a place to stay until FEMA and other government agencies could find more suitable housing.

Mr. Speaker, I would again like to commend the Coast Guard for their remarkable job responding to Hurricane Katrina, and would urge all my colleagues to join me in supporting H.R. 4508.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of this bill.

As this body's only licensed mariner, I understand the lengths to which our Nation's mariners and vessel owners go, to obtain or renew their required licenses and documents.

This bill will allow merchant mariners and vessel owners in the gulf region to continue normal operations under existing merchant mariner documents, licenses and certificates of vessel inspection.

The bill will also allow the Coast Guard to continue its recovery of documents that were damaged by flood waters at the Regional Examination Center in New Orleans necessary to issue renewed licenses and documents in the future.

The Coast Guard has done a remarkable job to restore most services in the gulf region despite suffering significant damage to Coast Guard facilities.

However, as a result of coastguardsmen's tireless effort to protect the safety and security of our coasts many servicemen were called to duty when otherwise they would have been on leave.

This bill assures that any member of the Coast Guard that was involved in the response efforts along the gulf coast will retain accumulated leave up to 90 days that would otherwise be lost.

Lastly, this bill commends the men and women of the Coast Guard for their heroic and selfless service in response to hurricanes Katrina and Rita this year.

I urge all members to join me in supporting the Coast Guard and the Merchant Mariner community for their continued efforts to restore normal and safe operations along our gulf coast.

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

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 4508.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4508.

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

There was no objection.

## TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 972) to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes, as amended.

The Clerk read as follows:

H.R. 972

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Trafficking Victims Protection Reauthorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Prevention of trafficking in conjunction with post-conflict and humanitarian emergency assistance.
Sec. 102. Protection of victims of trafficking in persons.
Sec. 103. Enhancing prosecutions of trafficking in persons offenses.
Sec. 104. Enhancing United States efforts to combat trafficking in persons.
Sec. 105. Additional activities to monitor and combat forced labor and child labor.

TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

Sec. 201. Prevention of domestic trafficking in persons.
Sec. 202. Establishment of grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking.
Sec. 203. Protection of juvenile victims of trafficking in persons.
Sec. 204. Enhancing State and local efforts to combat trafficking in persons.
Sec. 205. Report to Congress.
Sec. 206. Senior Policy Operating Group.
Sec. 207. Definitions.

TITLE III—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 301. Authorizations of appropriations.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The United States has demonstrated international leadership in combating human trafficking and slavery through the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) and the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193).

(2) The United States Government currently estimates that 600,000 to 800,000 individuals are trafficked across international borders each year and exploited through forced labor and commercial sex exploitation. An estimated 80 percent of such individuals are women and girls.

(3) Since the enactment of the Trafficking Victims Protection Act of 2000, United States efforts to combat trafficking in persons have focused primarily on the international trafficking in persons, including the trafficking of foreign citizens into the United States.

(4) Trafficking in persons also occurs within the borders of a country, including the United States.

(5) No known studies exist that quantify the problem of trafficking in children for the purpose of commercial sexual exploitation in the United States. According to a report issued by researchers at the University of Pennsylvania in 2001, as many as 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

(6) Runaway and homeless children in the United States are highly susceptible to being domestically trafficked for commercial sexual exploitation. According to the National Runaway Switchboard, every day in the United States, between 1,300,000 and 2,800,000 runaway and homeless youth live on the streets. One out of every seven children will run away from home before the age of 18.

(7) Following armed conflicts and during humanitarian emergencies, indigenous populations face increased security challenges and vulnerabilities which result in myriad forms of violence, including trafficking for sexual and labor exploitation. Foreign policy and foreign aid professionals increasingly recognize the increased activity of human traffickers in post-conflict settings and during humanitarian emergencies.

(8) There is a need to protect populations in post-conflict settings and humanitarian emergencies from being trafficked for sexual or labor exploitation. The efforts of aid agencies to address the protection needs of, among others, internally displaced persons and refugees are useful in this regard. Nonetheless, there is a need for further integrated programs and strategies at the United States Agency for International Development, the Department of State, and the Department of Defense to combat human trafficking, including through protection and prevention methodologies, in post-conflict environments and during humanitarian emergencies.

(9) International and human rights organizations have documented a correlation between international deployments of military and civilian peacekeepers and aid workers and a resulting increase in the number of women and girls trafficked into prostitution in post-conflict regions.

(10) The involvement of employees and contractors of the United States Government and members of the Armed Forces in trafficking in persons, facilitating the trafficking in persons, or exploiting the victims of trafficking in persons is inconsistent with United States laws and policies and undermines the credibility and mission of United States Government programs in post-conflict regions.

(11) Further measures are needed to ensure that United States Government personnel and contractors are held accountable for involvement with acts of trafficking in persons, including by expanding United States criminal jurisdiction to all United States Government contractors abroad.

## TITLE I—COMBATTING INTERNATIONAL TRAFFICKING IN PERSONS

**SEC. 101. PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.**

(a) AMENDMENT.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended by adding at the end the following new subsection:

''(h) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—The United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict and humanitarian emergency assistance and program activities.''.

(b) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Secretary of Defense, shall conduct a study regarding the threat and practice of trafficking in persons generated by post-conflict and humanitarian emergencies in foreign countries.

(B) FACTORS.—In carrying out the study, the Secretary of State and the Administrator of the United States Agency for International Development shall examine—

(i) the vulnerabilities to human trafficking of commonly affected populations, particularly women and children, generated by post-conflict and humanitarian emergencies;

(ii) the various forms of trafficking in persons, both internal and trans-border, including both sexual and labor exploitation;

(iii) a collection of best practices implemented to date to combat human trafficking in such areas; and

(iv) proposed recommendations to better combat trafficking in persons in conjunction with post-conflict reconstruction and humanitarian emergencies assistance.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development, with the concurrence of the Secretary of Defense, shall transmit to the Committee on International Relations and the Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report that contains the results of the study conducted pursuant to paragraph (1).

**SEC. 102. PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS.**

(a) ACCESS TO INFORMATION.—Section 107(c)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(2)) is amended by adding at the end the following new sentence: ''To the extent practicable, victims of severe forms of trafficking shall have access to information about federally funded or administered anti-trafficking programs that provide services to victims of severe forms of trafficking.''.

(b) ESTABLISHMENT OF PILOT PROGRAM FOR RESIDENTIAL REHABILITATIVE FACILITIES FOR VICTIMS OF TRAFFICKING.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall carry out a study to identify best practices for the rehabilitation of victims of trafficking in group residential facilities in foreign countries.

(B) FACTORS.—In carrying out the study under subparagraph (A), the Administrator shall—

(i) investigate factors relating to the rehabilitation of victims of trafficking in group residential facilities, such as the appropriate size of such facilities, services to be provided, length of stay, and cost; and

(ii) give consideration to ensure the safety and security of victims of trafficking, provide alternative sources of income for such victims, assess and provide for the educational needs of such victims, including literacy, and assess the psychological needs of

such victims and provide professional counseling, as appropriate.

(2) PILOT PROGRAM.—Upon completion of the study carried out pursuant to paragraph (1), the Administrator of the United States Agency for International Development shall establish and carry out a pilot program to establish residential treatment facilities in foreign countries for victims of trafficking based upon the best practices identified in the study.

(3) PURPOSES.—The purposes of the pilot program established pursuant to paragraph (2) are to—

(A) provide benefits and services to victims of trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(B) assess the benefits of providing residential treatment facilities for victims of trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(C) assess the need for and feasibility of establishing additional residential treatment facilities for victims of trafficking.

(4) SELECTION OF SITES.—The Administrator of the United States Agency for International Development shall select 2 sites at which to operate the pilot program established pursuant to paragraph (2).

(5) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this subsection, the Administrator of the United States Agency for International Development shall enter into contracts with, or make grants to, organizations with relevant expertise in the delivery of services to victims of trafficking.

(6) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Administrator of the United States Agency for International Development shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the United States Agency for International Development to carry out this subsection $2,500,000 for each of the fiscal years 2006 and 2007.

**SEC. 103. ENHANCING PROSECUTIONS OF TRAFFICKING IN PERSONS OFFENSES.**

(a) EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES.—

(1) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 212 the following new chapter:

**"CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER CERTAIN TRAFFICKING IN PERSONS OFFENSES**

''Sec.

''3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States.

''3272. Definitions.

**"§ 3271. Trafficking in persons offenses committed by persons employed by or accompanying the Federal Government outside the United States**

''(a) Whoever, while employed by or accompanying the Federal Government outside the United States, engages in conduct outside the United States that would constitute an offense under chapter 77 or 117 of this title if the conduct had been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

''(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

**"§ 3272. Definitions**

''As used in this chapter:

''(1) The term 'employed by the Federal Government outside the United States' means—

''(A) employed as a civilian employee of the Federal Government, as a Federal contractor (including a subcontractor at any tier), or as an employee of a Federal contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily resident in the host nation.

''(2) The term 'accompanying the Federal Government outside the United States' means—

''(A) a dependant of—

''(i) a civilian employee of the Federal Government; or

''(ii) a Federal contractor (including a subcontractor at any tier) or an employee of a Federal contractor (including a subcontractor at any tier);

''(B) residing with such civilian employee, contractor, or contractor employee outside the United States; and

''(C) not a national of or ordinarily resident in the host nation.''.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of such part is amended by inserting after the item relating to chapter 212 the following new item:

**"212A. Extraterritorial jurisdiction over certain trafficking in persons offenses ..... 3271".**

(b) LAUNDERING OF MONETARY INSTRUMENTS.—Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (v), by striking ''or'' at the end;

(2) in clause (vi), by adding ''or'' at the end; and

(3) by adding at the end the following new clause:

''(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;''.

(c) DEFINITION OF RACKETEERING ACTIVITY.—Section 1961(1)(B) of title 18, United States Code, is amended by striking ''1581–1591'' and inserting ''1581–1592''.

(d) CIVIL AND CRIMINAL FORFEITURES.—

(1) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 2428. Forfeitures**

''(a) IN GENERAL.—The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

''(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(b) PROPERTY SUBJECT TO FORFEITURE.—

''(1) IN GENERAL.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

''(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

''(2) APPLICABILITY OF CHAPTER 46.—The provisions of chapter 46 of this title relating to civil forfeitures shall apply to any seizure or civil forfeiture under this subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2428. Forfeitures.''.

**SEC. 104. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING IN PERSONS.**

(a) APPOINTMENT TO INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.—Section 105(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(b)) is amended—

(1) by striking ''the Director of Central Intelligence'' and inserting ''the Director of National Intelligence''; and

(2) by inserting '', the Secretary of Defense, the Secretary of Homeland Security'' after ''the Director of National Intelligence'' (as added by paragraph (1)).

(b) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—

(1) AMENDMENTS.—Section 108(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(A) in paragraph (3), by adding at the end before the period the following: '', measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards''; and

(B) in the first sentence of paragraph (7), by striking ''persons,'' and inserting ''persons, including nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking,''.

(2) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B) of paragraph (1) take effect beginning two years after the date of the enactment of this Act.

(c) RESEARCH.—

(1) AMENDMENTS.—Section 112A of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a) is amended—

(A) in the first sentence of the matter preceding paragraph (1)—

(i) by striking ''The President'' and inserting ''(a) In General.—The President''; and

(ii) by striking ''the Director of Central Intelligence'' and inserting ''the Director of National Intelligence'';

(B) in paragraph (3), by adding at the end before the period the following: '', particularly HIV/AIDS'';

(C) by adding at the end the following new paragraphs:

''(4) Subject to subsection (b), the interrelationship between trafficking in persons and terrorism, including the use of profits from trafficking in persons to finance terrorism.

''(5) An effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis.

''(6) The abduction and enslavement of children for use as soldiers, including steps

taken to eliminate the abduction and enslavement of children for use as soldiers and recommendations for such further steps as may be necessary to rapidly end the abduction and enslavement of children for use as soldiers.''; and

(D) by further adding at the end the following new subsections:

''(b) ROLE OF HUMAN SMUGGLING AND TRAFFICKING CENTER.—The research initiatives described in subsection (a)(4) shall be carried out by the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)).

''(c) DEFINITIONS.—In this section:

''(1) AIDS.—The term 'AIDS' means the acquired immune deficiency syndrome.

''(2) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

''(3) HIV/AIDS.—The term 'HIV/AIDS' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.''.

(2) REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Human Smuggling and Trafficking Center (established pursuant to section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458)) shall submit to the appropriate congressional committees a report on the results of the research initiatives carried out pursuant to section 112A(4) of the Trafficking Victims Protection Act of 2000 (as added by paragraph (1)(C) of this subsection).

(B) DEFINITION.—In this paragraph, the term ''appropriate congressional committees'' means—

(i) the Committee on International Relations and the Committee on the Judiciary of the House of Representatives; and

(ii) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(d) FOREIGN SERVICE OFFICER TRAINING.—Section 708(a) of the Foreign Service Act of 1980 (22 U.S.C. 4028(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting '', the Director of the Office to Monitor and Combat Trafficking,'' after ''the International Religious Freedom Act of 1998'';

(2) in paragraph (1), by striking ''and'' at the end;

(3) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(3) instruction on international documents and United States policy on trafficking in persons, including provisions of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7101 et seq.) which may affect the United States bilateral relationships.''.

(e) PREVENTION OF TRAFFICKING BY PEACEKEEPERS.—

(1) INCLUSION IN TRAFFICKING IN PERSONS REPORT.—Section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) information on the measures taken by the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and, as appropriate, other multilateral organizations in which the United States participates, to prevent the involvement of the organization's employees, contractor personnel, and peacekeeping forces in trafficking in persons or the exploitation of victims of trafficking.''.

(2) REPORT BY SECRETARY OF STATE.—At least 15 days prior to voting for a new or reauthorized peacekeeping mission under the auspices of the United Nations, the North Atlantic Treaty Organization, or any other multilateral organization in which the United States participates (or in an emergency, as far in advance as is practicable), the Secretary of State shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and any other appropriate congressional committee a report that contains—

(A) a description of measures taken by the organization to prevent the organization's employees, contractor personnel, and peacekeeping forces serving in the peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of sexual exploitation or abuse, and the measures in place to hold accountable any such individuals who engage in any such acts while participating in the peacekeeping mission; and

(B) an analysis of the effectiveness of each of the measures referred to in subparagraph (A).

**SEC. 105. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.**

(a) ACTIVITIES OF THE DEPARTMENT OF STATE.—

(1) FINDING.—Congress finds that in the report submitted to Congress by the Secretary of State in June 2005 pursuant to section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), the list of countries whose governments do not comply with the minimum standards for the elimination of trafficking and are not making significant efforts to bring themselves into compliance was composed of a large number of countries in which the trafficking involved forced labor, including the trafficking of women into domestic servitude.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the Office to Monitor and Combat Trafficking of the Department of State should intensify the focus of the Office on forced labor in the countries described in paragraph (1) and other countries in which forced labor continues to be a serious human rights concern.

(b) ACTIVITIES OF THE DEPARTMENT OF LABOR.—

(1) IN GENERAL.—The Secretary of Labor, acting through the head of the Bureau of International Labor Affairs of the Department of Labor, shall carry out additional activities to monitor and combat forced labor and child labor in foreign countries as described in paragraph (2).

(2) ADDITIONAL ACTIVITIES DESCRIBED.—The additional activities referred to in paragraph (1) are—

(A) to monitor the use of forced labor and child labor in violation of international standards;

(B) to provide information regarding trafficking in persons for the purpose of forced labor to the Office to Monitor and Combat Trafficking of the Department of State for inclusion in trafficking in persons report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b));

(C) to develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards;

(D) to work with persons who are involved in the production of goods on the list described in subparagraph (C) to create a standard set of practices that will reduce the likelihood that such persons will produce goods using the labor described in such subparagraph; and

(E) to consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States.

**TITLE II—COMBATTING DOMESTIC TRAFFICKING IN PERSONS**

**SEC. 201. PREVENTION OF DOMESTIC TRAFFICKING IN PERSONS.**

(a) PROGRAM TO REDUCE TRAFFICKING IN PERSONS AND DEMAND FOR COMMERCIAL SEX ACTS IN THE UNITED STATES.—

(1) COMPREHENSIVE RESEARCH AND STATISTICAL REVIEW AND ANALYSIS OF INCIDENTS OF TRAFFICKING IN PERSONS AND COMMERCIAL SEX ACTS.—

(A) IN GENERAL.—The Attorney General shall use available data from State and local authorities as well as research data to carry out a biennial comprehensive research and statistical review and analysis of severe forms of trafficking in persons, and a biennial comprehensive research and statistical review and analysis of sex trafficking and unlawful commercial sex acts in the United States, and shall submit to Congress separate biennial reports on the findings.

(B) CONTENTS.—The research and statistical review and analysis under this paragraph shall consist of two separate studies, utilizing the same statistical data where appropriate, as follows:

(i) The first study shall address severe forms of trafficking in persons in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in acts of severe forms of trafficking in persons; and

(II) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in acts of severe forms of trafficking in persons by States and their political subdivisions.

(ii) The second study shall address sex trafficking and unlawful commercial sex acts in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in sex trafficking and commercial sex acts, including purchasers of commercial sex acts;

(II) the estimated value in dollars of the commercial sex economy, including the estimated average annual personal income derived from acts of sex trafficking;

(III) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in sex trafficking and unlawful commercial sex acts, including purchasers of commercial sex acts, by States and their political subdivisions; and

(IV) a description of the differences in the enforcement of laws relating to unlawful commercial sex acts across the United States.

(2) TRAFFICKING CONFERENCE.—

(A) IN GENERAL.—The Attorney General, in consultation and cooperation with the Secretary of Health and Human Services, shall conduct an annual conference in each of the fiscal years 2006, 2007, and 2008, and thereafter conduct a biennial conference, addressing severe forms of trafficking in persons and commercial sex acts that occur, in whole or in part, within the territorial jurisdiction of the United States. At each such conference, the Attorney General, or his designee, shall—

(i) announce and evaluate the findings contained in the research and statistical reviews carried out under paragraph (1);

(ii) disseminate best methods and practices for enforcement of laws prohibiting acts of severe forms of trafficking in persons and other laws related to acts of trafficking in persons, including, but not limited to, best methods and practices for training State and local law enforcement personnel on the enforcement of such laws;

(iii) disseminate best methods and practices for training State and local law enforcement personnel on the enforcement of laws prohibiting sex trafficking and commercial sex acts, including, but not limited to, best methods for investigating and prosecuting exploiters and persons who solicit or purchase an unlawful commercial sex act; and

(iv) disseminate best methods and practices for training State and local law enforcement personnel on collaborating with social service providers and relevant nongovernmental organizations and establishing trust of persons subjected to commercial sex acts or severe forms of trafficking in persons.

(B) PARTICIPATION.—Each annual conference conducted under this paragraph shall involve the participation of persons with expertise or professional responsibilities with relevance to trafficking in persons, including, but not limited to—

(i) Federal government officials, including law enforcement and prosecutorial officials;

(ii) State and local government officials, including law enforcement and prosecutorial officials;

(iii) persons who have been subjected to severe forms of trafficking in persons or commercial sex acts;

(iv) medical personnel;

(v) social service providers and relevant nongovernmental organizations; and

(vi) academic experts.

(C) REPORTS.—The Attorney General and the Secretary of Health and Human Services shall prepare and post on the respective Internet Web sites of the Department of Justice and the Department of Health and Human Services reports on the findings and best practices identified and disseminated at the conference described in this paragraph.

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by striking ''COOPERATIVE AGREEMENTS.—'' and all that follows through ''The President shall'' and inserting ''COOPERATIVE AGREEMENTS.—The President shall'';

(2) by striking ''described in paragraph (2)''; and

(3) by striking paragraph (2).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $2,500,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in subsection (a)(1)(B)(i) and $2,500,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in subsection (a)(1)(B)(ii); and

(2) $1,000,000 for each of the fiscal years 2006 through 2007 to carry out the activities described in subsection (a)(2).

**SEC. 202. ESTABLISHMENT OF GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.**

(a) GRANT PROGRAM.—The Secretary of Health and Human Services may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to establish, develop, expand, and strengthen assistance programs for United States citizens or aliens admitted for permanent residence who are the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States.

(b) SELECTION FACTOR.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants with experience in the delivery of services to persons who have been subjected to sexual abuse or commercial sexual exploitation and to applicants who would employ survivors of sexual abuse or commercial sexual exploitation as a part of their proposed project.

(c) LIMITATION ON FEDERAL SHARE.—The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 and 2007 to carry out the activities described in this section.

**SEC. 203. PROTECTION OF JUVENILE VICTIMS OF TRAFFICKING IN PERSONS.**

(a) ESTABLISHMENT OF PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and carry out a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking.

(b) PURPOSES.—The purposes of the pilot program established pursuant to subsection (a) are to—

(1) provide benefits and services to juveniles subjected to trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(2) assess the benefits of providing residential treatment facilities for juveniles subjected to trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(3) assess the need for and feasibility of establishing additional residential treatment facilities for juveniles subjected to trafficking.

(c) SELECTION OF SITES.—The Secretary of Health and Human Services shall select three sites at which to operate the pilot program established pursuant to subsection (a).

(d) FORM OF ASSISTANCE.—In order to carry out the responsibilities of this section, the Secretary of Health and Human Services shall enter into contracts with, or make grants to, organizations that—

(1) have relevant expertise in the delivery of services to juveniles who have been subjected to sexual abuse or commercial sexual exploitation; or

(2) have entered into partnerships with organizations that have expertise as described in paragraph (1) for the purpose of implementing the contracts or grants.

(e) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to subsection (a), the Secretary of Health and Human Services shall submit to Congress a report on the implementation of this section.

(f) DEFINITION.—In this section, the term ''juvenile subjected to trafficking'' means a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section $5,000,000 for each of the fiscal years 2006 and 2007.

**SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.**

(a) ESTABLISHMENT OF GRANT PROGRAM FOR LAW ENFORCEMENT.—

(1) IN GENERAL.—The Attorney General may make grants to States and local law enforcement agencies to establish, develop, expand, or strengthen programs—

(A) to investigate and prosecute acts of severe forms of trafficking in persons, and related offenses, which involve United States citizens, or aliens admitted for permanent residence, and that occur, in whole or in part, within the territorial jurisdiction of the United States;

(B) to investigate and prosecute persons who engage in the purchase of commercial sex acts;

(C) to educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts; and

(D) to educate and train law enforcement personnel in how to establish trust of persons subjected to trafficking and encourage cooperation with prosecution efforts.

(2) DEFINITION.—In this subsection, the term ''related offenses'' includes violations of tax laws, transacting in illegally derived proceeds, money laundering, racketeering, and other violations of criminal laws committed in connection with an act of sex trafficking or a severe form of trafficking in persons.

(b) MULTI-DISCIPLINARY APPROACH REQUIRED.—Grants under subsection (a) may be made only for programs in which the State or local law enforcement agency works collaboratively with social service providers and relevant nongovernmental organizations, including organizations with experience in the delivery of services to persons who are the subject of trafficking in persons.

(c) LIMITATION ON FEDERAL SHARE.—The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $25,000,000 for each of the fiscal years 2006 and 2007.

**SEC. 205. REPORT TO CONGRESS.**

Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

''(G) the amount, recipient, and purpose of each grant under sections 202 and 204 of the Trafficking Victims Protection Act of 2005; and''.

**SEC. 206. SENIOR POLICY OPERATING GROUP.**

Each Federal department or agency involved in grant activities related to combatting trafficking or providing services to persons subjected to trafficking inside the United States shall, as the department or agency determines appropriate, apprise the Senior Policy Operating Group established by section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)), under the procedures established by the Senior Policy Operating Group, of such activities of the department or agency to ensure that the activities are consistent with the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

**SEC. 207. DEFINITIONS.**

In this title:

(1) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term ''severe forms of trafficking

in persons'' has the meaning given the term in section 103(8) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).

(2) SEX TRAFFICKING.—The term ''sex trafficking'' has the meaning given the term in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

(3) COMMERCIAL SEX ACT.—The term ''commercial sex act'' has the meaning given the term in section 103(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(3)).

**TITLE III—AUTHORIZATIONS OF APPROPRIATIONS**

**SEC. 301. AUTHORIZATIONS OF APPROPRIATIONS.**

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) by striking ''and $5,000,000'' and inserting ''$5,000,000'';

(B) by adding at the end before the period the following: '', and $5,500,000 for each of the fiscal years 2006 and 2007''; and

(C) by further adding at the end the following new sentence: ''In addition, there are authorized to be appropriated to the Office to Monitor and Combat Trafficking for official reception and representation expenses $3,000 for each of the fiscal years 2006 and 2007.'';

(2) in subsection (b), by striking ''2004 and 2005'' and inserting ''2004, 2005, 2006, and 2007'';

(3) in subsection (c)(1), by striking ''2004 and 2005'' each place it appears and inserting ''2004, 2005, 2006, and 2007'';

(4) in subsection (d), by striking ''2004 and 2005'' each place it appears and inserting ''2004, 2005, 2006, and 2007'';

(5) in subsection (e)—

(A) in paragraphs (1) and (2), by striking ''2003 through 2005'' and inserting ''2003 through 2007''; and

(B) in paragraph (3), by striking ''$300,000 for fiscal year 2004 and $300,000 for fiscal year 2005'' and inserting ''$300,000 for each of the fiscal years 2004 through 2007'';

(6) in subsection (f), by striking ''2004 and 2005'' and inserting ''2004, 2005, 2006, and 2007''; and

(7) by adding at the end the following new subsections:

''(h) AUTHORIZATION OF APPROPRIATIONS TO DIRECTOR OF THE FBI.—There are authorized to be appropriated to the Director of the Federal Bureau of Investigation $15,000,000 for fiscal year 2006, to remain available until expended, to investigate severe forms of trafficking in persons.

''(i) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HOMELAND SECURITY.—There are authorized to be appropriated to the Secretary of Homeland Security, $18,000,000 for each of the fiscal years 2006 and 2007, to remain available until expended, for investigations by the Bureau of Immigration and Customs Enforcement of severe forms of trafficking in persons.''

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

The Chair recognizes the gentleman from New Jersey.

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

Mr. Speaker, 5 years ago when Congress passed the Trafficking Victims Protection Act of 2000, the United States assumed a leadership role in combating the modern-day slavery known as human trafficking. As chief sponsor of the Trafficking Victims Protection Act, or TVPA, helped transform the way governments and the private sector around the world respond to human trafficking.

Enactment of H.R. 972, the reauthorization of the act, will ensure that we continue to make progress and significant in-roads. Along with many new initiatives, H.R. 972 also reauthorizes appropriations for fiscal years 2006 and 2007 for antitrafficking programs of all relevant Federal agencies.

It is worth noting, Mr. Speaker, that in the past 4 years twice as many people in the United States have been prosecuted and convicted for trafficking than in the prior 4-year period. I would note parenthetically in my own State, Christopher Christie, the U.S. Attorney, has gone after one group of traffickers after another, Russian mobsters and those who have trafficked women in from Latin America, and has gotten convictions while simultaneously liberating the women from this scourge of modern-day slavery. Worldwide, more than 3,000 traffickers were convicted last year, a significant increase from the previous year. These numbers reflect an increasing number of countries adopting the laws necessary to combat trafficking and having the political will to implement those laws.

I would also note that since 2001, more than 800 survivors of trafficking in the United States have been found eligible for assistance. More than 400 victims have received a T visa. Likewise, in many countries, victims—mostly women and young girls—are now receiving shelter, job training, and critical medical assistance.

Just a few weeks ago, my wife and I were in Lima, Peru, and went to a trafficking shelter and saw young women who had been trafficked, who were now getting life skills, but also getting the kind of medical and psychological assistance to get their lives back together again.

Without a doubt, Mr. Speaker, much has been accomplished; and yet an estimated 600,000 to 800,000 people are still being trafficked across international borders each and every year. Possibly millions more are trafficked internally within the borders of countries.

Upon enactment, title I of this bill would continue to fight against international trafficking. H.R. 972 will put pressure on international organizations to implement reforms needed to tackle the unconscionable situation of peacekeepers or other international workers being complicit in trafficking and sexual exploitation.

I would point out that on December 6, the OSCE adopted a decision calling on States to prevent peacekeepers from being complicit in trafficking or abusing in a sexual way the local population. We only have to remember what happened in the Congo, where little 13- and 14-year-old girls were raped by U.N. peacekeepers, and that is as recent as just a few months ago. Thankfully, there is a zero tolerance policy now; and, hopefully, it will have real meaning in the field.

Indeed, as confirmed in an October report by Refugees International, peacekeeper reform has not been implemented at some U.N. missions in places such as Haiti and in Liberia because of a deep-seated culture of tolerating sexual exploitation.

H.R. 972 would also require the annual Trafficking in Persons report to include information by groups like the U.N., the OSCE and NATO to eliminate involvement in trafficking by any of the organizations' personnel. We know we can recount one instance after another where in-country when they are in a very authoritative position these personnel, peacekeeping and non-peacekeeping alike, have exploited the local population.

Under H.R. 972, the Secretary of State would also report to Congress before voting for a peacekeeping mission about the measures taken to prevent and, if necessary, punish trafficking or sexual exploitation by peacekeepers.

To ensure that our own house is in order, the bill would create criminal jurisdiction over Federal employees and contractors for trafficking offenses committed overseas while on official business.

The bill will also focus the State Department, USAID and DOD on improving trafficking prevention strategies for post-conflict situations and humanitarian emergencies in which indigenous populations face a heightened vulnerability to violence.

The legislation also would amend the criteria used in the annual TIP report, or Trafficking in Persons report. The new criteria will include consideration of governments' efforts to reduce demand for prostitution, to prevent sex tourism, to ensure that peacekeeping troops do not exploit trafficking victims, and to prevent forced labor or child labor in violation of international standards.

Unlike transnational cases of trafficking, few governments are yet willing to recognize internal trafficking within their own borders. Even in the United States, Mr. Speaker, American citizens and nationals who are trafficked domestically, often from one State to another, are still viewed through the lens of juvenile delinquency, rather than victims of crime, worthy of compassion and assistance.

Title II of H.R. 972 shines a new light on our own domestic trafficking problem. Enactment of this bill will begin to shift the paradigms so that these exploited girls and women will receive assistance that they so desperately need.

I would like to thank my good friend and colleague, DEBORAH PRYCE for her good work on this provision. The gentlewoman from Ohio (Ms. PRYCE) was the author of legislation, the End Demand Act, and those provisions are in this legislation, mostly intact, and I want to thank her for her leadership in

doing that. It will make a difference for many American girls, mostly the runaways who are then victimized by the traffickers; and I certainly appreciate her work on this.

The bill's domestic provisions, Mr. Speaker, respond to a very real need, and I will give my colleagues one example. On December 6, there was an article in the Seattle Post-Intelligencer that said that Seattle has become a major hub on the child trafficking circuit. The article states: ''Despite Seattle's extensive network of services for youths, there is one 15-bed temporary shelter, it is the only place, other than a jail cell, where children trapped in prostitution can find respite, albeit brief. There is nothing in the city, or even in Washington State, dedicated to helping young people permanently free themselves from sex work.''

We find that is the case all over the country, including my own State of New Jersey.

Having seen this void, again, this legislation responds. It also provides money for a pilot program under the Department of Health and Human Services to help these victims of trafficking.

The bill also, Mr. Speaker, enhances State and local efforts through grants to encourage the enforcement of antitrafficking and antiprostitution laws, re-education programs, modeled after what they call ''john schools'' for people arrested for soliciting prostitution, and training for law enforcement on how to work compassionately and effectively with trafficked persons. All of the funded programs will involve collaboration between law enforcement agencies and NGOs.

Again, I would just like to thank my colleagues on both sides of the aisle for their work on this legislation: Chairman SENSENBRENNER, who marked this legislation up and wrote some very, very good provisions; again, I mentioned Chairman PRYCE who, again, was so effective in getting the domestic language into this bill; Chairman HUNTER, Chairman BARTON, Chairman HYDE, my good friend and colleague, Mr. LANTOS, who is ever a great friend and colleague when it comes to anything dealing with human rights and, in particular, on human trafficking.

□ 1730

I also want to thank our Republican leadership, particularly Majority Leader BLUNT and MIKE PENCE, who were original cosponsors, along with almost 100 Members of the House, both sides of the aisle, that have joined in to make this legislation possible. I also want to thank a number of staff members who were instrumental in getting this bill to the floor: Eleanor Nagy, Director of Policy for the Africa, Global Human Rights and International Operations Subcommittee of the committee I serve as chairman; Maureen Walsh, to my left, General Counsel of the OSCE, or Helsinki Commission; Renee Austell; Jack Scharfen; and David Abramowitz. Again, David and I worked with Joseph Reese, way back when the first bill was enacted, and he did yeomen's work on writing provisions and working with us. Dr. King as well for his great work. Katy Crooks from the Judiciary Committee. And Cassie Bevin from the Majority Leader's Office. There are just so many people who have corroborated on this, and I want to thank them for their tremendous work.

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

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

Mr. Speaker, once again, this House is considering a measure that will demonstrate leadership in the fight to end the heinous act of trafficking in human beings, another manifestation of the dark side of globalization that has locked thousands of women, children and men into sexual and labor bondage.

This fight has not been without its victories. Over the past 5 years, since our House first approved the Trafficking Victims Protection Act of 2000, thousands of victims of modern-day slavery have been freed; a number of countries have adopted new comprehensive anti-trafficking legislation; and countries across the globe have woken up to the ravages of this heinous crime.

The international community, Mr. Speaker, continues to ratchet up the pressure on the traffickers, as more and more countries join the International Protocol Against Trafficking negotiated at the United Nations, with the United States ratifying this critical document earlier this month after bipartisan urging by our International Relations Committee.

While we can be proud of what we have accomplished so far on a bipartisan basis, it remains the tragic truth that the problem of trafficking in persons continues to be a human rights violation of extraordinary magnitude. According to our Department of Justice, 600,000 to 800,000 human beings are sent across national borders every year in a state of near or actual slavery, with 15,000 to 20,000 coming to our own shores. Mr. Speaker, we must continue to keep the pressure on our own government and all governments to address this severe human rights violation.

I want to commend my distinguished colleague from New Jersey (CHRIS SMITH) for his extraordinary and persistent work on this most important legislation. He is the hero of this bill and deserves unlimited praise. The bill provides for increased focus on labor trafficking; it launches an initiative in the critical area of child soldiers; establishes new programs for Federal-State partnerships in the area of trafficking here in our own country; and provides for robust funding of U.S. anti-trafficking programs.

Mr. Speaker, let me just say a word about Federal-State cooperation in the area of anti-trafficking legislation. Our 2000 Act has spurred efforts by State and local governments to take responsibility for doing their part to combat this scourge. For example, in California, the State legislature recently adopted legislation supported by Assemblywoman Sally Lieber and State Senator Sheila Kuehl, with key support from San Francisco's outstanding District Attorney Kamala Harris, that creates a new State felony for trafficking and provides extensive protections to trafficking victims that are unique in the United States.

Mr. Speaker, California's leadership on this has been critical. We need to understand that those who are subject to trafficking are not criminals but are victims subject to one of the most devastating practices that leave them in a permanent state of shock. Some of them will never be able to testify against their accusers, and we should not expect them to do so.

I think we must recognize that, here in the United States, this devastating human rights abuse can only be contained and then eradicated with the help of local enforcement and social service agencies which have the contacts in the community to identify trafficking victims and criminal rings. Earlier this year, using many local contacts in our community, San Francisco District Attorney Harris was able to break up a trafficking ring with roots in the Bay area, arresting 27 suspects and freeing over 100 innocent victims.

We need to empower more Kamala Harrises, and for this reason, I fully support the provisions of our legislation that provides support to State authorities to bring them into the alliance to eliminate trafficking. It is the only way we will make real progress in combating this scourge.

Mr. Speaker, I include at this point for the RECORD a more fulsome explanation of the California law.

Mr. Speaker, I would like to commend the actions of three California leaders who have shown great vision, dedication and care in their advocacy for victims of human trafficking by passing through the State legislature and into law the California Trafficking Victims Protection Act, also known as Assembly Bill 22. The sons and daughters of the great State of California owe a great debt of gratitude to Assemblywoman Sally Lieber, State Senator Sheila Kuehl, and San Francisco District Attorney Kamala Harris for shepherding through the passage of AB22 earlier this year.

The bill provides an essential remedy to an ongoing human tragedy. Human trafficking is effectively modern-day slavery. It is the forced movement of innocent people against their will for the purpose of extracting labor from them, usually in the most degrading of duties. Victims of this crime against humanity are often coerced into becoming workers in the sex trade or in sweatshops. Also, forced domestic and agricultural servitude reflect areas where abuse is rampant.

The extent of the human trafficking epidemic is shocking. The State Department estimates

that globally well over half a million people, most of them women, are traded in such a manner as if they were mere property every year. However, the problem is not solely a concern for those who conduct the foreign policy of our Nation; there is a notable domestic component to the issue as well. A recent report by the Human Rights Center at my alma mater, the University of California at Berkeley, identified 57 different forced-labor operations in the State of California alone during the period between 1998 and 2003, and its authors estimate that at any given time there are more than 10,000 such victims in our country working under the threat of violence.

This is the remarkable tragedy that the proponents of AB22 have sought so rightfully to address. The most basic function of the bill is to designate a special crime in the State penal code for the category of human trafficking. Whereas the Federal Government passed the Victims of Trafficking and Violence Protection Act in the year 2000, that bill only allows for courts to punish traffickers once they have crossed State lines.

While the existing State law used to bind prosecutors' hands by forcing them to charge these disgusting crimes under various indirect categories such as kidnapping or false imprisonment, the California Trafficking Victims Protection Act creates a special State crime that is punishable with a minimum of 3 years in jail and directs State law enforcement to make human trafficking cases an organizational priority along with combating drug trafficking and gang activities.

The act positions California to be a national leader on this issue. Although in recent months a number of other States have passed laws designed to close the human trafficking loophole in their penal codes at the urging of the Department of Justice—including Minnesota, Missouri, Arizona, and Texas—California has passed a far more comprehensive bill that surpasses Federal guidelines by providing victims of human trafficking with fuller protections under the law.

The California Trafficking Victims Protection Act establishes a victim-caseworker privilege to coax survivors of this brutal crime to seek justice. The bill allows victims to bring civil cases against their captors, and it includes asset-forfeiture provisions to cut into traffickers' profits and take some of the financial incentives out of this black-market phenomenon. The bill also provides for a State-appointed task force to coordinate efforts among nonprofits, law enforcement, and victims' groups to fight human trafficking on a grassroots level.

The bill's author, State Assemblywoman Sally Lieber of Mountain View, CA, has been committed to fighting human trafficking ever since as a city official she was involved in the breakup of a $6 million trafficking ring that forced Chinese women to work at illicit massage parlors in a form of indentured servitude. Assemblywoman Lieber deserves special commendation for her admirable devotion to the fight against human trafficking, as does State Senator Sheila Kuehl, who helped push the bill through the State's upper legislative body. Senator Kuehl played an especially important role in advancing the provision for the antitrafficking task force, in my opinion one of the most commendable aspects of the new law.

I would also like to thank San Francisco District Attorney Kamala D. Harris for her crucial involvement in this cause as well. Under her watch local law enforcement officials unearthed a human trafficking network with roots in the Bay Area, in the city of San Francisco alone arresting 27 suspects and rescuing over 100 victims, most of whom were women who had made their way from South Korea to America in search of opportunity and encountered captivity and enslavement instead.

Ms. Harris also spearheaded a public-relations campaign to raise the profile of AB22, elucidating the need to revise our penal codes to better confront traffickers and winning the endorsement of the California District Attorneys Association for the bill. She properly characterized the issue as a matter of "fundamental women's rights as well as human rights," issues that, as you know, are quite near and dear to my heart, and which I believe are fundamental American values.

The legislation before us today holds out the hope of helping more States to follow California's lead, and to enhance prosecutions against trafficking rings. The legislation provides for a program to assist States with their trafficking investigations and prosecutions, providing critical Federal aid to assist the States efforts. We know that the State law enforcement authorities have the contacts in the community to ferret out these trafficking rings, as District Attorney Harris did in the Bay Area. By bringing Federal resources and expertise to bear, we can build on our specialized capacity to curb this scourge.

Mr. Speaker, most victims of human trafficking—like the exploited South Korean women mentioned above to whom my heart goes out—come to America in search of a dream and instead find misery and denigration where hope had been before. As an immigrant to this great land myself, I know the promise of the American dream, and I know this hope they hold in their hearts.

Mr. Speaker, I commend District Attorney Harris, Assemblywoman Lieber, and State Senator Kuehl for their heroic efforts to share that dream with those among us who truly are the most in need. Our Nation is better off thanks to them, and for that I extend to them the most heartfelt of thanks. Now let us give them the support they deserve and adopt H.R. 972.

Before reserving my time, Mr. Speaker, I want to pay tribute to David Abramowitz of my staff who did extraordinary work on this subject, as well as the staff people on the other side who my colleague (Mr. SMITH) has mentioned.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. PRYCE) and recognize her great contribution.

Ms. PRYCE of Ohio. Mr. Speaker, I thank Chairman SMITH so much for his leadership on this issue which is so important to both of us. It is near and dear to our hearts. I want to express my gratitude and just say how grateful I am to have worked with him and Chairman SENSENBRENNER on the coordination of these efforts to bring this most important issue to the floor.

When I first learned about trafficking in human beings, I could not believe that slavery or the slave trade still existed. I remember asking, what do you mean women and children and young boys are being bought and sold? This is the 21st century; how can this be happening? And the answers that I got were very grim.

I found out from John Miller, the very esteemed Ambassador at the State Department's Trafficking in Persons Office, that as many as 800,000 men, women and children are trafficked across international borders every year, including the borders of the United States of America.

The trafficking of people is a $9 billion industry. It has recently tied illegal arms dealing as the second fastest growing criminal activity in the world. The legislation before us today will increase our Nation's ability to bring diplomatic pressure to bear on countries who actively or tacitly engage in this heinous practice.

More than that, however, this legislation reflects our Nation's commitment to abolishing the unlawful sexual exploitation of women and children and boys occurring within our own borders. A Nation that stands for the freedom and dignity of every human being cannot tolerate the degradation and exploitation of the innocent occurring on its own soil.

To eradicate sex trafficking in our Nation, we must focus on eradicating the demand for sex trafficking, and I am pleased that this bipartisan legislation that I authored with my good friend and colleague from New York (Mrs. MALONEY) has been incorporated into the legislation before us today.

This is not a partisan issue, Mr. Speaker. There is no politics in sex trade. And when this body is constantly portrayed as bitterly partisan, it is a joy to provide one more example that this is not always the case.

The End Demand for Sex Trafficking Act has received extraordinary support from a diverse and passionate coalition of anti-trafficking and human rights organizations. This measure will combat unlawful trafficking in this country. For the first time, we are going to address demand in our own country.

The provision in the final measure which will require U.S. embassies around the world to report on and monitor countries' efforts to reduce the demand for sex trafficking will be a key motivator overseas as well, because the results of these investigations will be included in the Trafficking in Persons report released by the State Department each year for all the world to see and for our own government to use if sanctions are required.

Mr. Speaker, as the President noted in his speech before the United Nations General Assembly in 2003, there is a special evil in the abuse and exploitation of the most innocent and vulnerable. Today, the House will be able to take an important step toward eradicating this special, special evil. I urge my colleagues to support this important legislation, and thank, once again, the chairman.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as she may consume to my good friend and distinguished colleague from New York (Mrs. MALONEY), who has been a champion on this issue from the day she entered the House of Representatives.

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

Mrs. MALONEY. Mr. Speaker, I thank Ranking Member LANTOS for yielding me this time, and really thank him for his consistent voice and work for human rights across the globe and for his particular focus on moving this legislation forward as well as Chairman SMITH. And to my dear friend and colleague DEBORAH PRYCE, with whom I worked on the End Demand for Sex Trafficking Act, which has been incorporated in this bill, I thank her for her tenacious, determined persistence in working towards bringing this to the floor. I thank you deeply.

This bill seeks to reduce the demand for sex trafficking by providing critical funding to law enforcement to prosecute the demand side, the purchasers of commercial sex acts, sex traffickers and exploiters. Sex trafficking in people is modern-day slavery, and human trafficking is the slavery of the 21st century.

I had no idea what a huge, huge problem it is: Over 600,000 to 800,000 people are trafficked across international borders each year, mostly women and children, and potentially many more are trafficked within our own borders. This is a $10 billion worldwide industry and the second largest organized crime ring in history.

On the committee on which my colleague DEBORAH and I serve, she serves as the chair and I as the ranking member, the Domestic and International Monetary Policy Subcommittee, we had a series of hearings earlier this year on tracing and trying to track the flow of funds that are derived from trafficking.

For many years, I have been working with Equality Now and Attorney General Eliot Spitzer to end sex tourism and shut down sex tour companies based in New York and in my district. This legislation will help stop sex tour operators, like Big Apple Oriental Tours, which is based in my district, from advertising and taking sex tourists to Thailand, the Philippines and other countries to exploit impoverished young girls and boys. We need to protect all people who are being manipulated and tricked into entering a life of prostitution, no matter where they are from.

□ 1745

The State Department has been issuing this excellent report, Trafficking in Persons report, and it tracks what is happening internationally, and it rates what other countries are doing; but we cannot focus only on what other countries are doing without working with law enforcement to address the problems here in the United States, and that is what this bipartisan legislation will do. It will provide critical assistance to the victims of sex trafficking, and it will also go after the purchasers of commercial sex acts by providing law enforcement with grants and with improved tools to fight sex trafficking.

It is important that we protect the victims of the sex trade industry and punish the predators and those who are doing this terrible thing.

Many, many people were part of this passage. I would like to thank Lifetime TV, which has highlighted it in programs that they have put on TV. They have also championed Ms. PRYCE's bill and my bill and started a letter-writing campaign in support of it. Oprah Winfrey advocated for those who have no voice and started the Stop Child Sex Trafficking, a letter-writing campaign in support of this bill.

I want to thank everyone who has worked on it. I thank the ranking member, Mr. LANTOS, for yielding me this time and for his extraordinary leadership on this and so many other areas, as well as Mr. BOBBY SCOTT for all of his hard work.

Mr. Speaker, I spend a great deal of time working on women's issues. The stories I have heard from American girls that have been trafficked have been the most heart-wrenching, the most terrible stories I have ever heard in my entire life. This bill will save lives. It is important. It is will protect young girls and boys. It will go a long way toward ending this terrible attack on human dignity; and I include for the RECORD a list of organizations that have come out in support of this bill.

The following groups/individuals have endorsed the end demand for Sex Trafficking Act: AEGIS Foundation; Basic Ministries, International, of Midland, TX; Breaking Free; Coalition Against Trafficking in Women; Concerned Women for America; Dignity House; End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes-USA, Inc.); Equality Now; Faces of Children; Hudson Institute; Institute on Religion and Democracy; Institute on Religion and Public Policy; Leadership Council for Human Rights; National Association of Evangelicals; Polaris Project; Religious Freedom Coalition; Salvation Army; Shared Hope International; Southern Baptist Convention; Standing Against Global Exploitation (SAGE); Survivor Services and Education NetWork; Union of Orthodox Jewish Congregations of America; VERONICA'S Voice; World Vision; Professor Donna Hughes; Oprah Winfrey; Lifetime Television.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, anyone who has been exposed to this is just appalled. And one thing that surprises me is even as our own country was lackadaisical on international prostitution for many years and would not stand up on international conferences, and as we are lackadaisical about looking at the horror of pornography worldwide, we are then surprised that there is this huge demand for both young boys and young girls in sexual trafficking. We need to understand what some of the core issues are that are driving this.

In the subcommittee I chair, we got involved in a case where USAID funded an NGO that was complicit in human trafficking. With one group of funds to one NGO from the State Department, they were trying to rescue minor girls from a brothel in India. Another NGO funded by our tax dollars at USAID interfered in the rescue and ultimately facilitated the potential retrafficking of the girls.

We need legislation like this so we can be the leader in stopping sex trafficking and go directly after those agencies in the United States that are complicit in this. Lastly, I want to thank our former colleague, Linda Smith, for devoting so much of her personal time in rescuing these young girls.

Human trafficking is—plain and simple—modern slavery. The victims of human trafficking, by and large, are women and children in extreme poverty. They suffer some of the worst crimes imaginable.

This bill makes the necessary provisions for our country to continue as the global leader in fighting human trafficking, and to do what is right at every level of government in order to effectively combat the scourge of human trafficking.

This bill effectively ensures that various agencies in our government are united in their efforts and armed with appropriate tools to combat trafficking in humans. I absolutely do not want to see another situation, like that being investigated by the Subcommittee I chair, where a USAID-funded NGO is complicit in human trafficking. This situation involved the efforts of one NGO, with funds from the State Department, trying to rescue minor girls from a brothel in India, and another NGO, funded by USAID, interfering in the rescue, and ultimately facilitating the potential retrafficking of the girls.

It is critical that the United States and its agencies and programs are united in efforts to combat human trafficking. This bill is essential for such efforts.

Among the key provisions of this bill that strengthen our efforts against the crime of human trafficking, while also providing necessary help for the victims:

First, it strengthens our efforts to combat sexual exploitation and trafficking crimes committed by "peacekeepers" in war-torn countries;

It directs the U.S. Agency for International Development, USAID, to establish a pilot program to help victims of trafficking by providing residential treatment facilities;

It authorizes new programs aimed at reducing demand for commercial sex while also strengthening law enforcement programs aimed at investigating and prosecuting trafficking in persons;

Includes compassionate, essential, provisions to assist victims of human trafficking—those women and children who have seen the worst side of humanity—to put their lives back together.

This bill strengthens existing human trafficking laws by reaching out to help the victims with various forms of emotional and material support programs, such as providing guardians ad litem for alien children who are suspected victims of human trafficking, and providing victims with access to legal counsel.

H.R. 972 gives our law enforcement agencies the tools necessary to fight against this terrible crime of human trafficking, domestically and internationally.

The bill also incorporates child protection and trafficking prevention activities into USAID, State, and DOD post-conflict, and post natural-disaster relief programs, increasing anti-trafficking efforts in situations where so many women and children are exploited.

I commend my colleague, Mr. CHRIS SMITH, for his leadership on this important issue. He has done more than anyone I know to bring attention to this terrible crime and its victims, and he has been the driving force behind efforts to combat human trafficking.

Mr. Speaker, thank you for bringing this vital legislation to the Floor today. I urge my colleagues to support H.R. 972, the Trafficking Victims Protection Reauthorization Act.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT) who has been a leader on this issue in the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I rise in support of this bill. The trafficking of persons as work slaves, sex slaves, or other exploitive and illicit purposes is a modern slave trade that occurs all too often around the world, including in the United States. Through the Trafficking Victims Protection Act of 2000, we have begun a concerted effort around the world to address this terrible business of trafficking in persons, internationally as well as domestically. We must continue that effort by reauthorizing that law by passing H.R. 972.

At the Judiciary markup of this bill, we added a section to implement the essential provisions of H.R. 2012, the End Demand for Sex Trafficking Act of 2005, which is designed to more effectively get at the issue of domestic trafficking and commercial sex acts in this country as part of the overall effort to address domestic trafficking in persons.

For over a year, I have been working with a bipartisan and politically diverse group of Members of the House and Senate, along with nongovernmental organizations, committed individuals, and others to get at an aspect of trafficking in persons in this country that is just as pernicious as the trafficking in persons anywhere in the world, and that is the brutal pimp system of prostitution of women and young girls. The horrific nature and the appalling magnitude of this scourge is evident by the following information:

It is estimated that the number of women and children trapped in prostitution in the United States ranges between hundreds of thousands to well over a million; the average age of entry into prostitution in the United States is estimated to be about 16 years old; nearly 85 percent of the women and girls in prostitution in the United States have a pimp to whom all of the proceeds of their activities go. Among these women and girls are some as young as 11. Most are physically abused or sexually assaulted; most are controlled by drugs and are isolated, confined, and restrained. Many have weapons used against them and have death threats against them and their families.

Pimping is a lucrative criminal practice. Oakland, California, had a study just a few years ago where they identified 218 minors ages 11 to 15 being prostituted by 155 pimps. They found that the average revenue was about $200,000 a year for each pimp.

When we try to get cooperation of other countries to go after sex trafficking in their country, some point to our toleration of this brutal system of prostitution in this country to suggest that we have no moral authority to criticize them. H.R. 972 with the provisions of the End Demand Act strikes a crushing blow against this brutal system of domestic trafficking in this country; and it is done in a way that is most effective, by funding local law enforcement rather than creating new Federal crimes that will require us to divert Federal assets to this problem. We can fund local law enforcement where it is most effective.

I would like to thank Ms. PRYCE of Ohio and Mrs. MALONEY of New York, the chief sponsors of the End Demand Act; Chairman SENSENBRENNER and the subcommittee chairman, Mr. COBLE; the ranking member, Mr. CONYERS; Chairman HYDE and the subcommittee chairman, Mr. SMITH; Mr. LANTOS, the ranking member; and the subcommittee ranking member, Mr. PAYNE, and their staffs. My staff person, Bobby Vassar, has been working on this extremely hard over the course of at least a year. I thank them for their hard work in putting together an End Demand bill and getting its provisions in a bill in a form on which we can all agree. I urge my colleagues to support the legislation.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ) with mixed feeling because he has made enormous contributions to this body over many years, and soon he will be leaving us. So while I deeply regret we will not have in the coming years his brilliance and insight and energy and dedication, I am pleased we will see him across the campus in the other body.

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

Mr. MENENDEZ. Mr. Speaker, I want to thank my dear friend and distinguished ranking member of the committee. It has been a privilege to serve with him under his leadership and all of my colleagues on the International Relations Committee. If I miss one thing, it will be those Members I have had close associations with in this body, but I continue to see in the days ahead.

I want to thank Congressman SMITH for his leadership on this issue. I am proud that someone from my home State of New Jersey has dedicated himself to ending trafficking of people around the world. I want to thank all of my other colleagues collectively because of their leadership, countries around the world have been forced to change their laws and improve enforcement.

All of us know the shocking statistics: somewhere between 600 and 800 people per year are forced across borders to become slaves and prostitutes. If we include those who are trafficked within their own countries, the numbers are even worse, somewhere between 2 and 4 million people. The vast majority of these are women and girls. So as we fight to end trafficking, we are also fighting for the rights of women and girls around the world.

It is easy to forget that each of those numbers represents a person, a daughter, a sister, a mother, or a son who is suffering. It is easy to forget that each of these people is part of a family that has been torn apart by trafficking, and it is easy to forget that the number of individuals trafficked hides the even greater number of families around the world devastated by trafficking.

I am proud to be a cosponsor and strong supporter of this legislation which reauthorizes programs designed to attack trafficking both here at home and abroad. And in particular, the legislation addresses issues of trafficking after natural disasters in postconflict areas.

As we learned after the devastating tsunami in the Indian Ocean, children are among the most vulnerable victims after any disaster and conflict. If there are no adults to protect them and take care of them, these children become particularly susceptible to disease, hunger, and exploitation. In the chaotic environment following a disaster, when normal protection mechanisms may be disrupted, unaccompanied children are more exposed to traffickers; and that is why I strongly support the new focus in this legislation on postconflict and postdisaster areas.

But this law is not only designed to stop trafficking. It is also designed to take care of the victims of trafficking. I cannot imagine the pain that someone goes through after being taken away from their family, their country, and their life. I cannot imagine how it feels to be forced into slavery or prostitution, but I do know that we can and we must take action to help these victims as they once again return to their lives.

The pilot programs authorized in this legislation are designed to provide a safe haven and rehabilitation for the victims of trafficking. We must ensure

their success so we can eventually expand them in future pieces of legislation.

Finally, I want to focus our attention on the countries of our own hemisphere. I am deeply concerned to see that five of the 14 tier 3 countries designated by the State Department are from Latin America or the Caribbean. These are the countries that are designated as the worse violators. They are not even complying with the minimum standards to eliminate trafficking. Even worse, they are not making a significant effort to be able to change the course of events. So I hope that this legislation will have our own hemisphere focused on what they must do to stop the hurting and trafficking of their own people.

Finally, I would remind my colleagues of article 5 of the Universal Declaration of Human Rights, which states: ''No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.'' This legislation takes those words and turns them into action. I urge all Members to support this important legislation.

Mr. LANTOS. Mr. Speaker, I yield the balance of our time to the gentleman from Illinois (Mr. DAVIS), a champion for human rights.

Mr. DAVIS of Illinois. Mr. Speaker, I want to first of all simply commend and congratulate Chairman HYDE and Mr. LANTOS on their leadership of the International Relations Committee. I also commend the gentleman from New Jersey for his introduction of this outstanding piece of legislation.

I speak because I have a constituent in my community, a woman named Oprah Winfrey, who almost every week sends me a letter talking about this issue and urging that Congress must do as much as it can to bring some help to those individuals throughout the world who are victimized; and so I am strongly in favor of the passage of this bill. I want to thank my constituent for keeping me abreast of the issue by at least writing me once every week or two about this issue.

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

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

I want to thank all of the Members who have participated in this debate, and more importantly, note the work that they did to bring this legislation to fruition.

Let me also point out that the modest sanctions that are in the Trafficking Victims Protection Act have yielded significant new laws throughout the world. In 2004 alone, 39 countries enacted new laws or strengthened existing laws. We know when we put some carrots and sticks, the sticks being the possibility of losing nonhumanitarian foreign aid, security aid for example, and then when we place countries in a ranking system that makes determinations concerning a country's achievement in meeting ''minimum standards''—tier 1, tier 2, tier 3, and tier 3 being the egregious violators with a new watch list, we get their attention. Many countries have taken action and today we work in a partnership to try to end trafficking.

After drugs and weapons, trafficking in human persons is the biggest moneymaker for organized crime. The ILO suggested in a June study approximately $32 billion a year goes into the coffers of those who are committing such nefarious crimes against innocent individuals.

Finally, I would just say we have in this legislation a provision—a study—that seeks to find whether or not there is a nexus between terrorism and trafficking.

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With that kind of money flowing into trafficking enterprises, these horrific enterprises, we tend to think that there probably is a link with terrorism. We do not know. We want to find out.

Mr. CARDIN. Mr. Speaker, I rise in support and as an original cosponsor of H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005. As the Ranking Member of the Helsinki Commission, let me commend Chairman CHRIS SMITH for all of his hard work on this issue both in the United States and around the world. I also want to thank International Relations Committee Ranking Member TOM LANTOS for his strong support.

In 2000 Congress enacted the Trafficking Victims Protection Act (TVRA), which for the first time provided definitive protection for victims of human trafficking. Governments estimate that between 600,000 and 800,000 people are trafficked across international borders every year, yielding approximately $10 billion annually in illegal gains. When considering internal trafficking within a country, this number rises to an estimated 4 million persons.

Human trafficking destroys families and communities across the world. Human trafficking is a modern-day form of slavery, which traps people into forced labor or sexual slavery. Human traffickers violate the most basic human rights of their victims. The international community must oppose human trafficking in all its forms, and work together to eradicate this scourge on humanity. I commend the work of the Organization for Security and Cooperation in Europe (OSCE) for addressing this issue in a comprehensive manner, by creating an Action Plan to combat trafficking and appointing a Special Representative on Combating Trafficking in Human Beings.

The United States also has a problem with human trafficking as a destination country for many trafficking victims, as we heard in a recent Helsinki Commission hearing on domestic trafficking. The State Department believes that more than 14,500 people are trafficked into the U.S. every year, either for forced labor or sexual exploitation and slavery. Traffickers bring these victims—mainly women and children—from all over the globe, including Southeast Asia and the Americas. Traffickers often use criminal gangs to transport their human cargo. I am pleased that the government has created special ''T'' visas for victims of human trafficking who cooperate with law enforcement officials.

In 2003 Congress adopted the Trafficking Victims Protection Reauthorization Act, which created a new country ''watch list'' under the supervision of the Department of State. This list has had a measurable effect on the behavior of offending countries. The State Department places the worst offenders on Tier 3 and makes these countries subject to certain economic and trade sanctions by the U.S. The number of Tier 3 countries has dropped from 27 in 2001 to 14 in 2005, so we have made measurable progress in raising awareness on this issue, but more work needs to be done.

This legislation will require USAID and the Department of Defense to include anti-trafficking policies in post-conflict and humanitarian assistance programs. Governments must put in place special measures to combat trafficking in countries that do not have a functioning and effective central government. This bill would enhance U.S. efforts to combat trafficking involving international peacekeepers.

The bill also authorizes $15 million annually for the Secretary of Health and Human Services to carry out a pilot program to establish U.S. residential treatment facilities for minors who are victims of domestic trafficking. The bill also expands counseling programs for victims of severe forms of trafficking. In total, the bill authorizes $68 million annually to combat human trafficking and assist victims.

We must keep the pressure up on other countries that do little to stop human trafficking, by implementing sanctions when needed and by using all available diplomatic channels. United States courts need to prosecute those individuals who commit these crimes on U.S. soil to the full extent of the law, and to send a message that the United States does not and will not tolerate human trafficking. I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 972, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## GENERAL LEAVE

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

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2863.

The SPEAKER pro tempore (Mr. CAMP of Michigan). Is there objection to the request of the gentleman from Florida?

There was no objection.

## MOTION TO GO TO CONFERENCE ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Murtha moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2863 be instructed to agree to the provisions contained in—

(1) section 8154 of the Senate amendment, relating to uniform standards for the interrogation of persons under the detention of the Department of Defense; and

(2) section 8155 of the Senate amendment, relating to prohibition on cruel, inhuman, or degrading treatment or punishment of persons under custody or control of the United States Government.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. The words ''torture,'' ''cruelty'' and ''abuse'' elicit images of draconian and brutal dictatorship. These words are reserved for the worst of human rights offenders. It should never include the United States of America.

The United States of America and the values we reflect abhor human rights violators and uphold human rights. No circumstance whatsoever justifies torture. No emergencies, no state of war, no level of political instability.

According to Secretary Powell, in his letter to Senator MCCAIN in support of the Senator's amendment, ''The troops need to hear from Congress, which has an obligation to speak to such matters under Article I, Section 8 of the Constitution.''

We have irrefutable evidence of widespread use of unlawful interrogation techniques by American interrogators at Abu Ghraib and other locations. This has been absolutely disastrous to our credibility and our reputation as a Nation that was built on the sanctity of individual rights.

We have a legal and moral and ethical obligation to uphold the values of the Geneva Convention and the United Nations Convention Against Torture.

Furthermore, torture, cruelty and abuse are not effective methods of interrogation. Torture may not yield reliable actionable information and can lead to false confessions. And we have an example of that not long ago, prior to the war.

Torture may not yield information quickly. Torture does not advance our goals. It does not help us win the hearts and minds of people it is used against. It did not aid the cause of the Soviets in Afghanistan and the French in Algeria.

Torture has a corrupting effect on the perpetrators. It has rarely been confined to narrow conditions. Once used and condoned, it easily becomes widespread. The same practices found their way from Guantanamo to Afghanistan to Iraq.

Torture is not only used against the guilty; it often leads to unintentional abuse of the innocent. We cannot torture and still retain the moral high ground.

Torture endangers U.S. service members who might be captured by the enemy. Torture brings discredit upon the United States.

There can be no waiver for the use of torture. No torture and no exceptions.

Gray areas in rules, lack of direction, training and supervision from superiors, lack of standards and clear guidelines from leaders are dangerous and led to the abuse at Abu Ghraib and other locations. During times of war, clear guidelines governing the treatment of prisoners is imperative, especially when due to the lack of manpower, people are put in jobs with little or no experience or people are put in jobs that are not appropriate. The alleged ring leader at Abu Ghraib had a history of domestic abuse and therefore, by law, could not carry a firearm in the United States. Yet, he was a prison guard at Abu Ghraib, and he was not suited for handling prisoners.

It is now evident that abuse of prisoners took place because of lack of supervision, that our troops were given ambiguous instructions which, in some cases, authorized treatment that went beyond what was allowed in the Army Field Manual.

The definition of abusive treatment cannot be a matter of subjectivity and ambiguity.

The administration confused matters further by declaring that U.S. personnel are not bound by the Geneva Convention when interrogating non-U.S. citizens on foreign soil.

Gross inconsistencies resulted: We followed the spirit of the Geneva Convention in Afghanistan, the letter of the Geneva Convention in Iraq. We had one set of rules for the prisoners of war, another for the enemy combatants; one set for Guantanamo, another for Iraq; one for the military, one for the CIA who were at times operating under the same roof.

America does have clear guidelines as set forth in the Army Field Manual. A number of those who were involved told me they would ask their superiors and lawyers, do you think this was torture? Do you think we violated the Geneva Convention? The answers they got differed, as if something this important was a matter of opinion.

In the case of one of these people, Captain Fishback, I believe he thought some of the troops clearly violated the Geneva Convention but that the administration and Congress knew, ''as if there was a special hand shake.'' In other words, when he came to see me, he thought we had something to do with this. He said they were not clear, and they thought that we were just winking at the regulations. And this is dangerous. We cannot tolerate a practice of saying one thing and doing another.

Using the argument terrorists do much worse, that al Qaeda does much worse is a horrifying rationale. As Captain Fishback argues, ''since when did al Qaeda become any type of standard by which we measure the morality of the United States?'' And that is a quote from Captain Fishback.

Captain Fishback wrote to Senator MCCAIN, ''If we abandon our ideals in the face of adversity and aggression, then those ideals were never really in our possession. I would rather die fighting than give up even the smallest part of that idea that is America.'' And Captain Fishback was in Afghanistan for 18 months and in Iraq.

We cannot protect freedom abroad or at home while degrading our society and its political and legal systems. We cannot do it while trampling all over the values which have made this country strong, which define us all as Americans. These values do not belong to any party. They are not Democrat or Republican. They are American values.

We cannot allow our Nation's moral and ethical standards to drift away from the Constitution. Congress is obligated to speak out. Congress cannot give its power to the Executive Branch. Congress is the people's branch.

Thomas Jefferson said in 1814, ''How necessary was the care of the Creator in making the moral principle so much a part of our constitution so that no errors of reasoning or speculation might lead us astray from its observance in practice.''

He also said, ''Moral duties [are] as obligatory on nations as on individuals.''

And I have to say this. War is about killing. For those sent to fight an enemy, that killing will stay with them for the rest of their lives. It is in

the faces of friends lost, in the shadows the soldiers feel on their souls for having killed. This is the nature of war.

But when torture becomes a part of war, when torture is condoned, if we allow torture in any form, we abandon our honor and the last shred of humanity. Visions of abuse and torture chill our conscience and sear our souls. Torture scars not only its subject; it scars those who perpetrate it and those who are witnesses to it.

Most military leaders know that allowing torture subjects our servicemembers to similar acts if captured. We in Congress must never forget this because we are charged with sending our sons and daughters into battle. This responsibility is doubly heavy today when America is living in a time of great uncertainty and two wars.

In the case of Iraq, we are unsure of the war's rationale and where it will lead us. In the war against terror, we are still struggling to fathom our enemy and are troubled by his tactics.

It is all that more important now that we remember that America stands for the honor of those we have sent to fight this war.

This amendment would restore our credibility, honors our war fighters and affirms the value of this great country, the values that belong to the United States of America.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I think that it is important that we make it very clear that we are opposed to the use of torture, period. As a matter of fact, the basic law of the land already says that we are opposed to torture. And so I have no problem with the gentleman's motion as it relates to that issue.

But I must tell you that, Mr. Speaker, I am really offended by a provision in this amendment that we are talking about that guarantees to terrorists, and understand who those terrorists are, that guarantees to terrorists the same rights under the Constitution of the United States that our law-abiding constituents enjoy. That offends me. And I just do not think that we ought to be giving a terrorist the same protection of our Constitution that you and I have. Not just part of our Constitution, not just one or two amendments or two articles or sections, the entire Constitution would apply to those terrorists. So that does offend me. But I understand that the President's office is in serious negotiations with Senator MCCAIN, and we hope that a reasonable agreement on this issue will be reached so that we can get on with this important Defense Appropriations bill that we in the House passed 6 months ago.

Mrs. TAUSCHER. Mr. Speaker, I am proud to rise in strong support of my friend and colleague Representative JACK MURTHA's motion to instruct conferees on the defense appropriations bill.

Mr. MURTHA's effort would retain vital language prohibiting torture of prisoners in U.S. custody wherever they may be held.

Mr. MURTHA's motion would ensure that the final version of the defense bill contains vital language offered by Senator JOHN MCCAIN and by Congresswoman JANE HARMAN and myself here in the House.

The McCain amendment would prohibit the Defense Department from using any interrogation practices other than those listed in the Army Field Manual on Intelligence and Interrogation, and would reinforce the long-standing ban on the Federal Government engaging in cruel, inhuman, and degrading treatment throughout the world.

Such clarity in treatment of detainees is vitally needed as continuing revelations of abuse of prisoners in our custody damages the reputation of our Armed Forces abroad, undermines the trust of our allies, and threatens the lives of U. S. service men and women who might be captured by the enemy.

In addition to providing guidance to our troops, this language, by forbidding abuse wherever it may occur, gets at the heart of the issue of ghost detainees, prisoners kept and interrogated by the CIA in countries that have not signed on to the Geneva Conventions.

Major General Taguba called the CIA's practice of holding ghost detainees "deceptive, contrary to Army doctrine and in violation of Army law."

The recent effort led by Vice-President Cheney to eliminate language in the bill to constrain interrogations wherever they may occur is misguided and will endanger our troops.

I agree that our post-9/11 world will never be what it was previously, but that's no justification for turning our back on international commitments and undercutting our international credibility.

If our goal is, as I believe it should be, obtaining the best possible actionable intelligence from suspects, then torture is not the best tool in our arsenal.

Torture is immoral, illegal, and rarely yields necessarily credible intelligence.

We're all too familiar with the misleading testimony of a high level Al Qaeda member, who was rendered to Egypt, where he stated under duress that Saddam Hussein had offered to train Al Qaeda operatives in the use of "chemical or biological weapons."

Following his transfer to Guantanamo, this witness recanted and the 9/11 Commission confirmed that there was no working relationship between Saddam and Al Qaeda.

When we abuse prisoners and flout the Geneva Conventions, we are no better than some of the repressive regimes around the world whom we are trying to change.

While administration officials at the highest levels including Justice Department officials and Secretary Rumsfeld have argued for great flexibility in handling of prisoners, more junior enlisted men and women have been a true example to our Nation.

From Army Spc. Joseph M. Darby, who first reported that abuse was occurring at Abu Ghraib, to Army Captain Ian Fishback, who unsuccessfully called for clearer guidelines on interrogation, our men and women in uniform have been a moral compass to others who have lost their way at all levels of government and who have betrayed our nation's values.

We owe it to the rank and file who fight our Nation's wars and who defend our flag around the world to adopt the McCain/Harman language and to support Mr. MURTHA's motion.

I call on all my colleagues to support this important motion.

Mr. HOYER. Mr. Speaker, I urge my colleagues, on both sides of the aisle: Support this critically important motion to instruct.

It is identical to the amendment offered by Senator MCCAIN—and passed 90–9 and by voice vote in the Senate—on the defense appropriations and defense authorization bills.

This motion would do two things. First, it would establish the Army field manual as the uniform standard for the interrogation of department of defense detainees.

There is still much confusion about which interrogation techniques are permissible—and this confusion has been fomented by a White House that believed the Geneva Conventions were outmoded and inapplicable.

Secondly, this motion would prohibit "cruel, inhumane and degrading treatment" of detainees. Thus, it is consistent with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention Against Torture.

Sadly, this prohibition on torture is necessitated by the administration's own actions: its endorsement of interrogation tactics that border on torture, anything short of "organ failure", and a large number of documented cases of abuse, torture and homicide in Iraq and Afghanistan.

While the President stated in November that "We do not torture," his own Vice President has worked against this motion and sought legal language that would allegedly allow the CIA to utilize torture tactics against foreign prisoners it is holding overseas.

As Senator MCCAIN, himself a victim of torture at the hands of North Vietnamese, recently stated: The administration's position "means that America is the only country in the world that asserts a legal right to engage in cruel and inhumane treatment."

The administration's position on this matter is simply not defensible.

It undermines our credibility in the world. It harms our efforts in the war on terror. It makes more likely the exposure of our own troops to torture. And, it completely betrays our cherished American values.

This is not a question of whether we must combat—and defeat—terrorists.

We must.

This is an issue of who we are as a people.

And we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant; that we stooped to the depths of the dictator.

Mr. Speaker, this Congress has the responsibility under article I, section 8 of our Constitution to make "rules concerning captures on land and water." That is a responsibility that we must embrace today, and not delegate to a zealous executive branch.

I urge my colleagues to support this motion.

Ms. PELOSI. Mr. Speaker, today at long last, because of Congressman JOHN MURTHA's leadership and persistence, the House finally has the chance to go on record in favor of clear procedures for dealing with prisoners and against torture.

In September, 29 retired military officers including General Joseph Hoar, General John Shalikashvili, and our former colleague Ambassador Pete Peterson, sent a letter to Senator MCCAIN in support of the amendment that is the subject of Mr. MURTHA's motion to instruct.

The officers state the case against mistreatment of prisoners succinctly: "The abuse of

prisoners hurts America's cause in the war on terror, endangers U.S. service members who might be captured by the enemy, and is anathema to the values Americans have held dear for generations.''

The Senate responded by adopting the McCain amendment by a vote of 90 to 9. I hope the House will vote in equally strong numbers.

Our troops were sent to war in Iraq without many of the essentials needed for their effectiveness and their safety, including a standard of conduct for the treatment of detainees.

We have seen, to our great shame and regret, the consequences of this lack of clarity. At Abu Ghraib and elsewhere in Iraq, at Guantanamo, and in Afghanistan, allegations and evidence of detainee abuse have damaged the standing of the United States in the world.

Congress should have made it a priority to get to the bottom of the prisoner abuse scandals so that those responsible, regardless of their place in the chain of command, were held accountable and corrective actions taken. That has not been done.

We must heed the requests for assistance from our soldiers in the field who, in the absence of clear limits on permissible treatment are left in an impossible position, are forced to assume all of the risks and shoulder all of the blame.

The United States has long been bound by international agreements prohibiting torture. That we even find it necessary to make the prohibition against torture more explicit is the result of the Bush administration's legal interpretation that these long-standing prohibitions apply only to persons on U.S. soil.

Torture should not be employed as an interrogation technique by the United States for two simple reasons: it doesn't work and it is wrong. We can not rely on information obtained through torture, and even if we could, the cost is too high.

The values that define our country—the values that our men and women in uniform are called upon to defend sometimes at the cost of their lives—are antithetical to the use of torture. The American people are much better than that. Our struggle with the forces of international terrorism is as much a battle of ideas as a battle of arms. We weaken ourselves when we compromise our ideals. Standing against torture helps define the differences between the United States and those who offer no message other than hatred and violence.

Adopting this motion to instruct is in the best traditions, and the best interests, of our country. I urge my colleagues to approve it overwhelmingly.

Mr. MARKEY. Mr. Speaker, I rise in support of the motion offered by the gentleman from Pennsylvania (Mr. MURTHA).

Last month, 64 Members of this body joined with me in signing a letter urging the Appropriations Committee to say ''no'' to torture and ''yes'' to the McCain and Markey amendments as part of the Defense Appropriations Conference.

The McCain amendment, which is the subject of this motion, will prevent the use of inhuman interrogation practices.

The Markey amendment will prevent the use of funds in contravention of the UN Convention Against Torture.

We need to send a signal to the administration and the rest of the world that we will not dodge our treaty obligations to our international allies under the U.N. Convention Against Torture.

We do not support the use of torture as an interrogation method. Torture is morally wrong. Always. And without exception.

Not only is torture wrong, confessions obtained from torture are useless. A prisoner will say anything to stop their own suffering.

If we do not approve both the McCain and Markey amendments, we will set a precedent that torture is okay for all and open up our own troops to face torture at the hands of our enemies. Our troops already face enough risks. Shouldn't we protect them any way we can?

Furthermore, if we reduce ourselves to use the methods that we condemn terrorists for using, we lose our moral high ground. We have always been a beacon to the rest of the world on human rights and the rule of law. Should we change hundreds of years of history for this administration?

Reports of ''black sites'' where detainees in US custody are rendered without a trace come on top of reports of prisoner abuse and even death from the use of torture in U.S.-run prisons such as Abu Ghraib.

We criticize countries like Syria and Uzbekistan even as our CIA secretly sends detainees to be interrogated by the secret police of these very same human rights violators.

It seems obvious, that as a civilized nation, we should not fund torture, use torture as an interrogation tool, or ask other countries to torture for us, yet, for reasons beyond my imagination, we are still discussing this arcane, abhorrent practice today.

The adoption of the McCain and Markey amendments is an important step towards both restoring our nation's reputation for respecting human rights and preventing shameful abuses similar to those that occurred in Abu Ghraib.

We can not tolerate torture by any U.S. official. It is blood on all of our hands, on our countries good name. I support the McCain and Markey amendments and urge the conferees to do so as well.

Mr. DICKS. Mr. Speaker, I rise today in strong support of the language to instruct conferees offered by my esteemed colleague from Pennsylvania, the ranking member of the Appropriations Subcommittee on Defense, Mr. MURTHA.

Mr. Speaker, my support for this language hinges on three fundamental points: torture is not effective; torture does not further the security interests of the United States; and our use of torture adds to the risk that United States military and civilian personnel could be subjected to torture themselves.

Mr. Speaker, I served on the House Permanent Select Committee on Intelligence for eight years; four of those years as the ranking member. I appreciate the value of good, reliable intelligence. In fact, I expect that we all have a greater appreciation for good intelligence in light of what we have learned about the situation in Iraq since we toppled the government of Saddam Hussein. It was just this morning in an address at the Woodrow Wilson Institute that President Bush, in describing the decision to go into Iraq said that ''it is true that much of the intelligence turned out to be wrong.''

Mr. Speaker, I am not saying that torture was the root cause of our incorrect intelligence assessments in early 2003. My point is that our nation needs the best intelligence that we can get. The intelligence community and our military recognize that torture and abuse are not effective methods of interrogation. We must not allow cruel, inhuman and degrading treatment to be used if for no other reason than that they yield poor results.

Mr. Speaker, my second point is that the use of torture does not advance the security interests of the United States. We are in a global war on terror. This is a war that is going to be waged on many fronts around the world. As much as it is a military conflict, the global war on terror is a battle for the hearts and minds of people around the world. If our nation is to remain the recognized leader in the cause of freedom, democracy and the rule of law, we must live and abide by the principles and laws to which we have committed ourselves. If we do not send a strong message to the world that we will not engage in torture, we undermine our very security by giving terrorists ammunition to use in furthering their aims.

Finally, Mr. Speaker, if we do not renounce the use of torture, we put our own soldiers and citizens at risk of being subjected to these very measures. We cannot allow any perception that we support torture, if we are to call for the world community to resist its use against our own people.

Mr. Speaker, I urge the members of the House to support the language that makes it clear to the world that the United States will not use torture.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support for instructing conferees on the FY2006 Defense Appropriations bill to include the amendment by our colleague in the Senate, JOHN MCCAIN. This provision would simply provide for uniform standards for the interrogation of persons under the detention of the Defense Department and a prohibition on cruel, inhumane, or degrading treatment or punishment of persons under custody or control of the U.S. Government.

Senator MCCAIN knows the ravages of war and devastating effects of inhumane treatment at the hands of an enemy. He and other American soldiers during the Vietnam War were subjected to terrible treatment that no human being ought to endure. In recent floor remarks, Senator MCCAIN explained that during his time in captivity he and his fellow American soldiers drew strength from knowing that the institution to which they belonged, the U.S. military, and the country they served stood for the highest of principles and ideals. They believed that the U.S. would never treat prisoners of war the way that they were being treated.

Noone would disagree that ''torture, cruel, inhumane, and degrading treatment'' is unjust, but there is clear evidence that it is also ineffective. When put under extreme levels of pain or duress during interrogation, a detainee is more likely to say anything to stop the pain, regardless of its accuracy. Moreover, our own cruel treatment of others legitimizes the torture of American citizens. Look no further than the desecrated bodies of American citizens and soldiers killed in Iraq for tragic evidence of this reaction. Furthermore, torture and inhumane treatment aids in the recruitment of terrorists and fuels further terrorist activity.

As members of Congress, we have the Constitutional obligation, under Article I, Section 8, to speak out on this issue and others

related to treatment of foreign detainees in war. We also have a moral obligation to oppose cruel and degrading treatment of human beings, and a patriotic obligation to stand up for the honor of this country.

In the wake of the scrutiny and embarrassment that our nation has endured following the treatment of detainees at Abu Ghraib and Guantanamo Bay, it is imperative that we proclaim to the rest of the world that this policy reflects the law of the land and the conscience of our country. Providing our soldiers with clear, written guidance on how to treat detainees not only protects their interests but underscores the freedoms and values we cherish as Americans and that we claim to be the reason we have gone to war in Iraq, Afghanistan and other parts of the world.

Today, as a Congress we must respect and honor our nation, those that risk their lives to serve it, and the high standards and ideals on which it is based. Supporting the MCCAIN amendment is not an issue of political difference; it is an issue of national identity.

The McCain amendment is needed to close a loophole in current policy that does not explicitly describe standards for foreigners held under U.S. custody abroad. This amendment reiterates and clarifies our existing policy that prohibits the use of torture, cruel, inhuman, and degrading treatment by U.S. soldiers and agents who are detaining and interrogating prisoners in the global war on terror, requiring that they use the techniques sanctioned in the Army Field Manual on Intelligence and Interrogation.

I urge my colleagues to resist any efforts to accept a watered down version of Senator MCCAIN's language that would grant exceptions for the CIA to conduct its own investigations of detainees in locations overseas that are independent of the Army Field Manual. Such a move, which apparently is being orchestrated by the Vice President's office, would only defeat the intent of the provision adopted in the Senate and cause further confusion among military and civilian service people charged with detainee interrogations.

The Army Field Manual has been used as the standard for interrogation guidance since it was established during the Reagan Administration. The Manual does not cast any technique into stone, but changes with time and includes techniques and descriptions that are classified so as not to be uncovered by enemies.

In a sign of broad bipartisan support, the Senate overwhelmingly approved the McCain amendment in a 90 to 9 vote. In addition, 28 retired military leaders, including General Shalikashvili, General Hoar, and General Colin Powell, have supported legislating the use of the Army Field Manual through the McCain amendment.

In today's global war on terror, men and women in the armed forces are charged with the critical task of detaining and interrogating prisoners of war and enemy combatants without clear instructions on what is and what is not permissible. These ambiguities contributed to the absence of standards that resulted in the degrading and inhumane treatment that we, and the rest of the world, witnessed at Abu Ghraib and what apparently occurred at Guantanamo at the hands of young and ill-advised soldiers.

The abuses at Abu Ghraib and Guantanamo stained the honor of our country and our military. I know that most of our constituents want to amend these wrongdoings. In order to do this, and to help protect the treatment of American soldiers who may be held as prisoners of war, we must give our troops clear instructions on acceptable treatment during detainment and interrogation, without equivocation.

Let us not shrink from the responsibility that stands before us; let us rise as a united body to defend our principles, uphold our proud traditions and articulate to the world what America stands for. I urge my colleagues to express their support to Chairman YOUNG to retain the McCain amendment, without modification, in the conference agreement to the FY2006 Defense Appropriations bill.

Mr. CASTLE. Mr. Speaker, I rise in strong support of the Motion to Instruct Conferees on H.R. 2863, the Fiscal Year 2006 Defense Appropriations Act, offered by the gentleman from Pennsylvania.

There is no question that recent charges of misconduct at Guantanamo Bay and Abu Ghraib prisons are obvious indications that there is significant confusion in the field regarding the interrogation of detainees.

Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not.

It is clear that any treatment that is cruel, inhuman and degrading is unacceptable. Such treatment is clearly prohibited by the Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution and these abuses are a direct violation of our government's treaty obligations.

The provisions included in the Senate version of the Defense Appropriations bill simply ensure that persons under U.S. custody or control in facilities outside of this country cannot be subjected to treatment that would be deemed unconstitutional if it occurred in U.S. territory.

I strongly support President Bush's efforts to defeat terrorism and his explicit denouncement of torture is crucial to winning this struggle. Backroom deals to blur the lines or allow exemptions for certain government agencies undermine the very freedoms our soldiers are fighting for around the globe.

It is our duty to provide clarity about the values and standards by which America lives in contrast to our enemies. Now is the time for our government to reaffirm our position as the world's leader on human rights, and establish an unambiguous standard for the international treatment of detainees.

Mr. Speaker, this provision has passed the Senate with broad, bipartisan support and I urge my colleagues to support this very important motion to instruct.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania (Mr. MURTHA).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MURTHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006 WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 2863 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of the Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to close the conference will be followed by 5-minute votes on the motion to instruct on H.R. 2863, the motion to suspend the rules and agree to H. Res. 599, and the motion to suspend the rules and pass H.R. 972.

The vote was taken by electronic device, and there were—yeas 415, nays 9, not voting 9, as follows:

[Roll No. 629]

YEAS—415

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry

Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Blumenauer
DeFazio
Hinchey
Kucinich
Lee
McKinney
Olver
Stark
Woolsey

NOT VOTING—9

Abercrombie
Bishop (UT)
Costa
Diaz-Balart, M.
Hyde
Simpson
Tanner
Watt
Westmoreland

□ 1838

Ms. WOOLSEY and Ms. LEE changed their vote from ''yea'' to ''nay.''

Mr. TIERNEY and Mr. BARTON of Texas changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO GO TO CONFERENCE ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MR. MURTHA

The SPEAKER pro tempore (Mr. CAMP of Michigan). The pending business is the vote on the motion to instruct on H.R. 2863 offered by the gentleman from Pennsylvania (Mr. MURTHA) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. 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 308, nays 122, not voting 3, as follows:

[Roll No. 630]

YEAS—308

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gonzalez
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—122

Aderholt
Akin
Baker
Barrett (SC)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Everett
Feeney
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Granger
Graves
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Istook
Jindal
Johnson, Sam
King (IA)
King (NY)
Kingston
LaHood
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Marchant
Marshall
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Oxley
Pearce
Pence
Peterson (PA)
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schmidt
Sessions
Shadegg
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Taylor (NC)
Terry
Thornberry
Tiahrt
Turner
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—3

Costa
Diaz-Balart, M.
Hyde

□ 1849

Mr. GALLEGLY and Mrs. DRAKE changed their vote from ''yea'' to ''nay.''

Mr. McCAUL of Texas changed his vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ESTABLISHING THE TASK FORCE ON OCEAN POLICY

The SPEAKER pro tempore (Mr. CAMP of Michigan). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 599.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and agree to the resolution, H. Res. 599, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 103, nays 327, not voting 3, as follows:

[Roll No. 631]

YEAS—103

Abercrombie
Akin
Allen
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bradley (NH)
Burgess
Cannon
Capito
Cardin
Cardoza
Case
Castle
Cubin
Davis, Tom
DeLay
Dent
Diaz-Balart, L.
Dreier
Duncan
Ehlers
English (PA)
Fortenberry
Fossella
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Harris
Hastings (WA)
Hobson
Hoekstra
Hunter
Inslee
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
King (NY)
Kingston
Kirk
Kolbe
Latham
Leach
Lewis (KY)
Mack
McCaul (TX)
McCrery
McHugh
Melancon
Mica
Michaud
Miller (MI)
Myrick
Osborne
Petri
Platts
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ruppersberger
Saxton
Schwarz (MI)
Sensenbrenner
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Sweeney
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—327

Ackerman
Aderholt
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capps
Capuano
Carnahan
Carson
Carter
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Reichert
Renzi
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Wicker
Wilson (SC)
Woolsey
Wu
Wynn

NOT VOTING—3

Diaz-Balart, M.
Ferguson
Hyde

□ 1858

Mr. DICKS changed his vote from ''yea'' to ''nay.''

So (two-thirds of those voting having not responded in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

## TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). The pending business is the question of suspending the rules and passing the bill, H.R. 972, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 972, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 632]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella

Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Buyer
Davis (FL)
Diaz-Balart, M.
Ferguson
Hyde
Istook
Sanders

□ 1907

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## APPOINTMENT OF CONFEREES ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, HOBSON, BONILLA, FRELINGHUYSEN, TIAHRT, WICKER, KINGSTON, Ms. GRANGER, Messrs. WALSH, ADERHOLT, LEWIS of California, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, Ms. KAPTUR, Mr. EDWARDS and Mr. OBEY.

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECORD votes on postponed questions will be taken at a later time.

## REVERSE MORTGAGES TO HELP AMERICA'S SENIORS ACT

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2892) to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

The Clerk read as follows:

H.R. 2892

*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 ''Reverse Mortgages to Help America's Seniors Act''.

**SEC. 2. ELIMINATION OF CAP ON NUMBER OF MORTGAGES INSURED.**

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g), by striking the first sentence; and

(2) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and the gentleman from Utah (Mr. MATHESON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we continue to try and find the best ways to improve retirement security for our Nation's seniors, I have looked at numerous programs to lessen the burden that our numerous seniors face: health care, transportation, and homeownership. As a former Bucks County Commissioner and now as a Member of Congress representing Pennsylvania's 8th Congressional District, I have received many calls and letters from seniors looking to find ways to pay their bills so that they could stay in their homes.

Mr. Speaker, earlier this year, I had the great opportunity to meet Arthur Gerald, a constituent from New Hope, Bucks County, Pennsylvania, who took advantage of the reverse mortgage program. Arthur was faced with a horrible decision, whether to sell the home he had built for himself and his wife to pay mounting financial obligations or face certain financial ruin. Arthur told me stories of how he, as a young Broadway actor, moved from New York to Pennsylvania with his wife. His house was more than a home. It became a centerpiece of the community. He built a stage in his backyard to perform plays and shows for his neighbors. His house was a focal point for the community. Listening to his stories, I realized that the house was more than four walls and a roof. It was his life, it was his past, and it was his future.

The reverse mortgage allowed Arthur to stay in his home. He harnessed the power of this loan to achieve financial security and independence and to preserve his memories.

Today, I am proud to bring bipartisan, AARP-endorsed legislation to the floor that would help even more seniors preserve their homes and their memories. The Reverse Mortgages to Help America's Seniors Act, H.R. 2892, makes necessary improvements to the Department of House and Urban Development's Home Equity Conversion Mortgage program by removing the statutory limitation, or ceiling, on the aggregate number of FHA-insured reverse mortgages that may be issued in any given year. Only a complete removal of the volume cap will prevent the possibility of future program disruption that will be detrimental to America's seniors.

A reverse mortgage is a unique loan that enables senior homeowners to convert part of the equity in their homes into tax-free income without having to sell the home, give up title, or take on a new monthly mortgage payment.

Reverse mortgages are aptly named because the payment stream is, in fact, reversed. Instead of making monthly payments to the lender as with a regular mortgage, the lender makes payments to the homeowner. The homeowner has great flexibility in choosing

how to receive the money: as a lump sum, fixed monthly payments, a line of credit, or a combination of all three. No monthly payments are required during the term of the loan, and it is paid back only when the resident sells the home, passes away, or permanently moves out of the home.

A key part of the reverse mortgage program is mandatory counseling. To make sure that no one rushes into a mortgage that they are unprepared for, the HECM program requires mandatory counseling prior to providing the application and the loan.

The HECM program is the oldest and most popular reverse mortgage product, accounting for 90 percent of the total market. Available since 1989 to homeowners aged 62 or older, the Home Equity Conversion Mortgage loans are insured by the Federal Government through the FHA. The HUD HECM program has served its mission at an actual savings to the Federal Government. H.R. 2892 would increase discretionary receipts by about $8 million in 2007 and $39 million annually in subsequent years.

The Home Equity Conversion Mortgage program has, in fact, been a huge success. So much so that the rapid pace of growth created a near crisis this April when concerns arose about the fact that the cap was being reached and the program would, in fact, have to be suspended. While the cap was raised from $150,000 to $250,000 in the 2005 emergency supplemental appropriation, this was just a temporary solution. My bill would remove the volume limit and prevent the possibility of future program disruption and uncertainty in the marketplace.

Reverse mortgages benefit seniors who are land rich and cash poor. Many seniors are struggling financially because they do not have a steady income stream coming in, but are sitting on a valuable asset that is not working for them. The funds from their reverse mortgage can be used for needs that every senior faces like health care expenses, prescription drugs, in-home care, prevention of foreclosure, paying off existing debts, home repairs or modifications, or daily living expenses.

H.R. 2892 has gained support from both sides of the aisle. I would like to thank the 34 cosponsors, specifically the gentleman from Utah (Mr. MATHESON), the lead Democrat cosponsor. I think that Congress can agree, regardless of party affiliation, that we want our seniors staying in their homes, especially in a fiscally responsible way.

□ 1915

Home ownership is a key part of the American Dream, and reverse mortgages allow an avenue of relief for those seniors faced with losing that dream.

I will leave you with a quote from the AARP: We are pleased to be able to support Congressman FITZPATRICK's bill eliminating the loan cap for HECM-qualified, FHA-insured reverse mortgages. We believe that the reverse mortgage instrument provides older Americans with a valuable option for meeting their expenses, especially for those households that are equity-rich but income-poor. This simple but important step will ensure that this unique financial tool will be available to older homeowners.

Madam Speaker, the House must pass H.R. 2892.

Madam Speaker, I reserve the balance of my time.

Mr. MATHESON. Madam Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Speaker, I very much compliment the prime sponsor (Mr. MATHESON) for this bill. This bill really does unlock a secret to very significant cash available to our seniors. This limit that we now have that is going to be removed by this bill really has no particular reason for its existence, and what we are finding is that there is a tremendous demand for these reverse mortgages because it could unlock something like $64 billion of equity that seniors have. Seniors are equity-rich but cash-poor in a lot of circumstances.

We are also finding that seniors are using these reverse mortgages in new ways, to help their grandchildren with their college education, for their recreation, as well as the obvious reasons, for health care and assisted-living facilities and the like. So this has tremendous opportunity.

I hope this is a first step in a continued program to make these mortgages more available. I am working on a bill I hope at some point will pass that will also go to a unified limitation in the dollar amount, the cap that now exists and limits the amount of equity that our seniors can get out of their homes.

Right now, some people can get access to $300,000 plus, but some are limited to under $170,000. So we hope this is a first step in a continued effort to making these reverse mortgages more available. I think seniors will be universally happy with this.

Again, I commend the prime sponsor of this, Mr. MATHESON, for his leadership.

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I reserve the balance of my time.

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

First of all, I am very pleased to have worked with Representative FITZPATRICK on this important legislation, and I thank him for his leadership, and I also thank the House leadership and Chairman OXLEY and Ranking Member FRANK for getting this important bill to the floor in such an expeditious manner.

H.R. 2892 is a simple bill that will increase opportunities for our Nation's seniors to meet their own financial needs. H.R. 2892, the Reverse Mortgages to Help America's Seniors Act, will eliminate the cap on the volume of federally insured home equity conversion mortgages, or reverse mortgages as they are called. These unique loans enable senior homeowners to convert part of the equity in their homes to tax-free income without having to sell the home, give up title or take on a new monthly mortgage. Instead of making monthly payments to the lender, as with a regular mortgage, the lender makes payments to the homeowner. The majority of loan recipients are elderly widows.

Under current law, the HUD Home Equity Conversion Mortgage, or reverse mortgage program, is capped at $250,000 loans. Removing the cap will provide stability and greater competition in a program that has proven to be useful for many seniors.

This bill is cost-effective for taxpayers and consumers. In fact, CBO estimates that lifting the cap will raise revenues by about $8 million in 2007 and $39 million annually in subsequent years.

This legislation is supported by AARP, the National Reverse Mortgage Lenders Association and others. Again, I want to thank Mr. FITZPATRICK for his leadership on this bill, and I want to also thank Mr. OXLEY and Mr. FRANK, and I encourage my colleagues to vote for this important legislation to provide other seniors with greater tools for managing their expenses.

Madam Speaker, I reserve the balance of my time.

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Speaker, I rise today in strong support of Mr. FITZPATRICK's excellent bill, H.R. 2892, that would remove the Federal Housing Administration's reverse mortgage volume cap.

I was a former realtor before I entered the Congress, and my district is the fifth largest Medicare eligible senior district in America, so this is critically important to their ability to live in their homes that they have tended to and built up over the years. It allows them to stay in their communities and their homes and remain healthy and vibrant in their community.

FHA's reverse mortgage program reflects the very best of FHA, and the elimination of the loan cap represents an appropriate and welcome adjustment to the program. Launched in 1989, FHA's Home Equity Conversion Mortgage program was designed to be an innovative new mortgage product that would allow seniors to tap into their home equity in a safe and affordable manner. Previously, the only way for the homeowner to get cash from their home was to sell their home or borrow against it and begin making monthly payments. A reverse mortgage is a product that allows a homeowner age 62 or older to get cash by tapping their equity without having to make a monthly payment or sell their home.

As I mentioned earlier, their home is their nest, their safety net, a place where they feel independent, secure and feel that their lives still have value and worth. Staying in their home allows them to bring their children and grandchildren into that home, oftentimes the place where they raised those very children. This type of mortgage can be useful to couples who wish to use their homes to pay off medical bills, purchase a vacation home or give to their children or grandchildren as part of a living will.

There are nearly 35 million Americans over 65 years of age, and by 2010, the number of elderly individuals is expected to jump to 40 million and then reach 50 million by 2020. Even more dramatic is the growth of older seniors, persons age 85 and older. Over the next 35 years, that number is expected to quadruple from 3.5 million to 14 million, those over 85.

So I want to thank Mr. FITZPATRICK for his excellent work on this bill. Certainly it is a good bill for Floridians, and I know Pennsylvanians as well. I also want to thank Chairman MIKE OXLEY for his hard work as well as MIKE FITZPATRICK in bringing this important piece of legislation to the floor, and I urge my colleagues to support the measure.

Mr. MATHESON. Madam Speaker, I want to say again that I thank Representative FITZPATRICK and urge passage of the legislation, and I yield back the balance of my time.

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, in closing, approximately 10 years ago there was a pilot project where HUD worked through the Home Equity Conversion Mortgage program and backed reverse mortgages for senior citizens in America. Many, many seniors throughout this country were able to access reverse mortgages to, as you have heard through the testimony here today, stay in their homes, to retain the memories of their home, homes where they raised their families, graduated their children and a place where they just simply want to retire in.

This has been a pilot project that has worked, and I have heard from many, many seniors in my district who need this product and have asked that I sponsor this legislation and make the reverse mortgage product more plentiful and more available to them as they live out and retire in the homes that they have raised their families in.

So in closing, Madam Speaker, I would just ask that my fellow Members of this chamber support this bill and pass it this evening.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 2892, a bill sponsored by my friend and colleague from Pennsylvania, MICHAEL FITZPATRICK. Mr. FITZPATRICK's legislation is a response to the administration's request to access the growing, frequently untapped, equity that seniors have amassed in their homes. That equity, through a very successful FHA program can be accessed through Home Equity Conversion Mortgages.

The number of such loans that the FHA program can handle was capped so that HUD and Congress could determine the safety and soundness of the program. Nearly 10 years later, now we know the program is successful and this bill will ensure that the reverse mortgage program continues uninterrupted and will not place the FHA insurance fund into any risks. By removing this cap, more senior citizens will be able to use the equity in their homes to make them handicapped accessible, to access money for healthcare, or whatever needs their families have. The program also ensures that the reverse mortgage is paid back when they move or when they pass away, and the homeowner will never owe more than the house is worth.

The number of elderly persons in America continues to rise and with advances in health care and technology, seniors will certainly represent a growing number of American citizens. It is of great importance that these citizens' needs be met and addressed now and that they will have as many economic resources as possible to support themselves in the future. Reverse mortgages is a tool that will help in addressing the needs of seniors today and in the years to come.

A home represents more than just a place to live. It represents security and memories that are cherished by their owners. Part of that security can be economic security. I ask that Members of this Congress unanimously support this bill so that seniors may have the money they need without having to move from their homes.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 2892, the Reverse Mortgages to Help America's Seniors Act.

While this bill is helpful and necessary for allowing seniors to unlock their personal equity gained through homeownership, it also points to a disturbing, new reality facing millions of senior citizens throughout our country. The practice of reverse mortgages allows elder homeowners to borrow against the equity of their homes and H.R. 2892 allows for more seniors to participate in this practice. The increased demand in reverse mortgages suggests seniors are now facing difficult spending priorities. As home heating bills are rising to all-time highs, gasoline prices reaching record levels, municipalities raising local taxes to compensate for lost federal funds, grandkids' college financial aid decreasing, the current pension crises growing, and efforts continuing to jeopardize the future of the Social Security program, seniors have been left high and dry to fend for themselves in the face of these new fiscal obstacles. If the "Ownership Society" envisioned by the President is, in reality, a "Forced Borrowing Society," perhaps we need to pay more attention to what is actually happening to people and less to rhetorical flourishes masquerading as public policy.

While H.R. 2892 is not a solution to the financial problems facing seniors, it does allow them to pay for unexpected medical expenses, home repairs, and a more comfortable retirement. But as my Republican colleagues prepare to approve billions of dollars in tax cuts for the highest income earners and arbitrary across-the-board program funding cuts in social services, seniors are having the rug pulled from under their feet by the federal government. I urge the passage of H.R. 2892, because seniors need all available resources to face the broken promises from the federal government, but let's not forget that there is a reason why more and more seniors are seeking out these reverse mortgage loans.

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

The SPEAKER pro tempore (Miss MCMORRIS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. FITZPATRICK) that the House suspend the rules and pass the bill, H.R. 2892.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. FITZPATRICK of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed, H.R. 2892, and to insert extraneous material thereon.

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

There was no objection.

## 2005 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT

Mr. PORTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3508) to authorize improvements in the operation of the government of the District of Columbia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3508

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "2005 District of Columbia Omnibus Authorization Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

Sec. 101. Budget flexibility.
Sec. 102. Additional authority to allocate amounts in Reserve Funds.
Sec. 103. Permitting General Services Administration to obtain space and services on behalf of District of Columbia Public Defender Service.
Sec. 104. Authority to enter into Interstate Insurance Product Regulation Compact.

Subtitle B—District of Columbia Courts

Sec. 111. Modernization of Office of Register of Wills.
Sec. 112. Increase in cap on rates of pay for nonjudicial employees.
Sec. 113. Clarification of rate for individuals providing services to indigent defendants.
Sec. 114. Authority of Courts to conduct proceedings outside of District of Columbia during emergencies.

Sec. 115. Authority of Court Services and Offender Supervision Agency to use services of volunteers.
Sec. 116. Technical corrections relating to courts.
Subtitle C—Other Miscellaneous Technical Corrections
Sec. 121. 2004 District of Columbia Omnibus Authorization Act.
Sec. 122. District of Columbia Appropriations Act, 2005.
Sec. 123. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.
TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER
Sec. 201. Promoting independence of Chief Financial Officer.
Sec. 202. Personnel authority.
Sec. 203. Procurement authority.
Sec. 204. Fiscal impact statements.
TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS
Sec. 301. Acceptance of gifts by Court Services and Offender Supervision Agency.
Sec. 302. Evaluation process for public school employees.
Sec. 303. Clarification of application of pay provisions of Merit Personnel System to all District employees.
Sec. 304. Criteria for renewing or extending sole source contracts.
Sec. 305. Acceptance of grant amounts not included in annual budget.
Sec. 306. Standards for annual independent audit.
Sec. 307. Use of fines imposed for violation of traffic alcohol laws for enforcement and prosecution of laws.
Sec. 308. Certifications for attorneys in cases brought under Individuals With Disabilities Education Act.

## TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

### Subtitle A—General District of Columbia Governance

**SEC. 101. BUDGET FLEXIBILITY.**

(a) PERMITTING INCREASE IN AMOUNT APPROPRIATED AS LOCAL FUNDS DURING A FISCAL YEAR.—Subpart 1 of part D of title IV of the District of Columbia Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code) is amended by inserting after section 446 the following new section:

''PERMITTING INCREASE IN AMOUNT APPROPRIATED AS LOCAL FUNDS DURING A FISCAL YEAR

''SEC. 446A. (a) IN GENERAL.—Notwithstanding the fourth sentence of section 446, to account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia funds under budget approved by Act of Congress as provided in such section may be increased—

''(1) by an aggregate amount of not more than 25 percent, in the case of amounts allocated under the budget as 'Other-Type Funds'; and

''(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts allocated under the budget.

''(b) CONDITIONS.—The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

''(1) The Chief Financial Officer of the District of Columbia shall certify—

''(A) the increase in revenue; and

''(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

''(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with any other requirements under law.

''(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

''(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate not fewer than 30 days in advance of the obligation or expenditure.

''(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal years 2006 through 2007.''.

(b) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 1–204.46, D.C. Official Code) is amended by inserting ''section 446A,'' after ''section 445A(b),''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 446 the following new item:

''Sec. 446A. Permitting increase in amount appropriated as local funds during a fiscal year.''.

**SEC. 102. ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS IN RESERVE FUNDS.**

(a) IN GENERAL.—Section 450A of the District of Columbia Home Rule Act (sec. 1–204.50A, D.C. Official Code) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, in addition to the authority provided under this section to allocate and use amounts from the emergency reserve fund under subsection (a) and the contingency reserve fund under subsection (b), the District of Columbia may allocate amounts from such funds during a fiscal year and use such amounts for cash flow management purposes.

''(2) LIMITS ON AMOUNT ALLOCATED.—

''(A) AMOUNT OF INDIVIDUAL ALLOCATION.—The amount of an allocation made from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection may not exceed 50 percent of the balance of the fund involved at the time the allocation is made.

''(B) AGGREGATE AMOUNT ALLOCATED.—The aggregate amount allocated from the emergency reserve fund or the contingency reserve fund pursuant to the authority of this subsection during a fiscal year may not exceed 50 percent of the balance of the fund involved as of the first day of such fiscal year.

''(3) REPLENISHMENT.—If the District of Columbia allocates any amounts from a reserve fund pursuant to the authority of this subsection during a fiscal year, the District shall fully replenish the fund for the amounts allocated not later than the earlier of—

''(A) the expiration of the 9-month period which begins on the date the allocation is made; or

''(B) the last day of the fiscal year.

''(4) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal years 2006 through 2007.''.

(b) SPECIAL RULE FOR TIMING OF REPLENISHMENT AFTER SUBSEQUENT ALLOCATION.—

(1) EMERGENCY RESERVE FUND.—Section 450A(a)(7) of such Act (sec. 1–204.50A(a)(7), D.C. Official Code) is amended—

(A) by striking ''(7) REPLENISHMENT.—The District of Columbia'' and inserting the following:

''(7) REPLENISHMENT.—

''(A) IN GENERAL.—The District of Columbia''; and

(B) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR REPLENISHMENT AFTER ALLOCATION FOR CASH FLOW MANAGEMENT.—

''(i) IN GENERAL.—If the District allocates amounts from the emergency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

''(ii) DEADLINE.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.''.

(2) CONTINGENCY RESERVE FUND.—Section 450A(b)(6) of such Act (sec. 1–204.50A(b)(6), D.C. Official Code) is amended—

(A) by striking ''(6) REPLENISHMENT.—The District of Columbia'' and inserting the following:

''(6) REPLENISHMENT.—

''(A) IN GENERAL.—The District of Columbia''; and

(B) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR REPLENISHMENT AFTER ALLOCATION FOR CASH FLOW MANAGEMENT.—

''(i) IN GENERAL.—If the District allocates amounts from the contingency reserve fund during a fiscal year for cash flow management purposes pursuant to the authority of subsection (c) and at any time afterwards during the year makes a subsequent allocation from the fund for purposes of this subsection, and if as a result of the subsequent allocation the balance of the fund is reduced to an amount which is less than 50 percent of the balance of the fund as of the first day of the fiscal year, the District shall replenish the fund by such amount as may be required to restore the balance to an amount which is equal to 50 percent of the balance of the fund as of the first day of the fiscal year.

''(ii) DEADLINE.—The District shall carry out any replenishment required under clause (i) as a result of a subsequent allocation described in such clause not later than the expiration of the 60-day period which begins on the date of the subsequent allocation.''.

**SEC. 103. PERMITTING GENERAL SERVICES ADMINISTRATION TO OBTAIN SPACE AND SERVICES ON BEHALF OF DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.**

(a) AUTHORITY TO OBTAIN SPACE AND SERVICES.—At the request of the Director of the District of Columbia Public Defender Service, the Administrator of General Services may furnish space and services on behalf of the Service (either directly by providing space and services in buildings owned or occupied by the Federal Government or indirectly by entering into leases with non-Federal entities) in the same manner, and under

the same terms and conditions, as the Administrator may furnish space and services on behalf of an agency of the Federal Government.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

**SEC. 104. AUTHORITY TO ENTER INTO INTERSTATE INSURANCE PRODUCT REGULATION COMPACT.**

(a) IN GENERAL.—The District of Columbia is authorized to enter into an interstate compact to establish a joint state commission as an instrumentality of the District of Columbia for the purpose of establishing uniform insurance product regulations among the participating states.

(b) DELEGATION.—Any insurance product regulation compact that the Council of the District of Columbia authorizes the Mayor to execute on behalf of the District may contain provisions that delegate the requisite power and authority to the joint state commission to achieve the purposes for which the interstate compact is established.

**Subtitle B—District of Columbia Courts**

**SEC. 111. MODERNIZATION OF OFFICE OF REGISTER OF WILLS.**

(a) REVISION OF DUTIES.—Section 11—2104(b), District of Columbia Official Code, is amended to read as follows:

''(b) In matters over which the Superior Court has probate jurisdiction or powers, the Register of Wills shall—

''(1) make full and fair entries, in separate records, of the proceedings of the court;

''(2) record in electronic or other format all wills proved before the Register of Wills or the court and other matters required by law to be recorded in the court;

''(3) lodge in places of safety designated by the court original papers filed with the Register of Wills;

''(4) make out and issue every summons, process, and order of the court;

''(5) prepare and submit to the Executive Officer of the District of Columbia courts such reports as may be required; and

''(6) in every respect, act under the control and direction of the court.''.

(b) REPEAL OF PENALTIES.—

(1) IN GENERAL.—Section 11–2104, District of Columbia Code, is amended—

(A) in the heading, by striking ''**; penalties**''; and

(B) by striking subsections (d) and (e).

(2) CLERICAL AMENDMENT.—The item relating to section 11–2104 in the table of sections for chapter 21 of title 11, District of Columbia Official Code, is amended by striking ''; penalties''.

(c) RECORD OF CLAIMS AGAINST NONRESIDENT DECEDENTS.—Section 20–343(d), District of Columbia Official Code, is amended by striking the second sentence and inserting the following: ''The Register shall record all such claims and releases.''.

**SEC. 112. INCREASE IN CAP ON RATES OF PAY FOR NONJUDICIAL EMPLOYEES.**

(a) IN GENERAL.—The second sentence of section 11—1726(a), District of Columbia Official Code, is amended by striking ''pay fixed by administrative action in section 5373'' and inserting ''maximum pay in section 5382(a)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

**SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PROVIDING SERVICES TO INDIGENT DEFENDANTS.**

(a) IN GENERAL.—Section 11—2605, District of Columbia Official Code, is amended—

(1) by striking subsection (b);

(2) in subsection (c), by inserting after ''United States Code,'' the following: ''(or, in the case of investigative services, a fixed rate of $25 per hour)'';

(3) in subsection (d), by inserting after ''United States Code,'' the following: ''(or, in the case of investigative services, a fixed rate of $25 per hour)''; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to services provided on or after the date of the enactment of this Act.

**SEC. 114. AUTHORITY OF COURTS TO CONDUCT PROCEEDINGS OUTSIDE OF DISTRICT OF COLUMBIA DURING EMERGENCIES.**

(a) DISTRICT OF COLUMBIA COURT OF APPEALS.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

**''§ 11—710. Emergency authority to conduct proceedings outside District of Columbia.**

''(a) IN GENERAL.—The court may hold special sessions at any place within the United States outside the District of Columbia as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court (or, if the chief judge is absent or disabled, the judge designated under section 11–706(a)) or the Joint Committee on Judicial Administration in the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held. The court may transact any business at a special session authorized pursuant to this section which it has the authority to transact at a regular session.

''(b) NOTICE REQUIREMENTS.—If the Court of Appeals issues an order exercising its authority under subsection (a), the court—

''(1) through the Joint Committee on Judicial Administration in the District of Columbia, shall send notice of such order, including the reasons for the issuance of such order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives; and

''(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.''.

(2) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter I the following:

''11—710. Emergency authority to conduct proceedings outside District of Columbia.''.

(b) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Subchapter I of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

**''§ 11—911. Emergency authority to conduct proceedings outside District of Columbia.**

''(a) IN GENERAL.—The Superior Court may hold special sessions at any place within the United States outside the District of Columbia as the nature of the business may require and upon such notice as the Superior Court orders, upon a finding by either the chief judge of the Superior Court (or, if the chief judge is absent or disabled, the judge designated under section 11–907(a)) or the Joint Committee on Judicial Administration in the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held.

''(b) BUSINESS TRANSACTED.— The Superior Court may transact any business at a special session outside the District of Columbia authorized pursuant to this section which it has the authority to transact at a regular session, except that a criminal trial may not be conducted at such a special session without the consent of the defendant.

''(c) SUMMONING OF JURORS.—Notwithstanding any other provision of law, in any case in which special sessions are conducted pursuant to this section, the Superior Court may summon jurors—

''(1) in civil proceedings, from any part of the District of Columbia or, if jurors are not readily available from the District of Columbia, the jurisdiction in which it is holding the special session; and

''(2) in criminal trials, from any part of the District of Columbia or, if jurors are not readily available from the District of Columbia and if the defendant so consents, the jurisdiction in which it is holding the special session.

''(d) NOTICE REQUIREMENTS.—If the Superior Court issues an order exercising its authority under subsection (a), the Court—

''(1) through the Joint Committee on Judicial Administration in the District of Columbia, shall send notice of such order, including the reasons for the issuance of such order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives; and

''(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.''.

(2) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter I the following:

''11—911. Emergency authority to conduct proceedings outside District of Columbia.''.

**SEC. 115. AUTHORITY OF COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO USE SERVICES OF VOLUNTEERS.**

Section 11233 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133, D.C. Official Code) is amended by adding at the end the following new subsection:

''(g) AUTHORITY TO USE SERVICES OF VOLUNTEERS.—

''(1) IN GENERAL.—The Agency (including any independent entity within the Agency) may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Agency except policymaking.

''(2) APPLICABILITY OF WORKER'S COMPENSATION RULES TO VOLUNTEERS.—Any volunteer whose services are accepted pursuant to this subsection shall be considered an employee of the United States Government in providing the services for purposes of chapter 81 of title 5, United States Code (relating to compensation for work injuries).''.

**SEC. 116. TECHNICAL CORRECTIONS RELATING TO COURTS.**

(a) IN GENERAL.—Section 329 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1345), is amended to read as follows:

''SEC. 329. (a) APPROVAL OF BONDS BY JOINT COMMITTEE ON JUDICIAL ADMINISTRATION.—Section 11–1701(b), District of Columbia Official Code, is amended by striking paragraph (5).

''(b) EXECUTIVE OFFICER.—

''(1) IN GENERAL.—Section 11–1704, District of Columbia Official Code, is amended to read as follows:

**'§ 11—1704. Oath of Executive Officer**

'The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of that office.'.

''(2) CLERICAL AMENDMENT.—The table of sections for chapter 17 of title 11, District of Columbia Official Code, is amended by amending the item relating to section 11–1704 to read as follows:

'11—1704. Oath of Executive Officer.'.

''(c) FISCAL OFFICER.—Section 11–1723, District of Columbia Official Code, is amended—

''(1) by striking '(a)(1)' and inserting '(a)';

''(2) by striking subsection (b); and

''(3) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c).

''(d) AUDITOR-MASTER.—Section 11–1724, District of Columbia Official Code, is amended by striking the second and third sentences.

''(e) REGISTER OF WILLS.—

''(1) IN GENERAL.—Section 11–2102, District of Columbia Official Code, is amended—

''(A) in the heading, by striking '**bond**;';

''(B) in subsection (a)(2), by striking 'give bond,' and all that follows through 'seasonably to record' and inserting 'seasonably record'; and

''(C) by striking the third sentence of subsection (a).

''(2) CLERICAL AMENDMENT.—The item relating to section 11–2102 in the table of sections for chapter 21 of title 11, District of Columbia Official Code, is amended by striking 'bond;'.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 17 of title 11, District of Columbia Official Code, is amended by amending the item relating to section 11–1728 to read as follows:

''11—1728. Recruitment and training of personnel; travel.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

### Subtitle C—Other Miscellaneous Technical Corrections

**SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHORIZATION ACT.**

(a) IN GENERAL.—The first sentence of section 446(a) of the District of Columbia Home Rule Act (sec. 1–204.46(a), D.C. Official Code) is amended by striking ''The Council,'' and all that follows through ''from the Mayor,'' and inserting ''The Council, within 56 calendar days after receipt of the budget proposal from the Mayor,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the 2004 District of Columbia Omnibus Authorization Act.

**SEC. 122. DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005.**

(a) IN GENERAL.—Section 450A of the District of Columbia Home Rule Act (sec. 1–204.50A, D.C. Official Code), as amended by section 332 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1346), is amended—

(1) in the heading of subsection (a)(2), by striking ''IN GENERAL'' and inserting ''OPERATING EXPENDITURES DEFINED''; and

(2) in the heading of subsection (b)(2), by striking ''IN GENERAL'' and inserting ''OPERATING EXPENDITURES DEFINED''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

**SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO BANKS OPERATING UNDER THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.**

(a) FEDERAL RESERVE ACT.—

(1) The second undesignated paragraph of the first section of the Federal Reserve Act (12 U.S.C. 221) is amended by adding at the end the following: ''For purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia.''.

(2) The first sentence of the first undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) is amended by striking ''incorporated by special law of any State, or'' and inserting ''incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or''.

(b) BANK CONSERVATION ACT.—Section 202 of the Bank Conservation Act (12 U.S.C. 202) is amended—

(1) by striking ''means (1) any national'' and inserting ''means any national''; and

(2) by striking '', and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency''.

(c) DEPOSITORY INSTITUTION DEREGULATION AND MONETARY CONTROL ACT OF 1980.—Part C of title VII of the Depository Institution Deregulation and Monetary Control Act of 1980 is amended—

(1) in paragraph (1) of section 731 (12 U.S.C. 216(1)) by striking ''and closed banks in the District of Columbia''; and

(2) in paragraph (2) of section 732 (12 U.S.C. 216a(2)) by striking ''or closed banks in the District of Columbia''.

(d) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(a)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)(2)(B)) is amended by striking ''(except a national bank)''.

(e) NATIONAL BANK CONSOLIDATION AND MERGER ACT.—Section 7(1) of the National Bank Consolidation and Merger Act (12 U.S.C. 215b(1)) is amended by striking ''(except a national banking association located in the District of Columbia)''.

(f) AN ACT OF AUGUST 17, 1950.—Section 1(a) of the Act entitled ''An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes'' and approved August 17, 1950 (12 U.S.C. 214(a)) is amended by striking ''(except a national banking association)''.

(g) FEDERAL TRADE COMMISSION ACT.—Section 18(f)(2) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(2)) is amended—

(1) in subparagraph (A), by striking '', banks operating under the code of law for the District of Columbia,''; and

(2) in subparagraph (B), by striking ''and banks operating under the code of law for the District of Columbia''.

## TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

**SEC. 201. PROMOTING INDEPENDENCE OF CHIEF FINANCIAL OFFICER.**

(a) IN GENERAL.—Section 424 of the District of Columbia Home Rule Act (sec. 1–204.24a et seq., D.C. Official Code) is amended to read as follows:

''CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

''SEC. 424. (a) IN GENERAL.—

''(1) ESTABLISHMENT.—There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the 'Office'), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the 'Chief Financial Officer').

''(2) ORGANIZATIONAL ANALYSIS.—

''(A) OFFICE OF BUDGET AND PLANNING.—The name of the Office of Budget and Management, established by Commissioner's Order 69–96, issued March 7, 1969, is changed to the Office of Budget and Planning.

''(B) OFFICE OF TAX AND REVENUE.—The name of the Department of Finance and Revenue, established by Commissioner's Order 69–96, issued March 7, 1969, is changed to the Office of Tax and Revenue.

''(C) OFFICE OF FINANCE AND TREASURY.—The name of the Office of Treasurer, established by Mayor's Order 89–244, dated October 23, 1989, is changed to the Office of Finance and Treasury.

''(D) OFFICE OF FINANCIAL OPERATIONS AND SYSTEMS.—The Office of the Controller, established by Mayor's Order 89–243, dated October 23, 1989, and the Office of Financial Information Services, established by Mayor's Order 89–244, dated October 23, 1989, are consolidated into the Office of Financial Operations and Systems.

''(3) TRANSFERS.—Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are established as subordinate offices within the Office:

''(A) The Office of Budget and Planning, headed by the Deputy Chief Financial Officer for the Office of Budget and Planning.

''(B) The Office of Tax and Revenue, headed by the Deputy Chief Financial Officer for the Office of Tax and Revenue.

''(C) The Office of Research and Analysis, headed by the Deputy Chief Financial Officer for the Office of Research and Analysis.

''(D) The Office of Financial Operations and Systems, headed by the Deputy Chief Financial Officer for the Office of Financial Operations and Systems.

''(E) The Office of Finance and Treasury, headed by the District of Columbia Treasurer.

''(F) The Lottery and Charitable Games Control Board, established by the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Official Code § 3–1301 et seq.).

''(4) SUPERVISOR.—The heads of the offices listed in paragraph (3) of this section shall serve at the pleasure of the Chief Financial Officer.

''(5) APPOINTMENT AND REMOVAL OF OFFICE EMPLOYEES.—The Chief Financial Officer shall appoint the heads of the subordinate offices designated in paragraph (3), after consultation with the Mayor and the Council. The Chief Financial Officer may remove the heads of the offices designated in paragraph (3), after consultation with the Mayor and the Council.

''(6) ANNUAL BUDGET SUBMISSION.—The Chief Financial Officer shall prepare and annually submit to the Mayor of the District of Columbia, for inclusion in the annual budget of the District of Columbia government for a fiscal year, annual estimates of the expenditures and appropriations necessary for the year for the operation of the Office and all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies) that report to the Office pursuant to this Act.

''(b) APPOINTMENT OF THE CHIEF FINANCIAL OFFICER.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Chief Financial Officer shall be appointed by the Mayor with the advice and consent, by resolution, of the Council. Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the appointment takes effect.

''(B) SPECIAL RULE FOR CONTROL YEARS.—During a control year, the Chief Financial

Officer shall be appointed by the Mayor as follows:

''(i) Prior to the appointment, the Authority may submit recommendations for the appointment to the Mayor.

''(ii) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

''(iii) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

''(iv) The nomination shall be effective subject to approval by a majority vote of the Authority.

''(2) TERM.—

''(A) IN GENERAL.—All appointments made after June 30, 2007, shall be for a term of 5 years, except for appointments made for the remainder of unexpired terms. The appointments shall have an anniversary date of July 1.

''(B) TRANSITION.—For purposes of this section, the individual serving as Chief Financial Officer as of the date of enactment of the 2005 District of Columbia Omnibus Authorization Act shall be deemed to have been appointed under this subsection, except that such individual's initial term of office shall begin upon such date and shall end on June 30, 2007.

''(C) CONTINUANCE.—Any Chief Financial Officer may continue to serve beyond his term until a successor takes office.

''(D) VACANCIES.—Any vacancy in the Office of Chief Financial Officer shall be filled in the same manner as the original appointment under paragraph (1).

''(E) PAY.—The Chief Financial Officer shall be paid at an annual rate equal to the rate of basic pay payable for level I of the Executive Schedule.

''(c) REMOVAL OF THE CHIEF FINANCIAL OFFICER.—

''(1) IN GENERAL.—The Chief Financial Officer may only be removed for cause by the Mayor, subject to the approval of the Council by a resolution approved by not fewer than 2/3 of the members of the Council. After approval of the resolution by the Council, notice of the removal shall be submitted to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the removal takes effect.

''(2) SPECIAL RULE FOR CONTROL YEARS.—During a control year, the Chief Financial Officer may be removed for cause by the Authority or by the Mayor with the approval of the Authority.

''(d) DUTIES OF THE CHIEF FINANCIAL OFFICER.—Notwithstanding any provisions of this Act which grant authority to other entities of the District government, the Chief Financial Officer shall have the following duties and shall take such steps as are necessary to perform these duties:

''(1) During a control year, preparing the financial plan and the budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

''(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D and preparing the 5-year financial plan based upon the adopted budget for submission with the District of Columbia budget by the Mayor to Congress.

''(3) During a control year, assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

''(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Chief Financial Officer's authority, to ensure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis and to ensure that appropriations are not exceeded.

''(5) Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year, and making public—

''(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D of this title, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

''(B) quarterly re-estimates of the revenues of the District of Columbia during the year.

''(6) Supervising and assuming responsibility for financial transactions to ensure adequate control of revenues and resources.

''(7) Maintaining systems of accounting and internal control designed to provide—

''(A) full disclosure of the financial impact of the activities of the District government;

''(B) adequate financial information needed by the District government for management purposes;

''(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

''(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget.

''(8) Submitting to the Council a financial statement of the District government, containing such details and at such times as the Council may specify.

''(9) Supervising and assuming responsibility for the assessment of all property subject to assessment and special assessments within the corporate limits of the District of Columbia for taxation, preparing tax maps, and providing such notice of taxes and special assessments (as may be required by law).

''(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

''(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council (or by the Authority during a control year).

''(12) Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safekeeping of all bonds and notes of the District government and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.

''(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

''(14) Certifying all contracts and leases (whether directly or through delegation) prior to execution as to the availability of funds to meet the obligations expected to be incurred by the District government under such contracts and leases during the year.

''(15) Prescribing the forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the District government.

''(16) Certifying and approving prior to payment of all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

''(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.

''(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer.

''(19) Supervising and administering all borrowing programs for the issuance of long-term and short-term indebtedness, as well as other financing-related programs of the District government.

''(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

''(21) Administering the centralized District government payroll and retirement systems (other than the retirement system for police officers, fire fighters, and teachers).

''(22) Governing the accounting policies and systems applicable to the District government.

''(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

''(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).

''(25) Preparing fiscal impact statements on regulations, multiyear contracts, contracts over $1,000,000 and on legislation, as required by section 4a of the General Legislative Procedures Act of 1975.

''(26) Preparing under the direction of the Mayor, who has the specific responsibility for formulating budget policy using Chief Financial Officer technical and human resources, the budget for submission by the Mayor to the Council and to the public and upon final adoption to Congress and to the public.

''(27) Certifying all collective bargaining agreements and nonunion pay proposals prior to submission to the Council for approval as to the availability of funds to meet the obligations expected to be incurred by

the District government under such collective bargaining agreements and nonunion pay proposals during the year.

''(e) FUNCTIONS OF TREASURER.—At all times, the Treasurer shall have the following duties:

''(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Each such report shall include the following:

''(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

''(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

''(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

''(D) Monthly reports reflecting a detailed summary analysis of all District of Columbia government investments, including—

''(i) the total of long-term and short-term investments;

''(ii) a detailed summary analysis of investments by type and amount, including purchases, sales (maturities), and interest;

''(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

''(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information; and

''(v) an analysis of cash utilization, including—

''(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

''(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

''(III) comparisons of estimated dollar return against actual dollar yield.

''(E) Monthly reports reflecting a detailed summary analysis of long-term and short-term borrowings inclusive of debt as authorized by section 603, in the current fiscal year and the amount of debt for each succeeding fiscal year not to exceed 5 years. All such reports shall reflect—

''(i) the amount of debt outstanding by type of instrument;

''(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

''(iii) a maturity schedule of the debt;

''(iv) the rate of interest payable upon the debt; and

''(v) the amount of debt service requirements and related debt service reserves.

''(2) Such other functions assigned to the Chief Financial Officer under subsection (d) as the Chief Financial Officer may delegate.

''(f) DEFINITIONS.—For purposes of this section (and sections 424a and 424b)—

''(1) the term 'Authority' means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

''(2) the term 'control year' has the meaning given such term under section 305(4) of such Act; and

''(3) the term 'District government' has the meaning given such term under section 305(5) of such Act. ''.

(b) CLARIFICATION OF DUTIES OF CHIEF FINANCIAL OFFICER AND MAYOR.—

(1) RELATION TO FINANCIAL DUTIES OF MAYOR.—Section 448(a) of such Act (section 1–204.48(a), D.C. Official Code) is amended by striking ''section 603,'' and inserting ''section 603 and except to the extent provided under section 424(d),''.

(2) RELATION TO MAYOR'S DUTIES REGARDING ACCOUNTING SUPERVISION AND CONTROL.—Section 449 of such Act (section 1–204.49, D.C. Official Code) is amended by striking ''The Mayor'' and inserting ''Except to the extent provided under section 424(d), the Mayor''.

**SEC. 202. PERSONNEL AUTHORITY.**

(a) PROVIDING INDEPENDENT PERSONNEL AUTHORITY .—

(1) IN GENERAL.—Part B of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new section:

''AUTHORITY OF CHIEF FINANCIAL OFFICER OVER PERSONNEL OF OFFICE AND OTHER FINANCIAL PERSONNEL

''SEC. 424a. (a) IN GENERAL.—Notwithstanding any provision of law or regulation (including any law or regulation providing for collective bargaining or the enforcement of any collective bargaining agreement), employees of the Office of the Chief Financial Officer of the District of Columbia, including personnel described in subsection (b), shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer of the District of Columbia, and shall be considered at-will employees not covered by the District of Columbia Merit Personnel Act of 1978, except that nothing in this section may be construed to prohibit the Chief Financial Officer from entering into a collective bargaining agreement governing such employees and personnel or to prohibit the enforcement of such an agreement as entered into by the Chief Financial Officer.

''(b) PERSONNEL.—The personnel described in this subsection are as follows:

''(1) The General Counsel to the Chief Financial Officer and all other attorneys in the Office of the General Counsel within the Office of the Chief Financial Officer of the District of Columbia, together with all other personnel of the Office.

''(2) All other individuals hired or retained as attorneys by the Chief Financial Officer or any office under the personnel authority of the Chief Financial Officer, each of whom shall act under the direction and control of the General Counsel to the Chief Financial Officer.

''(3) The heads and all personnel of the subordinate offices of the Office (as described in section 424(a)(2) and established as subordinate offices in section 424(a)(3)) and the Chief Financial Officers, Agency Fiscal Officers, and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (in accordance with subsection (c)), together with all other District of Columbia accounting, budget, and financial management personnel (including personnel of executive branch independent agencies, but not including personnel of the legislative or judicial branches of the District government).

''(c) APPOINTMENT OF CERTAIN EXECUTIVE BRANCH AGENCY CHIEF FINANCIAL OFFICERS.—

''(1) IN GENERAL.—The Chief Financial Officers and Associate Chief Financial Officers of all District of Columbia executive branch subordinate and independent agencies (other than those of a subordinate office of the Office) shall be appointed by the Chief Financial Officer, in consultation with the agency head, where applicable. The appointment shall be made from a list of qualified candidates developed by the Chief Financial Officer.

''(2) TRANSITION.—Any executive branch agency Chief Financial Officer appointed prior to the date of enactment of the 2005 District of Columbia Omnibus Authorization Act may continue to serve in that capacity without reappointment.

''(d) INDEPENDENT AUTHORITY OVER LEGAL PERSONNEL.—Title VIII–B of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–608.51 et seq., D.C. Official Code) shall not apply to the Office of the Chief Financial Officer or to attorneys employed by the Office.''

(2) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Home Rule Act is amended by adding at the end the following new item:

''Sec. 424a. Authority of Chief Financial Officer over personnel of Office and other financial personnel.''.

(b) CONFORMING AMENDMENT.—Section 862 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–260; D.C. Official Code § 1–608.62) is amended by striking paragraph (2).

**SEC. 203. PROCUREMENT AUTHORITY.**

(a) PROVIDING INDEPENDENT AUTHORITY TO PROCURE GOODS AND SERVICES.—

(1) IN GENERAL.—Part B of title IV of the District of Columbia Home Rule Act, as amended by section 203(a)(1), is further amended by adding at the end the following new section:

''PROCUREMENT AUTHORITY OF THE CHIEF FINANCIAL OFFICER

''SEC. 424b. The Chief Financial Officer shall carry out procurement of goods and services for the Office of the Chief Financial Officer through a procurement office or division which shall operate independently of, and shall not be governed by, the Office of Contracting and Procurement established under the District of Columbia Procurement Practices Act of 1986 or any successor office, except the provisions applicable under such Act to procurement carried out by the Chief Procurement Officer established by section 105 of such Act or any successor office shall apply with respect to the procurement carried out by the Chief Financial Officer's procurement office or division.''.

(2) CLERICAL AMENDMENT.—The table of contents of part B of title IV of the District of Columbia Home Rule Act, as amended by section 203(a)(2), is further amended by adding at the end following new item:

''Sec. 424b. Procurement authority of the Chief Financial Officer.''.

(b) CONFORMING AMENDMENTS.—

(1) PROCUREMENT PRACTICES ACT.—Section 104 of the District of Columbia Procurement Practices Act of 1985 (sec. 2–301.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking '', and the District of Columbia Financial Responsibility and Management Assistance Authority'' and inserting the following: ''the District of Columbia Financial Responsibility and Management Assistance Authority, and (to the extent described in section 424b of the District of Columbia Home Rule Act) the Office of the Chief Financial Officer of the District of Columbia''; and

(B) in subsection (c), by striking the second and third sentences.

(2) OTHER CONFORMING AMENDMENT.—Section 132 of the District of Columbia Appropriations Act, 2006 (Public Law 109–115) is hereby repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 6 months after the date of enactment of this Act.

**SEC. 204. FISCAL IMPACT STATEMENTS.**

The General Legislative Procedures Act of 1975 (sec. 1–301.45 et seq., D.C. Official Code) is amended by adding at the end the following new section:

''FISCAL IMPACT STATEMENTS

''SEC. 4a. (a) BILLS AND RESOLUTIONS.—

''(1) IN GENERAL.—Notwithstanding any other law, except as provided in subsection (c), all permanent bills and resolutions shall be accompanied by a fiscal impact statement before final adoption by the Council.

''(2) CONTENTS.—The fiscal impact statement shall include the estimate of the costs which will be incurred by the District as a result of the enactment of the measure in the current and each of the first four fiscal years for which the act or resolution is in effect, together with a statement of the basis for such estimate.

''(b) APPROPRIATIONS.—Permanent and emergency acts which are accompanied by fiscal impact statements which reflect unbudgeted costs, shall be subject to appropriations prior to becoming effective.

''(c) APPLICABILITY.—Subsection (a) shall not apply to emergency declaration, ceremonial, confirmation, and sense of the Council resolutions.''.

## TITLE III—AUTHORIZATION OF CERTAIN GENERAL APPROPRIATIONS PROVISIONS

**SEC. 301. ACCEPTANCE OF GIFTS BY COURT SERVICES AND OFFENDER SUPERVISION AGENCY.**

(a) AUTHORITY TO ACCEPT GIFTS.—Section 11233(b) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–133(b), D.C. Official Code) is amended by adding at the end the following new paragraphs:

''(3) ACCEPTANCE OF GIFTS.—

''(A) AUTHORITY TO ACCEPT GIFTS.—During fiscal years 2006 through 2008, the Director may accept and use gifts in the form of—

''(i) in-kind contributions of space and hospitality to support offender and defendant programs; and

''(ii) equipment and vocational training services to educate and train offenders and defendants.

''(B) RECORDS.—The Director shall keep accurate and detailed records of the acceptance and use of any gifts under subparagraph (A), and shall make such records available for audit and public inspection.

''(4) REIMBURSEMENT FROM DISTRICT GOVERNMENT.—During fiscal years 2006 through 2008, the Director may accept and use reimbursement from the District government for space and services provided, on a cost reimbursable basis.''.

(b) AUTHORITY OF PUBLIC DEFENDER SERVICE TO CHARGE FEES FOR EVENT MATERIALS.—Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2–1607, D.C. Official Code) is amended by adding at the end the following new subsection:

''(d) During fiscal years 2006 through 2008, the Service may charge fees to cover the costs of materials distributed to attendees of educational events, including conferences, sponsored by the Service. Notwithstanding section 3302 of title 31, United States Code, any amounts received as fees under this subsection shall be credited to the Service and available for use without further appropriation.''.

**SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.**

Title XVII of the District of Columbia Merit Personnel Act of 1978 (sec. 1–617.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

**''SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL EMPLOYEES.**

''Notwithstanding any other provision of law, rule, or regulation, during fiscal year 2006 and each succeeding fiscal year the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.''.

**SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVISIONS OF MERIT PERSONNEL SYSTEM TO ALL DISTRICT EMPLOYEES.**

(a) DISTRICT OF COLUMBIA HOME RULE ACT.—The fourth sentence of section 422(3) of the District of Columbia Home Rule Act (sec. 1–204.42(3), D.C. Official Code) is amended by striking ''The system may provide'' and inserting the following: ''The system shall apply with respect to the compensation of employees of the District government during fiscal year 2006 and each succeeding fiscal year, except that the system may provide''.

(b) TITLE 5, UNITED STATES CODE.—Section 5102 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(e) Except as may be specifically provided, this chapter does not apply for pay purposes to any employee of the government of the District of Columbia during fiscal year 2006 or any succeeding fiscal year.''.

**SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE SOURCE CONTRACTS.**

Section 305 of the District of Columbia Procurement Practices Act of 1985 (sec. 2–303.05, D.C. Official Code) is amended by adding at the end the following new subsection:

''(b) During fiscal years 2006 through 2008, a procurement contract awarded through noncompetitive negotiations in accordance with subsection (a) may be renewed or extended only if the Chief Financial Officer of the District of Columbia reviews the contract and certifies that the contract was renewed or extended in accordance with duly promulgated rules and procedures.''.

**SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET.**

(a) AUTHORITY TO ACCEPT, OBLIGATE, AND EXPEND AMOUNTS.—Subpart 1 of part D of title IV of the District of Columbia Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code), as amended by section 101(a), is amended by inserting after section 446A the following new section:

''ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN ANNUAL BUDGET

''SEC. 446B. (a) AUTHORITY TO ACCEPT, OBLIGATE, AND EXPEND AMOUNTS.—Notwithstanding the fourth sentence of section 446, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the budget approved by Act of Congress as provided in such section.

''(b) CONDITIONS.—

''(1) ROLE OF CHIEF FINANCIAL OFFICER; APPROVAL BY COUNCIL.—No Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

''(A) the Chief Financial Officer submits to the Council a report setting forth detailed information regarding such grant; and

''(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

''(2) DEEMED APPROVAL BY COUNCIL.—For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

''(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

''(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

''(c) NO OBLIGATION OR EXPENDITURE PERMITTED IN ANTICIPATION OF RECEIPT OR APPROVAL.—No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

''(d) ADJUSTMENTS TO ANNUAL BUDGET.—The Chief Financial Officer may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts provided in the budget approved by Act of Congress under section 446, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

''(e) REPORTS.—The Chief Financial Officer shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

''(f) EFFECTIVE DATE.—This section shall apply with respect to fiscal years 2006 through 2008.''.

(b) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 1–204.46, D.C. Official Code), as amended by section 101(b), is amended by inserting ''section 446B,'' after ''section 446A,''.

(c) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 101(c), is amended by inserting after the item relating to section 446A the following new item:

''Sec. 446B. Acceptance of grant amounts not included in annual budget.''.

**SEC. 306. STANDARDS FOR ANNUAL INDEPENDENT AUDIT.**

Section 448 of the District of Columbia Home Rule Act (sec. 1–204.48, D.C. Official Code) is amended—

(1) in subsection (a)(4), by striking the semicolon at the end and inserting the following: '', as audited by the Inspector General of the District of Columbia in accordance with subsection (c) in the case of fiscal years 2006 through 2008;''; and

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

''(c) The financial statement and report for a fiscal year prepared and submitted for purposes of subsection (a)(4) shall be audited by the Inspector General of the District of Columbia (in coordination with the Chief Financial Officer of the District of Columbia)

pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985, and shall include as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.''.

**SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAFFIC ALCOHOL LAWS FOR ENFORCEMENT AND PROSECUTION OF LAWS.**

Section 10(b)(3) of the District of Columbia Traffic Act, 1925 (sec. 50–2201.05(b)(3), D.C. Official Code) is amended to read as follows:

''(3) Notwithstanding any other provision of law, all fines imposed and collected pursuant to this subsection during fiscal year 2006 and each succeeding fiscal year shall be transferred to the General Fund of the District of Columbia, shall be used by the District of Columbia exclusively for the enforcement and prosecution of the District traffic alcohol laws, and shall remain available until expended. ''.

**SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES BROUGHT UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

(a) RESPONSIBILITIES OF CHIEF FINANCIAL OFFICER.—Section 424(d) of the District of Columbia Home Rule Act (sec. 1–204.24(d), D.C. Official Code), as amended by section 201(a), is amended by adding at the end the following new paragraph:

''(28) With respect to attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia during fiscal year 2006 and each succeeding fiscal year—

''(A) requiring such attorneys to certify in writing that the attorney or representative of the attorney rendered any and all services for which the attorney received an award in such a case, including those received under a settlement agreement or as part of an administrative proceeding, from the District of Columbia;

''(B) requiring such attorneys, as part of the certification under subparagraph (A), to disclose any financial, corporate, legal, membership on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients in any such cases; and

''(C) preparing and submitting quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to such attorneys.''.

(b) INVESTIGATIONS BY INSPECTOR GENERAL.—Section 208(a)(3) of the District of Columbia Procurement Practices Act of 1985 (sec. 2–302.08(a)(3), D.C. Official Code) is amended by adding at the end the following new subparagraph:

''(J) During fiscal year 2006 and each succeeding fiscal year, conduct investigations to determine the accuracy of certifications made to the Chief Financial Officer of the District of Columbia under section 424(d)(28) of the District of Columbia Home Rule Act of attorneys in special education cases brought under the Individuals with Disabilities Education Act in the District of Columbia.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume, and I rise today in support of H.R. 3508, the 2005 District of Columbia Omnibus Authorization Act, introduced in July by Chairman TOM DAVIS and Congresswoman NORTON and approved by the Committee on Government Reform in September of this year.

This is the second year in a row that Congress has moved an omnibus authorization bill for the District. The purpose of H.R. 3508 is to provide a process by which Congress works with the District to consider annually or biannually any changes that need to be made to Federal laws regarding the District.

H.R. 3508 contains many provisions that will help the District manage its operations more effectively. Also, the legislation will help Congress in its oversight of the affairs of the Nation's capital by permanently creating a D.C. Chief Financial Officer, which will be fully accountable to this Congress, and I urge my colleagues to support H.R. 3508.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume, and I thank my friend from Nevada for sitting in for our good friend, the chair of the committee, Mr. DAVIS, who has worked so closely with me on the 2005 District of Columbia Omnibus Authorization Act on a home rule basis. I thank Chairman DAVIS also for getting this important bill to the floor before we adjourn this month and for his leadership on the bill.

The D.C. Omnibus Authorization Act is a welcome committee innovation designed to achieve greater efficiency in considering District of Columbia matters, most of which are of little importance or concern to Congress but must come here only because they, or similar issues, appear in the D.C. City Charter and cannot become D.C. law until sanctioned by congressional action. It is very wasteful, but that is the way it operates.

All of the provisions in this bill have been passed or approved by the District of Columbia. Of the many provisions in the act, three are particularly important: One, a provision allowing greater budget flexibility for the City to carry out necessary business; two, a section permitting the District to spend more of its reserve funds; and, three, strengthening the Chief Financial Officer.

First, the bill alters a semiannual requirement that the District come to Congress to become part of the Federal supplemental before the City may spend taxing revenue that is collected from District of Columbia taxpayers after the annual appropriation bill has been enacted.

I am grateful that the appropriators, Chairmen LEWIS and COCHRAN, and District of Columbia chairs and ranking members KNOLLENBERG, OLVER, BROWNBACK and LANDRIEU have agreed with the authorizers that this change is beneficial both to the Congress and to the District.

Although funds inevitably come in to any local jurisdiction or any State all year as taxes are paid by residents and businesses, D.C. cannot spend these funds for vital services, even though similar expenditures have been approved by Congress in the prior appropriation bill. This limitation applies to any unauthorized amount, even bonds the City must issue.

We saw the perils of this requirement when there was a fear that the District's bonds for the baseball stadium would be held up.

□ 1930

The press, seeing the D.C. baseball stadium in the 2005 war supplemental, repeatedly and gleefully reported that Congress, not D.C., was building a baseball stadium and had put this provision in a vital bill intended to fund defense. This provision also removes the possibility of such unintended effect.

Of great importance to the greater flexibility of both governments, this section moves the District of Columbia toward the long-time goal of budget autonomy over its own taxpayer-raised funds because it allows the District to spend up to 6 percent of its own money between appropriation bills without coming back to Congress midyear during the supplemental process I have just described.

Under existing law and constitutional interpretation, congressional jurisdiction to change any D.C. matter remains, as always, under this provision, and under this provision Congress loses nothing while the District of Columbia gains much that is necessary to run a big city.

Second, because of its prudence, the District now has emergency reserve and contingency funds that would be the envy of most jurisdictions, and Congress has reinforced these savings with unique requirements not found anywhere else in this country. In the meantime, residents watch the neglect of basic services while the District grows an ever-larger reserve fund that cannot be tapped for any reason. There is special outrage that many of our children attend dilapidated public schools, some as old as I am and that I remember well when I was in school here as a child. This provision authorizes the District to borrow up to 50 percent of the fund balance from the emergency and contingency reserve funds

through the end of 2007 provided that the fund is reimbursed within 9 months of the borrowing or by the end of the fiscal year in which the money is borrowed.

Third, although the city's financial officer is a city, and not a Federal, official and is appointed by the Mayor, the provision for this office is in the charter. Therefore, even the pending D.C. Council action to strengthen the CFO needs congressional sanction, even though the provision makes an already strong official even more independent by giving him a term of 5 years with dismissal only for cause by the Mayor subject to the approval of the council by resolution approved by at least two-thirds of its members.

The bill also confirms the CFO's personnel and procurement authority under D.C. law and confirms that the collective bargaining rights of CFO employees are preserved.

Finally, an important provision bears mentioning because it helps preserve the justice system in case of emergency. This provision allows the District courts to conduct business outside of the district in case of an emergency. I appreciate that the House has moved this important bill forward so it may obtain early passage in the Senate where its provisions have strong support.

Madam Speaker, I strongly urge my colleagues to support this bill.

Mr. TOM DAVIS of Virginia. Mr. Speaker, please include the attached exchange of letters between Chairman MICHAEL G. OXLEY of the Committee on Financial Services and myself in the CONGRESSIONAL RECORD at the end of the debate on H.R. 3508 under general leave.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
*Washington, DC, December 12, 2005.*

Hon. TOM DAVIS,
*Chairman, Committee on Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN DAVIS: On September 15, 2005, the Committee on Government Reform ordered reported to the House H.R. 3508, the 2005 District of Columbia Omnibus Authorization Act. Thank you for consulting with the Committee on Financial Services on those matters in H.R. 3508 within the jurisdiction of this Committee, especially the provisions in section 123 making technical and conforming amendments relating to banks operating under the District of Columbia Code. I am writing to confirm our mutual understanding with respect to the further consideration of H.R. 3508. This bill will be considered by the House shortly.

As a result of this consultation and in the interest of expediting the House's consideration of H.R. 3508, the Committee on Financial Services did not request a sequential referral of the bill. However, the Committee did so only with the understanding that this procedural route will not prejudice the Committee's jurisdictional interest and its prerogatives with respect to this bill or similar legislation. I respectfully request your support for an appropriate appointment of outside conferees from this Committee in the event of a House-Senate conference.

Finally, I request that a copy of this letter and your response be included in the Congressional Record during the floor consideration of this bill. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
*Washington, DC, December 13, 2005.*

Hon. MICHAEL G. OXLEY,
*Chairman, Committee on Financial Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding H.R. 3508, the 2005 District of Columbia Omnibus Authorization Act. I appreciate your assistance and your willingness to expedite the consideration of this bill.

I agree that the provisions in section 123 making technical and conforming amendments to banks operating under the District of Columbia Code are within the jurisdiction of the Committee on Financial Services. I also agree that your willingness to waive a sequential referral request does not prejudice the Financial Services Committee's jurisdictional interest and its prerogatives with respect to this bill or similar legislation. I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

TOM DAVIS,
*Chairman.*

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

Mr. PORTER. Madam Speaker, I urge all Members to support passage of H.R. 3508, as amended; and I yield back the balance of my time.

The SPEAKER pro tempore (Miss MCMORRIS). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and pass the bill, H.R. 3508, as amended.

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

A motion to reconsider was laid on the table.

## EXPRESSING SENSE OF THE HOUSE THAT SYMBOLS AND TRADITIONS OF CHRISTMAS SHOULD BE PROTECTED

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 579) expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected, as amended.

The Clerk read as follows:

H. RES. 579

Whereas, Christmas is a national holiday celebrated on December 25; and

Whereas the Framers intended that the First Amendment to the Constitution of the United States would prohibit the establishment of religion, not prohibit any mention of religion or reference to God in civic dialog: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the importance of the symbols and traditions of Christmas;

(2) strongly disapproves of attempts to ban references to Christmas; and

(3) expresses support for the use of these symbols and traditions, for those who celebrate Christmas.

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

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 579, which would express the sense of the House of Representatives that the symbols and traditions of Christmas should be protected.

Each year during the month of December, thousands of homes across America are decorated with Christmas trees, lights and festive wreaths. Christmas is the most widely celebrated festival in the world, with traditions and customs that originated long ago and still are very much alive today.

Christmas has long been for giving and sharing and for coming together with family and friends. The tradition is a celebration of the spirit of love which is what makes this holiday so popular throughout the world. I urge all Members to come together to support and protect the pastime and traditions of a holiday that many of us hold very dear.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that I be able to yield 10 minutes of my time to the gentleman from New York (Mr. ACKERMAN) and that he be permitted to control that time.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, H. Res. 579 expresses the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for those who celebrate Christmas. While this resolution focuses on the symbols and traditions of Christmas, it gives this body an opportunity to consider the lessons of Christmas.

The story of Christmas is about a child whose conception was, to say the least, unusual and whose birth was under the most lowly of circumstances. This was a child who lived among and

served the needy and the poor. This is the lesson of Christmas. Though we have modern-day symbols of Christmas, Christmas is not only about beautifully decorated pine trees and gift-wrapped boxes that lie beneath them. Christmas is about goodwill and peace on Earth. It is about tolerance; it is about providing for the less fortunate among us.

We cannot debate H. Res. 579 without considering how our policies address homelessness, the uninsured, the poor, the sick, and the suffering. Yes, we have Christmas symbols and traditions, but what do they really represent if we do not first embrace the spirit and true meaning of Christmas: love, peace, tolerance, compassion, goodwill, and hope for the future. Those are the true expressions of Christmas.

Madam Speaker, I reserve the balance of my time.

Mr. PORTER. Madam Speaker, I yield such time as she may consume to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise today in support of my resolution, H. Res. 579, as amended, expressing the sense of Congress that the symbols and traditions of Christmas should be protected for those who celebrate Christmas and that references to Christmas should be supported.

This measure simply states congressional support for traditional references to Christmas that I believe are being eradicated from the public dialogue.

Madam Speaker, this is a very busy week in Congress; and we are working on some very important measures that impact our Nation. So with that said, some may question the importance of this resolution in light of other national priorities that we are addressing this week, but this resolution is important because it defends the traditions of Christmas for those who celebrate Christmas. It is unfortunate that a congressional resolution is even needed to do this. It is unfortunate that we have had to come to this point.

Christmas has been declared politically incorrect. Any sign or even mention of Christmas in public can lead to complaints, litigation, protest, and threats. America's favorite holiday is being twisted beyond recognition. The push towards a neutered ''holiday'' season is stronger than ever so that no one can be even the slightest bit offended.

Madam Speaker, overzealous civil liberties lawyers are making their list and checking it twice. Change the Christmas tree to a Friendship tree, check. Change ''We Wish You a Merry Christmas'' to ''We Wish You a Happy Holiday,'' check. Remove the colors green and red, check. Get rid of Christmas music, even instrumental, check.

When did wishing someone a Merry Christmas show insensitivity? According to a recent poll, 96 percent of Americans celebrate Christmas. In an effort to create a generic holiday starting at Thanksgiving and ending at New Year's, what are we exactly celebrating?

The purpose of celebrating the Fourth of July is to celebrate our Nation's independence. Why is it not reasonable to say that celebrating Christmas is a celebration of Christ's birth?

This is a selective assault on religious free speech which is a fundamental right. The Founders did not view celebrating Christmas as an issue of church versus State. It is celebrating a holiday that has for thousands of years been celebrated. The framers intended that the first amendment to the Constitution of the United States would prohibit the establishment of religion, not prohibit any mention of religion or reference to God in civic dialogue.

From Madison Avenue to Wall Street, from activists and lawyers to politicians, educators and the media, a culture is being created that shames people for saying Merry Christmas.

Ironically, many retailers, the same group who flood our mailboxes with catalogs and advertisements urging us to purchase gifts for Christmas, have done away with the Christmas greeting Merry Christmas in their stores. Employees have been told not to say Merry Christmas to customers. This is political correctness run amok.

The attack on Christmas, while not new, has now shifted its focus from overtly religious symbols, like the nativity, to symbols regarded by most Americans, including the Supreme Court, to be secular symbols of Christmas, a federally recognized holiday. Now these innocent secular symbols are causing concerns of insensitivity. Santa Claus, Christmas trees, candy canes, Christmas carols, even the colors red and green, they have been place on the endangered list.

They say to boil a frog you have to do it gradually because if you throw it into boiling water, it will jump out; but if you put the frog in cold water and gradually turn up the heat, the frog will never know he is being boiled until it is too late, and I am afraid that is what is happening to us with our Christmas holiday.

Madam Speaker, the transition to replace Christmas with this vague ''holiday season'' is a gradual process that over the past few years has reached a new crescendo. Let us protect the symbols and traditions of Christmas for those who celebrate Christmas, or before we know it, we will be looking at a holiday season that represents nothing and celebrates anything.

I for one do not want to surrender and let retailers, overzealous civil liberty lawyers, and the media make me feel guilty for wishing someone a Merry Christmas. For generations, Christmas has been a public expression of the celebration of the birth of Christ. I hope we can say that for many more years to come.

With that, Madam Speaker, I wish you a Merry Christmas.

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

Madam Speaker, first, let me assure the gentlewoman from Virginia that I know she comes to the floor with a pure heart and with every good intention. Let me also assure her that I am not the Grinch that stole the Christmas tree ornaments.

That being said, I really do not understand what we are doing today. I do not understand why we need to set up a straw man just to knock it down, to protect the symbols of Christmas as if they were under attack. Is this another war we fight for reasons that do not exist?

There are people around who need an enemy at all times to try to separate us one from the other as Americans in order to advance their own agenda. I do not think we should be playing into their hands. Nobody is attacking Christmas or its symbols. I enjoy Christmas, sing Christmas carols. I do not celebrate the religious significance of it, but it is a holiday I tremendously respect, as I do my Christian friends, and do wish them a Merry Christmas. But that is not the point.

What we are doing here is we are selling the American people sizzle and providing no steak. We are choosing symbolism over substance, and we are not providing substance, which is why I think most of us came to the Congress of the United States, not to protect symbols, but to protect everybody's rights.

Now, I know when people want to be inclusive they come to the floor and they are very inclusive. I get included in when you want to talk about Judeo-Christian traditions or heritage.

□ 1945

When you want my participation, you know how to do it. But I am offended by this. You have drawn me out. Why not protect my symbols? My symbols are not protected here. And I am not asking them to be because if you came to the floor protecting my symbols and nobody else's, I would say, no thank you. Do not protect me unless you protect everybody because that is the American way. We are doing symbols over substance. We have embarked on a very slippery slope, the incline of which might be too steep. We do not know the unintended consequences.

I like Christmas. I like the message of Christmas. I like helping the needy and the poor and the least among us. But I did not come here to protect the symbols.

Did something happen when I was not looking? Did somebody mug Santa Claus? Is somebody engaging in elf tossing? Did somebody shoot Bambi? If you eat venison, are you a suspect? What silliness we engage in, protecting symbols.

If you wanted to protect the message of Christmas, come to the floor with real bills with substance. Where is your bill to house the homeless? Where is

your bill to feed the needy? Where is your bill to clothe the naked? Where is your bill to protect senior citizens who will not be able to heat their homes this winter? Where is the substance? Why are we engaging, in this terrible time in which we are in, in symbolism?

We can be doing something meaningful. Where is the bill for real health care? Where is the bill to educate the children that we really are leaving behind? We are not doing any of those things. I think we could be doing so much more instead of feeding the flames that divide us instead of bringing us together.

I wish the gentlewoman a merry Christmas. I have no compunction about doing that. But I do not want my government to engage in the foolishness of deciding for people what their symbols should or have to be. And I know that it has been amended so that it now reads that this is for Christian people. I do not want to be here telling Christian people how to observe Christmas. I mean, I did not come here to protect toys and tinsel anymore than I came here to protect presents and potato latkes. This is not my deal. And we have important work to do that is important to real people of all faiths, and people of all faiths should not engage in anything that feeds those who would be divisive.

I know that is not the intent of the gentlewoman, because I think I know her heart well. But this is the unintended consequence of bills such as this when we go down that path.

Madam Speaker, I reserve the balance of my time.

Mr. PORTER. Madam Speaker, I yield as much time as she may consume to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of House Resolution 579 and the tradition of Christmas. I commend my colleague, Ms. Davis, for introducing this resolution.

As Americans, we enjoy the freedom to practice our own faith. This heritage inspired the American tradition of respecting individuals in their right to practice their religion, regardless of faith. However, it seems that, in recent years, zealous liberals have tried to destroy this heritage. It all started when schools would no longer call their annual winter recess a Christmas break in order to be politically correct. Now, instead, there is a holiday break, in many instances thanks to actions of the ACLU, American Civil Liberties Union.

While this may be a valid point since various religions observe holidays around the same time, they would not stop there at the erosion. There is a war against Christmas. Our children cannot sing Christmas carols. They can only sing holiday tunes. And now, instead of a Christmas tree, advertising calls them holiday trees. There is no reason why we cannot honor and cherish the traditions of Christmas while also doing the same with Chanukah, Kwanzaa or any other valued religion celebrated in America. America should never single out a religion for the purposes of banning or looking down upon references to their holiday celebrations. That practice flies in the face of the principles that our Nation was founded on. Instead, we must treasure the traditions that remind us of our history and of our country while at the same time respecting Americans of different faiths. As such, I strongly support House Resolution 579 which recognizes and supports symbols and traditions of Christmas.

Madam Speaker, I urge my colleagues to vote in favor of this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the Dean of the House.

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

Mr. DINGELL. Madam Speaker, I have a little poem.

'Twas the week before Christmas and all through the House,
no bills were passed 'bout which Fox News could grouse.
Tax cuts for the wealthy were passed with great cheer,
so vacations in St. Barts soon should be near.
Katrina kids were all nestled snug in motel beds,
while visions of school and home danced in their heads.
In Iraq, our soldiers need supplies and a plan,
and nuclear weapons are being built in Iran.
Gas prices shot up, consumer confidence fell.
Americans feared we were in a fast track to . . . well.
Wait, we need a distraction, something divisive and wily,
a fabrication straight from the mouth of O'Reilly.
We will pretend Christmas is under attack,
hold a vote to save it, then pat ourselves on the back.
Silent Night, First Noel, Away in the Manger,
Wake up Congress, they're in no danger.
This time of year, we see Christmas everywhere we go,
From churches to homes to schools and, yes, even Costco.
What we have is an attempt to divide and destroy
when this is the season to unite us with joy.
At Christmastime, we're taught to unite.
We don't need a made-up reason to fight.
So on O'Reilly, on Hannity, on Coulter and those right-wing blogs.
You should sit back and relax, have a few egg nogs.
'Tis the holiday season; enjoy it a pinch.
With all our real problems, do we really need another Grinch?
So to my friends and my colleagues, I say with delight,
a Merry Christmas to all, and to Bill O'Reilly, happy holidays.
Ho, ho, ho. Merry Christmas.

Mr. PORTER. Madam Speaker, I yield as much time as he may consume to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, if our Founding Fathers could be resurrected and be with us here this evening, they would be astounded that we were discussing, debating this subject. Let me explain. Most of our Founding Fathers came here to escape one of two tyrannies, the tyranny of the crown and the tyranny of the church. In the Second Amendment, they address the tyranny of the crown. But that is a subject for another day. In England, the Episcopal Church was the official state church, and it could and did oppress other churches. On most of the countries of the continent, the Roman Church was the official state church, and it could and did oppress other churches, and our Founding Fathers wanted to make sure that this never could happen in their new country. And so in the First Amendment, they wrote the establishment clause which means exactly what it said, not the way it is frequently interpreted today. Congress shall make no law respecting an establishment of religion, no established state religion, please, or prohibiting the free exercise thereof. Not only should there not be a state religion, there should be free exercise of every religion.

But they had no fear, Madam Speaker, of religion. The Continental Congress bought 20,000 copies of the Bible to distribute to their new citizens. And for the first 100 years of our country, our Congress each year voted funds to send missionaries to the American Indians. For 160 years of its existence, the Supreme Court, up until 1947 when they did an abrupt about face, 180 degrees from where they were before in every decision relative to this subject, our Supreme Court said that we were a Judeo-Christian nation, and they affirmed the right for expression of those beliefs. Indeed, 102, I believe, of the first 104 universities in our country were church schools, including Harvard. Harvard's handbook has an interesting note, that the Bible should be the constant companion of its students. And for the first hundred years of its existence, about half of all of the graduates of Harvard were ministers.

Madam Speaker, if our Founding Fathers could be resurrected and be with us this evening, they would unanimously support this commonsense resolution.

Madam Speaker, we should join them and unanimously support this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I cannot help but note the irony of a bill celebrating Christmas or its symbols coming on the floor in a session that has just destroyed Christmas for millions of poor people.

I am going to make a request of this Member, because I know her and I respect her and I regard her as a friend. And as a Christian, I am going to ask

her in the name of interfaith tolerance if she would withdraw this resolution because it is needlessly divisive, and I think she did not realize when she put it in how divisive it is.

For example, the gentlewoman said Merry Christmas to you, Madam Speaker. I do not know what your background is. But I do not believe she would have said Merry Christmas to the gentleman from New York (Mr. ACKERMAN). And in a real sense, that sums up where our country has come simply to be tolerant of the fact that we are from many faiths, and we do not want to insult anybody. And I say to you that, far from references to Christmas needing to be supported, they are glorified, and we all know it. The notion of giving any aid and comfort to the Fox campaign against ''happy holidays'' would be funny if it were not so serious.

Understand how ''happy holidays'' developed. It developed out of a country, first and foremost, where there was rampant anti-Semitism. Now, of course, we have many more, we have many more religions and much more diversity. It developed simply out of a sensitivity, so we developed proxy language, and so everybody feels comfortable even when it is not your particular religious holiday. I am not going to go up to a brown-skinned person in a turban and say, merry Christmas. I think that it is more appropriate to say, happy holidays. Maybe the gentlewoman understands why this is important for people who, unlike her and unlike me, are not Christians. If you do not want to feel guilty for wishing someone merry Christmas, I do not want to feel guilty for saying happy holidays to someone whose religious background I do not know.

□ 2000

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

I could not imagine growing up that some day I would be on the House floor debating the merits of Christmas, and I certainly have great respect for my colleagues and their concern. But what is great about America is we can debate Christmas on the House floor.

But let us talk about a few other things that we do in this House that I am very proud that we have done. We have recognized Korean Americans and the symbols. We have recognized Filipino Americans, ideals, very special weeks that we recognize here on this House floor numerous times. Pancreatic cancer, campus safety awareness. As a matter of fact, one of our next bills this evening is American Jewish Month.

And that is what is great about America. We can have this debate about Christmas, but certainly there are thousands of Americans and there are thousands of people around the world that believe in this tradition. I too say ''happy holidays'' in respect to Chanukah. I say ''happy holidays,'' but I also will say ''Merry Christmas'' because that is what December 25 is about.

Again, I appreciate my colleagues and I think that their point is being well considered. I have great respect for my colleagues across the aisle, but I think it is a very cherished national holiday; and I would certainly encourage that we support this, as we have many other symbols and different groups in this country, because that is what Congress is about.

Mr. WEINER. Madam Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from New York.

Mr. WEINER. Madam Speaker, I have no question about the gentleman's values or his intent.

Is there any element of this bill that if we substituted ''Chanukah,'' which you mentioned, recognizing the importance of the symbols and traditions of Chanukah, would you find that offensive in any way?

Mr. PORTER. Madam Speaker, I am not sure of the protocol of the debate on the floor.

Mr. WEINER. Madam Speaker, he controls the time. He has yielded to me for a question, and now I am asking it.

Mr. PORTER. I would absolutely support a bill that talked about the symbols of Chanukah. Absolutely.

Mr. WEINER. Will the gentleman yield further for another question?

Mr. PORTER. Absolutely.

Mr. WEINER. Would you find anything offensive about recognizing the importance of the symbols and traditions of Diwali, the Indian New Year for Indian Americans?

Mr. PORTER. Madam Speaker, I am, again, not certain this is time for the debate, but I think we should look at all these groups that would like to be considered. Again, this is not a place for the debate, and I would be happy to have this discussion.

Mr. WEINER. It is exactly the place to debate. We are on the floor of the House of Representatives.

Mr. PORTER. But I believe that the gentleman's point is well taken.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Madam Speaker, nobody enjoys Christmas more than I. But today we have roughly 160,000 men and women in Iraq putting their lives on the line for an immoral, senseless war. Here at home many of our vulnerable citizens will face a cold, bitter winter because they do not have home energy assistance from the Federal Government. Many others will not get the health care or education they need because of harsh cuts in Medicaid and student loans.

Naturally, the majority does not want to talk about this, and one can always tell when the right wing is in political trouble. They invariably cook up some divisive culture war that has nothing to do with our real challenges in this country.

What American families really want is the ability to afford more gifts for their children this season regardless of whether there is a wreath in the local department store.

Meanwhile, how many casualties have there been in the so-called ''war on Christmas''? Here is a hint: several thousand less than in the war on Iraq.

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

Mr. DAVIS of Illinois. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

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

Madam Speaker, I want to thank the gentlewoman for introducing this resolution. I actually share her view and understand her frustration when any government attempts to ban secular symbols like Santa Claus or Rudolph the Red Nose Reindeer or Christmas lights. I do not believe that any community should ban those secular symbols as long as they do not choose one set of symbols over the other; as long as they are inclusive of all symbols.

My difficulty with this resolution is that it excludes some symbols and includes only certain symbols. So I would ask the gentlewoman, in the spirit of diversity, and of the many faiths that we celebrate in this body and throughout America, I would ask her not to withdraw the resolution, but allow this resolution to attract a very significant number of votes, maybe a unanimous vote, simply by adding the words ''Kwanzaa,'' ''Ramadan,'' and ''Chanukah'' to her resolution. Do not exclude certain symbols. Be inclusive of all.

The gentleman just stated prior to the gentleman from New York that he would support a resolution that includes the holidays of different faiths. So I would take the gentleman up on that offer.

So, Madam Speaker, I yield to the gentlewoman and ask her if she would change this resolution, change this language, include Chanukah, include Kwanzaa, include Ramadan, include holidays of all faiths so that this resolution can reflect the best of America, which is a place of justice for all.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I would say that the reason for this resolution is that the attack has not been on the menorah or any of the other symbols of the other religions. But the attack has been and is being made on red and green colors, on candy canes, on Santa Claus, which are not even religious symbols. That is the point of the resolution. And with that I will leave it the way the resolution stands.

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

Mr. ACKERMAN. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Speaker, this resolution purports to protect the symbols of Christmas, but what really needs to be protected are not the symbols of Christmas, but rather the spirit of Christmas. The spirit of Christmas demands generosity and goodwill towards others.

Instead of legislation that respects the spirit of Christmas, Congress in just these past few weeks has passed a budget that includes mean-spirited attacks on the least of us. For those who are hungry, we are cutting food stamps. For those who are sick, we are cutting Medicaid. For those who are in prison, we are imposing senseless mandatory minimums. For others we are ignoring increases in heating costs and cutting student loans. At the same time we are cutting those programs to help the least of us, we are cutting taxes for the wealthiest in society.

Madam Speaker, we ought to express our passion for Christmas through deeds, not words; and we should not be distracted from our responsibility to uphold the spirit of Christmas as we consider the effects our actions on the Federal budget will have on the least of us during this holiday season.

For these reasons I oppose this resolution.

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

Mr. ACKERMAN. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Madam Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Nevada and the gentlewoman from Virginia.

The bottom line is there was a good-faith effort made by the gentleman from New York to change ''recognizes the importance of the symbols and traditions of Christmas'' to ''the symbols of Christmas and Chanukah,'' and you said no.

It was an attempt to change ''strongly disapproves of attempts to ban references to Christmas'' to ''ban references to Christmas and Kwanzaa,'' and you said no.

It was a chance to take this and put it into the words that the gentleman from Virginia, the gentlewoman from Florida earlier articulated, and the gentlewoman who is the sponsor says that she intends. The question must be, why? For someone who does not celebrate Christmas, the question looms: Why? Why not say to someone who wants to make this inclusive that, indeed, we are going to make it inclusive? The symbols of Chanukah are not valuable? Sure, they are, I think. The symbols of Kwanzaa are not valuable to some? Sure, they are. I cannot imagine why the gentlewoman who is the sponsor of this, who says that she speaks from a sense of inclusion, would not want to include those. Are those not worthy of being protected? What is the message that is being sent?

The gentleman from Nevada articulated his support. He perhaps should persuade his colleague to offer that UC.

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

Again, I appreciate the comments from our friends across the aisle, and I would be happy to cosponsor those bills that were just mentioned. They certainly have merit and should be considered by this House of Representatives.

This evening we are here to discuss H. Res. 579, as amended, and I believe that it should pass. But I also would suggest we do the same for those other religions that were mentioned, from Kwanzaa to Chanukah, and there are many others that should be considered at some point in time.

This evening I respect the fact that my colleague has presented this resolution and would encourage that Members support it.

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

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

I am really very saddened by the fact that when given the opportunity to expand this resolution that the sponsor demurred. I am not sure why.

If you do not know and you are saying that you want this to be what this is because yours is the religion that has its symbols under attack, when was the last time you walked into Wal-Mart and saw it saying ''Happy Chanukah''? When did you walk into Toys 'R Us and see it saying ''Happy Kwanzaa''? Does that give me the right to say that my religion is under attack, the symbols of my faith or the holiday I wish to celebrate are under attack. It is not, and I am not going to be a crybaby and say that it is.

To tell the truth, it is slightly offensive to see people trying to create a war and claiming they are attacked just so that they go on the offense instead of the defense.

This is a prefabricated issue that has no merit. Nobody is attacking the symbols of Christmas. Are you objecting to our wanting to be included because the symbols of your religion are more important than the symbols of anybody else's religion in America? Or is it because you think that the symbols of your religion are more official? And that is the danger in what we are doing.

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

Mr. DAVIS of Illinois. Madam Speaker, I yield myself the balance of my time.

We have had a tremendous discussion. The United States of America is a seriously diverse country. I did a bit of research about Christmas and found 32 pages about how we sort of evolved to the point of Christmas in this country.

□ 2015

I think the season is a season to spread goodwill. I would hope that there would not be a political debate necessarily around the yuletide, a political debate, because I was taught, and maybe some of what I was taught is different, that Christ was born, and out of that evolved Christmastime, and we spread good cheer, and we give hope, and we say, happy holidays, we say merry Christmas, happy Ramadan, happy, productive Kwanzaa.

I just could not imagine, though, what it would be like if I could not hear Mahalia Jackson sing ''Silent night, holy night; all is calm, all is bright; round young virgin, mother and child; holy infant, so tender and mild,'' from which I got the impression that the origin of this period came.

So, I would hope that all of us would have a happy Kwanzaa, a happy Chanukah, a happy Ramadan, a merry Christmas and happy holidays to everybody.

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

Mr. PORTER. Madam Speaker, I urge all Members to support the passage of H. Res. 579, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore (Miss MCMORRIS). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 579, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Madam Speaker, on that I demand the yeas and nays.

PARLIAMENTARY INQUIRY

Mr. ACKERMAN. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ACKERMAN. Madam Speaker, how many Members arose?

The SPEAKER pro tempore. The count by the Chair is not liable to question, but the chair will affirm that she counted more than one-fifth of those present.

The yeas and nays were ordered.

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

## URGING OBSERVANCE OF AMERICAN JEWISH HISTORY MONTH

Mr. PORTER. Madam Speaker, I move to suspend the rules and pass the concurrent resolution (H. Con. Res. 315) urging the President to issue a proclamation for the observance of an American Jewish History Month.

The Clerk read as follows:

H. CON. RES. 315

*Resolved by the House of Representatives (the Senate concurring)*, That Congress urges the President to issue each year a proclamation calling on State and local governments and the people of the United States to observe an American Jewish History Month with appropriate programs, ceremonies, and activities.

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

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 315.

Is there objection to the request of the gentleman from Nevada?

There was no objection.

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

Madam Speaker, I stand in support of H. Con. Res. 315, which would urge the President to issue a proclamation for the observance of American Jewish History Month.

The United States Jewish population has made many vital contributions in all areas of our society in such ways as helping to develop the cultural, scientific, political and economic life of our country. In fact, 37 percent of all United States Nobel Prize winners in the 20th century have been representatives of the Jewish community.

Jewish immigration in the 20th century was fueled by the Holocaust, which destroyed most of the European Jewish community. The migration made the United States the home of the largest Jewish population in the world. Starting at the beginning of this century, there was a Jewish population of about 1 million. By the end of the century, the population had grown to almost 6 million Jews residing in the United States of America.

Presently, the Commission for Commemorating 350 Years of American Jewish History has been brought about to encourage and sponsor a variety of historical activities that advance our understanding of the American Jewish experience as it marks this milestone anniversary. Through this initiative, the deep-rooted culture of the Jewish community in our society would be recognized and honored.

I urge all Members to come together to support this initiative to educate and pay homage to the contributions and influence that the Jewish community has had on our country.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that Ms. DEBBIE WASSERMAN SCHULTZ, the sponsor of this legislation, be permitted to control the 20 minutes on our side.

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

There was no objection.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, throughout the past year, the 350th anniversary of Jewish life in America has been marked by ceremonies and celebrations across the United States. As the festivities come to an end, Chairman HYDE and I would like to establish a formal recognition of American Jewish life by creating American Jewish History Month. This is why I have introduced a resolution calling for a Presidential Proclamation in order to create an executive order to designate the month of January as American Jewish History Month to be observed with appropriate programs, ceremonies and activities.

To date, 252 of our esteemed colleagues have expressed support for American Jewish History Month. I wish to thank Chairman HYDE and Mr. CANTOR for their continued support and assistance.

American Jewish History Month would honor the contributions of American Jews to society. Additionally, creation of this month would celebrate the legacy of the American Jewish experience and the rich cultural heritage of American Jewish communities.

Similar to Black History Month in February and Women's History Month in March, American Jewish History Month would present educators with the opportunity and tools to teach diversity and cultural awareness.

As Congress continuously strives to promote understanding and awareness of the many cultures of American society, we believe education is a necessity to combat ignorance and misunderstanding. Though support for Jewish communities, Holocaust education and efforts to combat anti-Semitism is well-known in Congress, support among the American public is not as prevalent.

Sadly, ignorance about Jews and our history, culture and contributions to American society remains widespread in the United States. This ignorance leads to hatred and bigotry, and one way to stop it is through education. As we all know, education leads to understanding.

American Jewish History Month will educate millions of Americans about the rich cultural traditions of the Jewish people, whose contributions to medicine, the arts, science and technology have shaped the fabric of American society and global history.

The previous debate demonstrates the need for more education and understanding of the traditions, beliefs and history of not just the Jewish communities but all minority religions in America. It is clear to me after listening to the proponents of the previous resolution that an American Jewish History Month would heighten the sensitivity of those who simply do not have enough information, exposure or tolerance for minority faiths.

It is my hope that the next generation of Americans, from all faith traditions, will have their knowledge, tolerance and understanding heightened and enhanced by the creation of American Jewish History Month.

I wish to express my sincere appreciation for the 252 Members of Congress from both sides of the aisle who have supported the efforts to establish a formal month. While the expression of the House's sentiment is meaningful, it is essential that the President formally create American Jewish History Month via executive order and put the full strength of the White House behind this effort so that we can enhance the education and understanding of Americans about Jewish cultural traditions.

Additionally, I would like to thank the gentleman from Virginia (Mr. CANTOR), the gentleman from Illinois (Mr. HYDE), Leader PELOSI, and Speaker HASTERT for their support and steadfast commitment to helping to establish this month. It is my hope that in the future there will be a permanent American Jewish History Month in addition to a Presidential Proclamation.

Madam Speaker, I reserve the balance of my time.

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

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman from Florida for yielding me time.

Madam Speaker, as a Member of the House Government Reform Committee, I am pleased to join my colleague in consideration of H. Con. Res. 315, a resolution sponsored by Representative WASSERMAN SCHULTZ.

H. Con. Res. 315, introduced today, urges the President to issue a proclamation for the observance of an American Jewish History Month. The first Jewish History Month was passed by Congress and was celebrated in September 2004.

Observing American Jewish History Month allows us to commemorate the many contributions made by Jewish Americans in our society at large and in our local neighborhoods and communities. It also allows us the opportunity to better appreciate the journey many Jewish Americans have faced since they first landed at New Amsterdam, now Manhattan Island.

Like many events in Jewish history, the arrival of 23 refugees from Brazil to the United States in 1654 was the result of a fortuitous occurrence. They were blown off course rather than a preplanned migration. Since that time, there has been an organized Jewish community in our country.

Also, Madam Speaker, one could talk about the attributes and the achievements of Jewish people for the rest of the evening on an individualized basis, but I represent a community that has a large Jewish population. I am very proud of the relationships and the work that we have been able to do over the years with groups like the Jewish Council on Urban Affairs, which is headed up by a woman, Jane Ramsey, who is one of the most dedicated and committed people that I have ever met, and the Jewish Federation of Chicago, which provides resources for hospitals, for social service programs, opportunities to help those who are less fortunate.

So I commend the gentlewoman from Florida for her introduction of this legislation and urge its passage.

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

Ms. WASSERMAN SCHULTZ. Madam Speaker, I yield myself such time as I may consume.

In conclusion, I want to thank again Speaker HASTERT and Mr. CANTOR from Virginia for their efforts to help us bring this resolution to the floor. I also want to thank Leader PELOSI and the rest of my colleagues for their assistance.

I do want to recognize Speaker HASTERT in particular, because he has committed to personally contact the President to urge him to take this resolution and to go ahead and create the executive order. So I look forward to working with him towards that end.

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

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

Madam Speaker, again, I think one of the great things about America and the House floor is we are able to talk about our diverse country and the respect we have for the different organizations, different religions and different groups. Certainly this is another example of this House of Representatives recognizing a very, very important part of our culture and our country and our future.

Again, I urge that all Members support the passage of this particular concurrent resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 315.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## CONGRATULATING TONY STEWART ON WINNING THE 2005 NASCAR NEXTEL CUP CHAMPIONSHIP

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 587) congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship.

The Clerk read as follows:

H. RES. 587

Whereas Tony Stewart won NASCAR's Nextel Cup Championship in 2005, the 57th season of NASCAR's premier series;

Whereas Stewart finished with an amazing 6,533 points, the most for any driver in the 2005 NASCAR series;

Whereas Stewart in the 2005 series won 3 starting pole positions, had 5 wins, 17 top 5 finishes, and 25 top 10 finishes;

Whereas Stewart also won the Gatorade Duel 2, the Dodge/Save Mart 350, the Pepsi 400, the New England 300, and the Sirius Satellite Radio at the Glen;

Whereas Stewart's #20 car started in 22nd position, led the most laps, and also finished first in the Allstate 400 at the Brickyard, continuing Hoosier dominance at the Indianapolis Motor Speedway's only NASCAR Nextel Cup race;

Whereas Stewart is the recipient of Indiana's highest honor, the Sagamore of the Wabash, which was awarded to him by Governor Mitch Daniels on August 29, 2005, after Stewart won the Allstate 400 at the Brickyard;

Whereas Stewart has won 2 NASCAR Nextel Cup Championships in only his 7th year in the NASCAR circuit;

Whereas Stewart has won 8 other auto racing championships in his career including the Indy Racing League;

Whereas Stewart has ranked in the top 10 every season since his 1999 rookie year and has never ranked lower than 7th in the final point standings; and

Whereas Stewart, who began racing in Indiana and excelled at a very young age, was born in Columbus, Indiana, and continues to have close ties with the State of Indiana and the City of Columbus: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates Tony Stewart for winning the 2005 NASCAR Nextel Cup Championship.

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

The Chair recognizes the gentleman from Nevada.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 587.

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

There was no objection.

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

Madam Speaker, I rise today in support of H. Res. 587, which congratulates Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship.

Madam Speaker, as a NASCAR fan and frequent patron of the Las Vegas Motor Speedway, home of many NASCAR races, I am glad to be speaking on this resolution this evening.

Tony Stewart has become the 14th driver in NASCAR history with more than one championship, despite a 15th place finish at the Homestead-Miami Speedway on November 20. The finish solidified his reign in the NASCAR points chase.

□ 2030

He finished with a 35-point lead over fellow driver Greg Biffle to win the Cup. This is Stewart's second title in 4 years, and he joins Jeff Gordon as they claim the honor of being the only active full-time drivers with multiple titles.

For Stewart, it was the perfect finish to a near-perfect season as he consistently stayed on top of the points board for 13 of the final 14 weeks. He was on top at the start of the 10 race chase for the championship and fell off the leader board just once, when he dropped to fifth place after round two. Stewart soon found his way back to the top a week later and never looked back.

I urge all Members to come together to congratulate Tony Stewart on an unforgettable season by adopting H. Res. 587.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H. Res. 587, congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship.

Mr. Speaker, born in Columbus, Indiana, in 1971, Tony Stewart has been winning races since the age of 16. He grew up racing go-carts and won the world carting championship in 1987. He raced three-quarter midgets for a handful of years and then moved up to the USAC series. Stewart was the USAC rookie of the year in 1991 and the National Midget Series Champion in 1994.

In 1995, Stewart became the first driver to win USAC's version of the triple crown by earning championships in all three USAC major divisions, National Midget, Sprint and Silver Crown. Stewart burst onto the Nextel Cup scene in 1999 with more experience in the big leagues of motor sports than most other rookies. Posting three wins in his rookie season, he laughed off the often-experienced sophomore slump jinx with six more wins in 2000.

Throughout his stellar career, Stewart has never finished a season outside of the top ten in points, including his brilliant 2002 champion-winning season. His 2005 season was magical. In addition to taking his second Nextel Cup title, the 34-year-old realized a lifelong goal by winning the Brickyard 400 as part of an amazing summer that saw Stewart win five races in seven weeks.

Stewart wrapped up his second NASCAR Nextel Cup championship in Sunday's Ford 400 at Homestead-Miami Speedway, the 57th season of NASCAR's premier series. Winning two NASCAR Nextel Cup Championships in only 7 years on the NASCAR circuit is quite an accomplishment. Tony Stewart is deserving of this resolution which recognizes and congratulates him for his accomplishments, and I would urge its passage and support.

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

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SODREL).

Mr. SODREL. Mr. Speaker, I rise today to speak in support of this resolution. I was happy to offer this resolution honoring a constituent of mine, Tony Stewart, for one of the greatest accomplishments in motor sports, winning the 2005 NASCAR Nextel Cup.

This resolution is co-sponsored by several of my colleagues from Indiana, Mr. PENCE, Mr. BURTON, Mr. SOUDER, Mr. HOSTETTLER and Ms. CARSON. This achievement is even more amazing considering this is Mr. Stewart's second NASCAR Cup win in only his seventh season competing on the NASCAR circuit. Not only has Mr. Stewart won two NASCAR championships, his resume is more impressive when you consider he has also won eight other auto racing championships, including the Indy Racing League.

This season, NASCAR fans and even the casual spectator watching highlights on ESPN SportsCenter all saw Mr. Stewart's number 20 Home Depot/Joe Gibbs racing car capture the checkered flag in an orange and black blur six times during the season. These victories came at the Gatorade Duel 2, the Dodge Save Mart 350, the Pepsi 400, the New England 300, the Sirius Satellite Radio at the Glen and the Allstate 400 at the Brickyard. It was at the Brickyard, Indiana's crown jewel on the NASCAR circuit, where Mr. Stewart started in the 22nd position and worked his way through the pack to lead the most laps on his way to victory.

Mr. Stewart's path to his second championship started in his hometown of Columbus, Indiana. Just outside of Columbus is a town called Westport where he raced go-carts in 1978.

Mr. Speaker, I will be submitting an article from the December 1, 2005, edition of Sports Illustrated which eloquently highlights the career of Mr. Stewart.

Sports Illustrated writer Lars Anderson writes about Mr. Stewart's hard-working Hoosier roots and his entry into the racing world: ''Tony Stewart was 22 years old and living rent-free in a friend's house in Rushville, Indiana, when he hit a crossroads. For months, he had been working in a machine shop 8 hours a day, 5 days a week, running a drill press for $5 an hour and wondering if he had what it took to become a professional racer. Then, one afternoon early in 1993, he asked his boss if he could borrow money for a ticket to Phoenix. The Copper World Classic, a USAC event for open-wheel cars at Phoenix International Raceway, was going to be held in a few days, and Stewart, who raced on the weekends in the Midwest, wanted to test his talent against West Coast drivers. So he asked his boss for a loan, and neither Stewart's life nor American motor sports have been the same since.''

Indeed, American motor sports have never been the same since.

Mr. Stewart won three carting championships, four USAC titles and the IRL crown before becoming the NASCAR Rookie of the Year in 1999 and winning his first NASCAR Winston Cup title in 2002.

Mr. Stewart recalls to Mr. Andrews how he entered the world of professional auto racing. He said, ''I got the loan and wound up finishing second in the race, and I made $3,500.'' ''When I got home from Phoenix, I looked at the paycheck and calculated how long it would take me to make that much in the machine shop. I said to myself, It's now or never, and that's when I decided to go for it.''

Mr. Speaker, that is the American dream, going for it; taking the risk; taking advantage of the opportunities. Mr. Stewart's rise to the top is indicative of his Hoosier work ethic and pride in a job well done. But Mr. Stewart should also be recognized for his accomplishments outside of motor sports. His commitment to philanthropy led him to start the Tony Stewart Foundation to help terminally ill children and to aid the families of drivers injured in motor sports.

For his contributions to the State of Indiana, a State rich in motor sports history, Mr. Stewart was awarded the Sagamore of the Wabash, the State of Indiana's highest honor. Governor Mitch Daniels presented the award after Mr. Stewart's number 20 car and his crew won Indiana's only NASCAR Nextel Cup race, the Brickyard 400.

This race is held annually at the most storied of racetracks in the world, the Indianapolis Motor Speedway in Speedway, Indiana. Mr. Stewart is not only held in respect by his fellow Hoosiers but by his fellow racers as well. His colleague Mark Martin said, ''Tony Stewart, in my eyes, is the greatest race car driver I have watched drive in this era. A.J. Foyt might have been that when I was a little boy, but Tony Stewart is my driving hero.''

Dale Earnhardt, Jr., said, ''Tony's as talented as they come. He's also one of the most genuine guys in our sport. He was one of the few people who stepped up for me when my dad died. He's a guy who really cares about his friends, and I guarantee you this won't be the last championship he wins.''

Jeff Gordon, a fellow Hoosier and four-time NASCAR Cup champion said, ''Tony is a true American racer. You can put him in any car on any track and he'll be fast. He's good on the short tracks, the intermediate tracks, the restrictor-plate tracks and the road courses.''

I am proud to honor Mr. Stewart, an American driver at the top of the racing world, a Hoosier, and a Ninth District constituent. I ask for my colleagues to support this resolution to congratulate him on his accomplishments.

[From Sports Illustrated, Dec. 2005]

THE CHAMPION

(By Lars Anderson)

Tony Stewart was 22 years old and living rent-free in a friend's house in Rushville, Ind., when he hit a crossroads. For months he had been working in a machine shop, eight hours a day, five days a week, running a drill press for $5 an hour and wondering if he had what it took to become a professional racer. Then, one afternoon early in 1993, he asked his boss if he could borrow money for a ticket to Phoenix. The Copper World Classic, a USAC event for open-wheel cars at Phoenix International Raceway, was going to be held in a few days, and Stewart, who raced on weekends in the Midwest, wanted to test his talent against West Coast drivers. So he asked his boss for a loan, and neither Stewart's life, nor American motor sports, has been the same since.

''I got the loan and wound up finishing second in the race, and I made $3,500,'' Stewart recalled as he sat in the back of an Agusta helicopter that was carrying him to Homestead-Miami Speedway on Nov. 17 for the start of what Stewart would later call the most important racing weekend of his life. ''When I got home from Phoenix, I looked at the paycheck and calculated how long it would take me to make that much in the machine shop. I said to myself, It's now or never. And that's when I decided to go for it.''

In NASCAR's season finale at Homestead, almost 13 years after he made his decision, Stewart solidified his status as one of the top drivers of his generation when he wrapped up his second career Cup championship by coming in 15th in the Ford 400. Stewart, who finished 35 points ahead of Greg Biffle and Carl Edwards in the final standings, joined an exclusive club: He became the 14th driver in NASCAR's 58-year history to win multiple titles. Among current drivers, Stewart is only the second to have won more than one Cup championship. (Jeff Gordon, who has won four, is the other.) Though Stewart didn't win any of the final 10 races of 2005, his average finish of 8.7 during the Chase was second only to Carl Edwards's 8.4. And during the final two thirds of the season, Stewart was as consistent as any NASCAR driver in recent memory: Over the final 22 races of '05 he finished in the top 10 an astonishing 19 times.

''Tony Stewart, in my eyes, is the greatest race car driver I've watched drive in this era,'' says Mark Martin. ''A.J. Foyt might have been that when I was a little boy, but Tony Stewart is my driving hero.''

''Tony is a true American racer,'' says Gordon. ''You can put him in any car on any track, and he'll be fast. He's good on the short tracks, the intermediate tracks, the restrictor-plate tracks and the road courses.''

''Tony's as talented as they come,'' says Dale Earnhardt Jr. ''He's also one of the most genuine guys in our sport. He was one of the few people who stepped up for me when my dad died. He opened his home to me and offered me his car, his helicopter. He's a guy who really cares about his friends, and I guarantee you this won't be the last championship he wins.''

For Stewart, though, it will be a hard one to top in terms of satisfaction. ''It's been a very special year,'' he says of a title run that was far less stormy than his previous one. ''This championship means 10 times more than the one I won in 2002. I've had more fun this year than at any time in my life.''

All season long Stewart could be seen smiling when he talked to his crew and hamming it up with the media. Which prompts the question: What happened to Tempestuous Tony, the hothead nicknamed Smoke, who infamously shoved a photographer in 2002 and used to challenge other drivers to fights in the garage?

To understand Stewart's dramatic change in demeanor, you must go back to the final race of 2004. Minutes after Stewart hopped out of his Home Depot Chevy at Homestead,

he told friends that he was packing his bags and heading west. For six years he had lived just north of Charlotte, the hub of NASCAR, but now he had decided to move back to his childhood home in Columbus, Ind. The move made Stewart happy, and it transformed his team. ''I can hit the reset button here—and nobody bothers me,'' he said one day last summer. ''My neighbors think of me as the same punk kid who smacked baseballs into their aluminum siding.''

Relaxed and upbeat, Stewart improved not just his attitude but also his listening skills. The communication between Stewart and his crew in 2005 was as free-flowing as it has ever been in his six-year Cup career. In October '04, in a meeting at Joe Gibbs Racing in Charlotte, several crewmen told Stewart that in the past his heat-of-the-moment tongue-lashings had bruised egos. As a result, some in the crew were reluctant to speak to Stewart when problems arose.

''That meeting really opened my eyes,'' says Stewart. ''I'm only 5'8'' and 185 pounds, but I can intimidate people. That had to stop because my guys need to be able to talk to me about anything.''

''Tony moving home has meant everything to our team,'' says shock specialist Ronny Crooks. ''Instead of looking at problems, Tony now looks at solutions.''

That positive attitude carried the team all year, from the ups and downs of spring, through a red-hot summer (sparked by a test session at Michigan in which Stewart and crew chief Greg Zipadelli hit on a key suspension setup), to a carefully controlled Chase, to the final lap at Homestead, ending a season that will stand out in NASCAR history. ''I've never really thought about where my place in the history of the sport will ultimately be,'' says Stewart. ''I've got a lot more to accomplish, and hopefully I'll win a few more championships.''

While Stewart is clearly driving toward the pantheon of the alltime great American racers—a place where Earnhardt, Foyt, Pearson and Petty all reside—he already shares one trait with the legends: He likes to give the fans a show. So, late in the evening of Nov. 20, at the urging of a few hundred fans still in the Homestead grandstand an hour after the race, Stewart scaled the catchfence at the start-finish line. As he triumphantly raised his arm, flashbulbs popped, capturing what surely will be the defining image of NASCAR's 2005 season.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Coming from Texas, we well know the importance and the excitement around NASCAR drivers and NASCAR participants and those who enjoy the excitement of this sport. And so I rise to briefly salute the sport.

Being from Texas, I can assure you that there are thousands and thousands of fans to pay tribute to Mr. Stewart, who has been winning races since the age of 18. His record of being one of the triple crown winners in all three USAC major divisions, the National Midget, Sprint and Silver Crown, means that he is part of a growing and exciting sport. So it gives me great pleasure to join my colleagues as well and to support this initiative, H. Res. 587, to honor and salute him.

Mr. Speaker, I was unable to join my colleagues on the floor of the House as the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) brought forward H. Con. Res. 315, which really speaks to the sensitivities of being an American. And that is the urging of the President to issue a proclamation for the observance of an American Jewish History Month.

I think it makes America better when we understand each other's history. We all come from diverse communities and certainly have grown up understanding the importance of the American Jewish community and also the importance of the relationship between Israel and the United States and the contributions that those who come from throughout Europe and other places around the world of Jewish heritage who have now come to America and made some great contribution, whether it is medicine, politics, academics, science.

We know that the American Jewish community has had an enormous history and impact on America. We also know, as a member of the broad American psyche, that the American Jewish community certainly has been a leader in the civil rights efforts of all Americans. It was very much the American Jewish community that worked alongside Dr. Martin Luther King, who understood the importance of the freedom of speech and the freedom of the first amendment. And so I think that this resolution that Ms. WASSERMAN SCHULTZ offered on the floor of the House, H. Con. Res. 315, should draw the support of all of our colleagues.

It makes America whole. It makes America embracing when we acknowledge and understand the history of all Americans.

Allow me to conclude, as I listened to the debate as I was in another meeting, regarding H. Res. 579, regarding the symbols of Christmas, I do not think there is anything one can say other than we are a great country because we do have diversity and faith, diversity in background. I listened to the debate, although I could not join it as I was in meetings, but I think the simple premise should be that we welcome the freedom to worship and celebrate as our faiths and our cultures dictate.

There are so many good wishes that we could offer during this season. Just a few weeks ago was Ramadan, and certainly, we can wish many others happy Chanukah, and certainly, there are those who celebrate and commemorate and praise the name of Christmas in the spirit of merry Christmas.

I know that some thought H. Res. 579 was a bill that needed to be brought to the floor, but what I want to say, Mr. Speaker, is that none of my constituents has ever approached me to suggest that we should stop saying Merry Christmas or anyone has ever been offended because I might have said happy holidays and they celebrate Christmas.

So why do I not conclude, it seems this may be a vote on the House, to say that I will enthusiastically vote for this bill, but at the same time, I am going to offer to this body that we should be respecting of the different faiths of many different people. And hopefully, by casting a vote for this initiative, H. Res. 579, we will not be casting a vote for discrimination or offense to anyone, but we really will be saying that however you express yourself, we welcome it.

There should be many more bills like this or it should have been a comprehensive bill. But I simply close my remarks by thanking the gentleman from Illinois (Mr. DAVIS) for his leadership, thanking the sponsor for the original underlying bill honoring Mr. Stewart, H. Res. 587, congratulating the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) on the urging of the President to issue a proclamation for the observance of American Jewish History Month.

I conclude by saying Merry Christmas, happy holidays and Happy New Year.

□ 2045

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

I do not believe that I am going to have any other requests for time, and so I am prepared to simply close and yield back.

I want to commend the gentleman from Indiana. I come from Chicago where we have the Chicago White Sox and I represent them, and so I know what it feels like to have a champion. I commend him for introducing this resolution.

I also want to take this opportunity, Mr. Speaker, to simply say to the gentleman from Nevada (Mr. PORTER), the chairman of our subcommittee and his staff, that it has indeed been a pleasure working with you and your staff this entire year, and we look forward to coming back at the end of January.

As we go and take all of this time off and be that much away from each other, I certainly want to wish for you and your staff and your family a merry Christmas and a happy holiday season. It has been a pleasure working with you.

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

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

First, my congratulations to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ). I think it is very appropriate and appreciate her bringing the bill to the floor recognizing such an important part of our culture.

To the gentleman from Illinois (Mr. DAVIS), my ranking member of the subcommittee, I must say I have learned many things from him this year. He truly provides great leadership. He and his staff, too, have been a pleasure to work with, but I say certainly out of all due respect that the gentleman from Illinois (Mr. DAVIS) comes highly thought of to the committee. It has been a pleasure working with him and his professionalism, and I, too, look

forward to 2006 and say that to his staff and to Mr. DAVIS, of course, the best, a happy holiday season, a very special merry Christmas and happy Chanukah and for the kind words mentioned by some of your colleagues.

We live in such a great Nation with a diverse background. We have had many problems through the years, and we still will have problems in the future; but I think that this body shows consistently, and continues to show, respect for that diversity. So I, again, say thank you and ask for Members to support the bill.

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

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 587.

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

A motion to reconsider was laid on the table.

## RECOGNIZING COMMODORE JOHN BARRY AS THE FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 38) recognizing Commodore John Barry as the first flag officer of the United States Navy.

The Clerk read as follows:

H.J. RES. 38

Whereas John Barry, American merchant marine captain and native of County Wexford, Ireland, volunteered his services to the Continental Navy during the American War for Independence and was assigned by the Continental Congress as captain of the Lexington, taking command of that vessel on March 14, 1776, and later participating in the victorious Trenton campaign;

Whereas the quality and effectiveness of Captain John Barry's service to the American war effort was recognized not only by George Washington but also by the enemies of the new Nation;

Whereas Captain John Barry rejected British General Lord Howe's flattering offer to desert Washington and the patriot cause, stating: ''Not the value and command of the whole British fleet can lure me from the cause of my country.'';

Whereas Captain John Barry, while in command of the frigate Alliance, successfully transported French gold to America to help finance the American War for Independence and also won numerous victories at sea;

Whereas when the First Congress, acting under the new Constitution of the United States, authorized the raising and construction of the United States Navy, it was to Captain John Barry that President George Washington turned to build and lead the new Nation's infant Navy, the successor to the Continental Navy of the War for Independence;

Whereas Captain John Barry supervised the building of his flagship, the U.S.S. United States;

Whereas on February 22, 1797, President Washington personally conferred upon Captain John Barry, by and with the advice and consent of the Senate, the rank of Captain, with ''Commission No. 1'', United States Navy, dated June 7, 1794;

Whereas John Barry served as the senior officer of the United States Navy, with the title of ''Commodore'' (in official correspondence), under Presidents Washington, John Adams, and Jefferson;

Whereas as commander of the first United States naval squadron under the Constitution of the United States, which included the U.S.S. Constitution (''Old Ironsides''), John Barry was a Commodore, with the right to fly a broad pendant, which made him a flag officer; and

Whereas in this sense it can be said that Commodore John Barry was the first flag officer of the United States Navy: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Commodore John Barry is recognized, and is hereby honored, as the first flag officer of the United States Navy.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 38, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.J. Res. 38. This resolution recognizes Commodore John Barry as the first flag officer of the United States Navy. Born in 1745, John Barry came to America as a young seaman and became a great American patriot and warrior during the Revolutionary War.

John Barry's contributions during the Revolutionary War were unparalleled. He was the first captain to capture a British vessel on the high seas; and while waiting for a warship to be built, he also fought on the land with a company of marines at the Battles of Trenton and Princeton.

When he assumed command of his favorite ship, the frigate Alliance, he captured two British ships after being severely wounded during a ferocious sea battle. In all, he captured over 20 ships and fought the last sea battle of the war at the helm of the frigate Alliance in 1783.

After the war, he was appointed the head of the United States Navy by President George Washington. He was so highly regarded that his contemporaries labeled him the Father of the American Navy.

Today, with this resolution, we honor Commodore John Barry as the first Navy officer authorized to fly his own pennant.

Mr. Speaker, I particularly want to thank my House colleague, the gentleman from New York (Mr. KING), for introducing this resolution. I urge my colleagues to support it.

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

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

Mr. Speaker, I, too, rise in support of H.J. Res. 38, honoring Commodore John Barry as the first flag officer of the United States Navy. I want to recognize and thank the gentlewoman from Virginia (Mrs. DRAKE), my friend, for her support of this resolution now before the House.

Mr. Speaker, H.J. Res. 38 is a tribute to a man recognized as the Father of the American Navy. Unfortunately, I suspect most Americans today probably do not remember Commodore Barry, let alone his gallant and heroic actions during the American Revolution.

John Barry was born in Wexford, Ireland, in 1745. A son of a poor Irish farmer, young John followed his uncle, Nicholas Barry, to sea, starting out as a ship's cabin boy and ultimately becoming the senior commander of the entire United States fleet.

In 1766, Barry had his first command aboard the schooner Barbadoes, which sailed out of his home port of Philadelphia. Philadelphia became home to John Barry, not only because it was an emerging maritime trade center but because it was also an environment which promoted religious freedom.

Upon his return from a trade voyage to England, John Barry found that the Colonies and Great Britain were at war. As the war for independence began, Barry was given the responsibility for ensuring that all the Continental Navy ships sailing from Philadelphia were outfitted and provisioned appropriately.

For his exemplary service to our young Nation, John Barry was awarded a captain's commission in the Continental Navy on March 14, 1776. With his commission came command of a new 14-gun ship named the Lexington. On April 7, 1776, Captain Barry captured the British ship Edward. It was the first capture of a British warship by a regularly commissioned American cruiser.

In 1777, Mr. Speaker, the British assaulted Philadelphia, and Captain Barry was forced to scuttle his new ship, the Effingham. While the Effingham was under construction, Barry volunteered his service to the Continental Army and served with a company of marines under the command of General John Cadwalader. He fought at the Battles of Trenton and Princeton, but by March 1778, Barry was back on the sea.

His heroic deeds during the American Revolution were remarkable. He is credited with the capture of over 200 British ships. He was known to have

quelled three mutinies, and he authored a signal book that was used to communicate between ships.

On February 22, 1797, President George Washington conferred the first naval commission in the United States Navy on John Barry and gave him the rank of captain.

Captain Barry served as commodore of the U.S. Navy under three Presidents: Washington, Adams, and Jefferson. As commander of the first naval squadron, Commodore Barry was entitled to fly a pendant, which made him, in essence, the Nation's first naval flag officer.

Commodore Barry's last day on active duty was March 6, 1801, but he continued to remain the head of the Navy until his death on September 12, 1803.

This resolution, Mr. Speaker, is an effort to honor Commodore John Barry for his outstanding contributions to the Continental Navy and for his extraordinary accomplishments as the Nation's first flag officer of the United States Navy.

Mr. Speaker, I again thank the gentlewoman from Virginia (Mrs. DRAKE) for her support of this resolution. I want to thank my colleagues and urge support for this resolution.

Mr. KING of New York. Mr. Speaker, today I rise in support of H.J. Res. 38, a resolution which honors and recognizes Commodore John Barry as the first flag officer of the United States Navy.

An American merchant marine captain and native of County Wexford, Ireland, John Barry volunteered for the Continental Navy during the American Revolution. During his 17 years of service, Commodore Barry's naval expertise was instrumental in defeating the British as well as building and leading our new Nation's infant Navy. In addition, he commanded the first U.S. Naval squadron, served as the senior officer in the U.S. Navy (the equivalent of the current position of Chief of Naval Operations) under Presidents George Washington, John Adams, and Thomas Jefferson, and supervised the construction of the USS *United States*.

Throughout his career, from taking command of the *Lexington* to participating in the victorious Trenton and Princeton campaigns, Barry's contributions to the American war effort were monumental. Dubbed the "Father of the American Navy," Commodore Barry continued his service to our country by supervising the construction of the first Naval frigates and urging the creation of the Department of the Navy.

I urge the House of Representatives to pass H. J. Res. 38 and recognize Commodore John Barry as the first flag officer of the United States Navy.

Mr. BUTTERFIELD. Mr. Speaker, if I have no more speakers, and I do not think that I do at this time, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the joint resolution, H.J. Res. 38.

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

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 327. An act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 449. An act to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, and for other purposes.

## CONGRESSIONAL AWARD ACT REAUTHORIZATION

Ms. FOXX. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 335) to reauthorize the Congressional Award Act.

The Clerk read as follows:

S. 335

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

**SECTION 1. REAUTHORIZATION OF THE CONGRESSIONAL AWARD ACT.**

(a) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 104(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking ''and 2004'' and inserting ''2004, 2005, 2006, 2007, 2008, and 2009''.

(b) TERMINATION.—

(1) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking ''October 1, 2004'' and inserting ''October 1, 2009''.

(2) SAVINGS PROVISION.—During the period of October 1, 2004, through the date of the enactment of this section, all actions and functions of the Congressional Award Board under the Congressional Award Act (2 U.S.C. 801 et seq.) shall have the same effect as though no lapse or termination of the Board ever occurred.

(c) TECHNICAL AMENDMENTS.—The Congressional Award Act is amended—

(1) in section 103 (2 U.S.C. 803)—

(A) in subsection (a)(1) (B) and (C), by striking ''a a local'' and inserting ''a local''; and

(B) in subsection (b)(3)(B), by striking ''section'' each place it appears and inserting ''subsection''; and

(2) in section 104(c)(2)(A) (2 U.S.C. 804(c)(2)(A)), by inserting a comma after ''1993''.

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

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. 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. 335.

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

There was no objection.

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

Today, the House considers S. 335, a bill which would reauthorize the Congressional Award Act. The Congressional Award program was established by PL 96–114 in 1979 to promote initiative, achievement, and excellence among youths aged 14 to 23. Award recipients complete a self-designed program of challenging, but achievable, goals in four program areas: voluntary service, personal development, physical fitness, and expedition/exploration.

Program participants can work toward a Congressional Award certificate or medal. In either category, there are three achievement levels: gold, silver, and bronze. Minimum requirements must be met regarding the number of hours devoted to each of the four program areas, total hours worked toward the award, and the duration of the participant's efforts.

Senators and Representatives present the awards at local, city, or State ceremonies. It was my great pleasure to make a presentation of the silver award recently in my district to Cameron Harris. Cameron exemplifies all the positive aspects of the Congressional Award. Making that presentation was one of the highlights of my first year in Congress.

Gold medal recipients are recognized each year at the Congressional Award Gold Ceremony at the U.S. Capitol, and I look forward to making a presentation in the near future to Cameron.

In 2000, the Congressional Award Act was amended by PL 106–533 to establish a congressional recognition for excellence in arts education. This act established a nine-member congressional board to recognize schools that promote excellence in arts education.

The Congressional Award program is administered by the Congressional Award Board, which is a nonprofit 503(c)(3) private-public partnership that is statutorily prohibited from receiving Federal funds. In lieu of Federal funding, the board is supported by charitable contributions and is authorized to receive in-kind services from the Federal Government, including free office space and an annual audit by the General Accountability Office, GAO.

□ 2100

S. 335 maintains current law by continuing the prohibition on Federal funding and provides a straight reauthorization that extends current law in-kind services for another 5 years.

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

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 335, the bill to reauthorize the Congressional Award Act, and I am proud to be an original cosponsor of the House companion bill.

This public-private partnership gives the opportunity to young people to set and achieve personally challenging goals that build character and foster

community service, personal development, and citizenship. To earn a Congressional Award, as the gentlewoman from North Carolina said, participants set and achieve individual goals in the areas of public service, personal development, physical fitness and expeditions.

We in New Jersey are particularly proud of the Congressional Award because the sponsor of the bill originally, 26 years ago, here in the House of Representatives, was Representative Jim Howard of New Jersey. The award is so good because all young people are equally able to earn the Congressional Award because the goals set are based on individual interests and ability. The young person is not selected to receive the Congressional Award; she or he earns it.

The Congressional Award facilitates neighborhood networks, enabling disadvantaged youth to become part of a community. It attracts youth from all backgrounds. The Congressional Award program fits nicely with extracurricular activities in schools and various youth programs, including Key Clubs, Service Clubs, Scouting, 4–H, and so forth. I have seen the program provide an opportunity for young people to learn from adults who will encourage and support them along the way to earning the Congressional Award.

The award program looks to teachers, guidance counselors, leaders of school and youth groups to spread the word about the program. The award can act as an important component for the personal development of young people. The program establishes a sense of self-confidence and helps enhance problem-solving skills. And perhaps the most important lesson, certainly one of the most important lessons that people can learn, is how to set achievable goals and then how to achieve them.

Created by Congress 26 years ago, the Congressional Award receives no Federal funding. It is fully funded by charitable contributions. However, Congress has assisted the program by authorizing the U.S. Mint to strike medals presented to the recipients. Members of the House and of the Senate recognize their constituents who earn Bronze, Silver and Gold medals. The winners of the Gold Medal Award participate in a ceremony here in Washington held annually.

This year, the number of Gold Medal recipients represented more than 25 States. The 12th Congressional District of New Jersey, my district, is pleased and proud to have 1,004 active participants, more than any other district in the country. There were five Gold Medalists from the 12th District in 2005. There is already a Gold Medalist approved for 2006, and I expect more. I look forward to presenting the awards to them and to dozens of Bronze and Silver Award winners.

Mr. Speaker, I urge my colleagues to support the Congressional Award Act.

Mr. OWENS. Mr. Speaker, I proudly rise today in support of the re-authorization of the Congressional Awards Program and to express my appreciation for the outstanding benefits it brings to my constituents and community. Congress established The Congressional Award in 1979 to recognize initiative, achievement and service in young people. The enabling legislation (Public Law 96–114) established the Congressional Award as a private-public partnership, receiving all funding from the private sector.

Program participants choose what they will do to earn the award based on their own interests and abilities. Participants are honored for achieving their goals. Participants earn Bronze, Silver and Gold Congressional Award Certificates and Bronze, Silver and Gold Congressional Award Medals. Each award level involves setting goals in four program areas: Volunteer Public Service, Personal Development, Physical Fitness, and Expedition/Exploration.

Members of Congress usually present the Award in a ceremony within their Congressional District, but the highest award, the Congressional Award Gold Medal, is presented in the Capitol in Washington, DC. I have been delighted to present 8 Gold Medals to constituents over the last 4 years. Not only have I seen young people from my district participate in the program, but many adults, teachers, guidance counselors, youth leaders, and friends have served as Congressional Award advisors and mentors.

Regardless of the situation, youth can earn the Congressional Award. The program is open to young people from 14- to 23 years old and it accommodates people with special needs or disabilities. There are no minimum grade point average requirements. Participants must select an unrelated adult to act as their advisor. There are more than 13,000 young people presently working to earn a Congressional Award—a number that is growing rapidly.

The Congressional Award is about challenge. Awards are earned—not won. Participants work entirely at their own pace over an extended period of time so that the value of volunteer service, staying fit, learning new skills and exploring new places and activities are made part of the young person's lifestyle. The Congressional Award fosters service, initiative and achievement. The Award builds leadership, confidence and self-esteem in countless young people as they grow into product citizens in all walks of life.

For those who sincerely want to promote positive activities among the youth of our Nation the Congressional Award Program is an ideal national vehicle. That so few Members of the House and the Senate sponsor candidates is a shameful tragedy. Certainly the program would not be experiencing its present fiscal difficulties if the private sector discerned that their Washington legislators really cared. We are missing a golden opportunity to do a great amount of good at a very low cost.

Today, Mr. Speaker, I rise in support of the Congressional Award Program as a significant instrument in our efforts to reach out to young people across the Nation and encourage them to get involved in community service. I encourage my colleagues to support the Congressional Award not only by re-authorizing the program for another 5 years, but also by Members becoming involved in their districts.

Mr. WICKER. Mr. Speaker, I am pleased to support a congressional program that builds character and fosters community service, personal development and citizenship in young Americans—the Congressional Award program. Established in 1979, the Congressional Award is the highest honor Congress bestows upon young people.

Any interested, motivated youth age 14 to 23 may participate. The Congressional Award adapts to meet the needs of each participant. Students set goals according to their own interests and level of abilities. Congressional award recipients represent the best of America. They are required to have committed to bettering themselves and to giving back to the communities in which they reside. It is the making of fulfilling of that commitment that makes these young people so extraordinary.

Over 650 young people in Mississippi are actively pursuing a Congressional Award. Many of these participants are currently involved with Hurricane Katrina relief efforts as a part of their volunteer service commitment. Last year 15 Mississippi youths earned the Congressional Award Gold Medal by serving over 400 hours of volunteer community service and 200 hours each in personal development and physical fitness.

2005 Gold Medal recipient William Fleming of Vardaman, MS, says this of his experience: "I gained a renewed sense of accomplishment and self worth that cannot be replaced. I got all of this from the activities that I completed in the Congressional Award program."

Participation in this program is growing rapidly. Over 2,700 Congressional awards were earned in fiscal year 2005—an increase of 100 percent from just 5 years ago. On June 22, 2005, Members of Congress presented 242 young people with Gold Medals—our highest number to date. In 2006, that number will most likely exceed 300. As a long time supporter of the Congressional Award, I encourage my fellow colleagues to reauthorize this outstanding program.

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

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

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and pass the Senate bill, S. 335.

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

A motion to reconsider was laid on the table.

## TO PROVIDE CERTAIN AUTHORITIES FOR THE DEPARTMENT OF STATE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4436) to provide certain authorities for the Department of State, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4436

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

**SECTION 1. REDI CENTER.**

(a) AUTHORIZATION.—The Secretary of State is authorized to provide for the participation by the United States in the Regional Emerging Diseases Intervention Center (in this section referred to as ''REDI Center'') in Singapore, as established by the Agreement described in subsection (c).

(b) CONSULTATION AND REPORT.—

(1) CONSULTATION.—Prior to the review required under Article 6.3 of the Agreement described in subsection (c), the Secretary shall consult with the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) REPORT.—In connection with the submission of the annual congressional budget justification, the Secretary shall report on efforts undertaken at the REDI Center with regard to bioterrorism concerns.

(c) AGREEMENT DESCRIBED.—The Agreement referred to in this section is the Agreement between the Governments of the United States of America and the Republic of Singapore Establishing the Regional Emerging Diseases Intervention Center, done at Singapore, November 22, 2005.

**SEC. 2. RETENTION OF MEDICAL REIMBURSEMENTS.**

Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended by adding at the end the following new subsection:

''(g) Reimbursements paid to the Department of State for funding the costs of medical care abroad for employees and eligible family members shall be credited to the currently available applicable appropriation account. Such reimbursements shall be available for obligation and expenditure during the fiscal year in which they are received or for such longer period of time as may be provided in law.''.

**SEC. 3. ACCOUNTABILITY REVIEW BOARDS.**

Section 301(a) of the Diplomatic Security Act (22 U.S.C. 4831(a)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

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

''(3) FACILITIES IN AFGHANISTAN AND IRAQ.—

''(A) LIMITED EXEMPTIONS FROM REQUIREMENT TO CONVENE BOARD.—The Secretary of State is not required to convene a Board in the case of an incident that—

''(i) involves serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission in Afghanistan or Iraq; and

''(ii) occurs during the period beginning on October 1, 2005, and ending on September 30, 2009.

''(B) REPORTING REQUIREMENTS.—In the case of an incident described in subparagraph (A), the Secretary shall—

''(i) promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the incident;

''(ii) conduct an inquiry of the incident; and

''(iii) upon completion of the inquiry required by clause (ii), submit to each such Committee a report on the findings and recommendations related to such inquiry and the actions taken with respect to such recommendations.''.

**SEC. 4. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.**

(a) REPEAL OF LIMITED-SCOPE EFFECTIVE DATE FOR PREVIOUS INCREASE.—Subsection (c) of section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (division D of Public Law 108–199) is repealed.

(b) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended in the third sentence by striking ''25 percent of the rate of basic pay or, in the case of an employee of the United States Agency for International Development,''.

(c) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking ''25 percent of the basic pay of the employee or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development'' both places that it appears and inserting ''35 percent of the basic pay of the employee''.

(d) CRITERIA.—The Secretary of State shall inform the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the criteria to be used in determinations of appropriate adjustments in post differentials under section 5925(a) of title 5, United States Code, as amended by subsection (b), and danger pay allowances under section 5928 of title 5, United States Code, as amended by subsection (c).

(e) STUDY AND REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of State shall conduct a study assessing the effect of the increases in post differentials and danger pay allowances made by the amendments in subsections (b) and (c), respectively, in filling ''hard-to-fill'' positions and shall submit a report of such study to the committees specified in subsection (d) and to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

**SEC. 5. 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''.

**SEC. 6. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.**

Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

**SEC. 7. OFFICIAL RESIDENCE EXPENSES.**

Section 5913 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(c) Funds made available under subsection (b) may be provided in advance to persons eligible to receive reimbursements.''.

**SEC. 8. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS EDUCATION BENEFITS.**

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended by inserting after paragraph (18) the following new paragraph:

''(19)(A) To provide for the payment of primary and secondary school expenses for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands (CNMI) at a cost not to exceed expenses authorized by the Department of Defense for such schooling for dependents of members of the Armed Forces stationed in the Commonwealth, if the Board determines that schools available in the Commonwealth are unable to provide adequately for the education of the dependents of such personnel.

''(B) To provide transportation for dependents of such personnel between their places of residence and those schools for which expenses are provided under subparagraph (A), if the Board determines that such schools are not accessible by public means of transportation.''.

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

The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume, and I want to point out to my colleagues and remind them that last July, July 20 to be exact, by a vote of 351–78, the House passed a very comprehensive piece of legislation, H.R. 2601, the Foreign Relations Authorization Act for fiscal years 2006 and 2007. That bill, regrettably, is stalled over in the other body, so this is a much scaled-down version that will provide some very important authorities to the Department of State, and I will just briefly outline that bill at this point.

First, H.R. 4436 provides for U.S. participation in the Regional Emerging Disease Intervention Center, or REDI Centers, in Singapore. This provision will allow the U.S. Government to detail Health and Human Services infectious disease experts to the center to work with their Asian counterparts, by providing training and research to prevent and respond to disease outbreaks and bioterror attacks, such as the avian flu and SARS. Not only will this help prevent the spread of the epidemic abroad, it will also be a vital step in protecting American citizens at home from this and other deadly viruses.

Second, H.R. 4436 addresses key personnel issues which will strengthen the Department of State's ability to manage its people and resources. I have always believed, Mr. Speaker, that personnel is policy, and how we take care of our foreign service officers abroad, many of whom operate under dangerous and difficult conditions, has great impact on how the U.S. is perceived abroad. H.R. 4436 increases the maximum post-differential and danger pay allowance that may be given to an FSO of the Department of State to 35 percent of base pay, bringing it in line with allowances offered to USAID personnel.

Other provisions will restore grievance rights to those being separated for cause and provides funding for educational expenses for dependents of the Broadcasting Board of Governors personnel stationed at the Northern Mariana Islands if the board determines that the commonwealth schools are unable to be recognized as an adequate education.

I would just point out that, earlier, we had a very good briefing with Secretary of State Condoleezza Rice, who spoke to that very issue of the difficulty of attracting experienced State Department personnel for those overseas missions that have great risk affixed to them. She was very glad to hear that this bill would be coming to the floor, as my good friend and colleague, Mr. LANTOS, who was there at that briefing, heard as well.

Third, the bill makes discretionary the convening of an Accountability Review Board in the case of an incident involving serious injury, loss of life or significant destruction of property at or related to a U.S. Government mission in Afghanistan or Iraq. In lieu of such a board, the Secretary of State may conduct an inquiry and submit a report on the incident to the House International Relations and Senate Foreign Relations Committees.

Lastly, the bill amends section 904 of the Foreign Service Act of 1980 to enable the State Department to retain medical insurance reimbursements in the year in which they are collected, strengthening the Department's management tools and ability to provide emergency medical services for its employees abroad.

In conclusion, I urge my colleagues to support this bill. It gives our diplomatic service the resources it needs in this post-9/11 environment to promote U.S. interests and values abroad and to protect American citizens right here at home.

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

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

Mr. Speaker, this simple and straightforward bill amends certain authorities of the Department of State so that the Secretary can better manage that global institution.

Many of the provisions have already passed the House in one form or another. One provision of note is the authority for the United States to become a member of the Regional Emerging Diseases Intervention Center which is being established in Singapore. This regional institution, originally designed to address the threat of SARS that was recognized at the end of 2003, now can be a focal point for addressing issues arising out of the avian flu outbreaks that we have seen earlier this year.

Mr. Speaker, I urge all of my colleagues to support this legislation.

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

Mr. SMITH of New Jersey. Mr. Speaker, to conclude, before yielding back, I do want to thank Chairman DAVIS from the Government Reform Committee for his cooperation because there were some issues of jurisdiction, and he acted in a very cooperative and collegial way to help make this legislation possible.

I would also like to thank Kristen Gilley for her fine work in working on this legislation, and to my good friend and colleague Mr. LANTOS as well.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4436, as amended.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4436.

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

There was no objection.

## SENSE OF CONGRESS REGARDING NICARAGUA

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 252) expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country, as amended.

The Clerk read as follows:

H. CON. RES. 252

Whereas the United States is strongly committed to promoting democracy and the rule of law through the democratically elected government and the civil society of Nicaragua;

Whereas the Democratic Charter of the Organization of American States, of which the United States and Nicaragua are signatories, stipulates that ''[t]he peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it'';

Whereas after experiencing a revolution, loss of personal liberties, destruction of property, and economic instability a quarter century ago, the people of Nicaragua are committed to maintaining a democratic form of government that functions democratically and whose branches of government respect the rule of law and human rights;

Whereas in November 2001, during the last national election, approximately 90 percent of voters in Nicaragua turned out to vote, indicating a strong commitment to a free electoral process and self determination;

Whereas international observers, including representatives from the National Democratic Institute, the International Republican Institute, the Carter Center, and the Organization of American States, monitored the Nicaraguan elections of November 2001 and determined that the elections met minimum international standards and that the outcome reflected the will of the Nicaraguan people;

Whereas ex-President Arnoldo Aleman and Sandinista Liberation Front (FSLN) leader Daniel Ortega entered into an agreement, which is widely known throughout Nicaragua as ''the Pact,'' to exploit the legislative powers of the National Assembly to undermine the Nicaraguan Constitution, the Presidency of Enrique Bolaños Geyer, and key institutions of representative democratic governance;

Whereas polls indicate that an overwhelming percentage of Nicaraguans oppose the Aleman-Ortega Pact, and tens of thousands of Nicaraguans have taken to the streets in the past year to call for an end to the Pact;

Whereas in September 2005, the Secretary General of the Organization of American States warned that the attempt by the Nicaraguan national legislature to strip President Enrique Bolaños Geyer's ministers and other senior government officials of their official immunity had created circumstances that would have made the country ungovernable and generated endless conflict;

Whereas with regard to the attempt by the National Assembly through the operation of the Aleman-Ortega Pact to undermine the privileges of the Nicaraguan executive branch, the Organization of American States urged, in the strongest possible terms, that ''the parties concerned enter into a broad and constructive dialogue, free of pressures and threats'' and that the parties ''respect the mandate freely conferred upon President Enrique Bolaños Geyer and the other elected officials by the Nicaraguan people'';

Whereas the National Assembly, in reaction to pressure from the international community, in October 2005, voted unanimously to delay until after the term of President Enrique Bolaños Geyer expires in January 2007, the enactment of these constitutional amendments by approving the Framework Law for the Stability and Governability of the Country (Framework Law);

Whereas, although the enactment and implementation of the Framework Law has reduced the political tensions in Nicaragua, the practical effect of the Pact remains largely intact as Arnoldo Aleman and Daniel Ortega continue to wield near total control over the National Assembly, the Supreme Court, the Electoral Council, and the Comptroller's Office, and the Human Rights ombudsman's office;

Whereas free, fair, transparent, and inclusive electoral processes, in conjunction with strong adherence to the constitution and democratic institutions, are the bulwark against anti-democratic forces;

Whereas presidential and legislative elections in Nicaragua are scheduled to be held in October 2006; and

Whereas the prerequisites for free, fair, transparent, and inclusive elections have not yet been met, including securing a sufficient number of credible national and international observers, completing the distribution of voter identification cards, and ensuring that all qualified and willing candidates are permitted to contest the elections: Now, therefore, be it

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

(1) Congress—

(A) condemns the continued operation of the Aleman-Ortega Pact as detrimental to democracy in the Republic of Nicaragua, the future of democracy in Nicaragua, and the stability of the entire region;

(B) denounces the previous attempts by the National Assembly to encroach unconstitutionally upon the powers of the executive branch, undermine the governability of the country, and advance the personal ambitions of some of its current and former members;

(C) applauds the diplomatic efforts of the Organization of American States (OAS) and

the Secretary-General of the OAS for demonstrating the viability of the Inter-American Charter as an increasingly effective instrument in the Western Hemisphere for overcoming obstacles that impede institutions, whether such institutions are executive, legislative, or judicial in nature, from governing democratically;

(D) concurs with the convening of a broad National Dialogue to address the challenges that confront the Nicaraguan people as they attempt to build a more effective democracy; and

(E) supports the efforts of the Government of Nicaragua and civil society to create the necessary conditions for free, fair, transparent, and inclusive elections in 2006, including by having effective and robust monitoring missions by the Organization of American States and other international observers, supporting the training of domestic election observers, assisting in the auditing of voter rolls to ensure accuracy, promoting the complete distribution without discrimination of proper voter identification documents, and encouraging the lawful inclusion of all qualified candidates in the electoral contests; and

(2) it is the sense of Congress that—

(A) it should be the policy of the United States to support democracy, the rule of law, and human rights in Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006;

(B) it should be the policy of the United States to work through the Organization of American States and other regional and international organizations to encourage political elements within Nicaragua to preserve, protect, and defend the letter and spirit of that country's constitution; and

(C) to the extent that electoral or democracy and governance assistance is provided, the President of the United States should ensure that such assistance is provided only for the purposes of training election observers and ensuring the integrity of the electoral process as requested by the President of Nicaragua, that such assistance be provided through nongovernmental organizations on a non-partisan basis in the United States and Nicaragua, and that the details of such assistance be made public on a timely basis to promote transparency and accountability in both countries.

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

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative in which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume, and I rise today in strong support of this concurrent resolution that expresses the sense of Congress that the United States should actively support efforts in Nicaragua to move that country towards an immediate and full restoration of a functioning democracy.

Further, the resolution calls on the United States and the international community, including the Organization of American States, to actively support the government of Nicaragua and civil society as they work to establish the necessary conditions to ensure a free, fair and transparent electoral process.

Throughout the 1980s and the 1990s, Latin America and the Caribbean, with the notable exception of Cuba, made remarkable progress towards democracy. I believe much of the credit for this progress is due to the courageous leadership of many democracy-minded people in the region who grew weary of the brutal dictatorships, but also the dedication of people like former President Ronald Reagan and others in the U.S. and elsewhere who invested in the future of these countries by helping to plant the seeds of democracy and nurturing them over time.

That investment is paying off, but we should be under no illusions that the work is complete. The truth is that, 15 years after the Managua Spring, democracy and freedom in Nicaragua are being eroded. While democracy is still holding on, it is not without its opponents, and in Nicaragua, the alarm bells are ringing.

Right now in Nicaragua, the hard left and the corrupted right are making common cause in attempting to bring down the democratically elected government of Enrique Bolanos. Sandinista leader Daniel Ortega in alliance with convicted former president Arnoldo Aleman has entered into an arrangement known as the Pact that poses a real and present danger to every democratic institution in that country, from the national assembly, the national electoral council, to the supreme court right on down.

For example, the Pact, through its control of the National Assembly of Nicaragua, tried to strip President Bolanos of his constitutional powers through what is known as the Stability and Governability of the Country Law. In October, however, the assembly, under pressure from the international community and perhaps the introduction of this resolution, voted to postpone this law until after President Bolanos leaves office in January of 2007.

Delaying the governability law has allowed Nicaragua to avoid an immediate constitutional crisis. But as President Bolanos said quite clearly during a recent visit with members of our subcommittee here in Washington, which I chair, the future of Nicaraguan democracy remains under threat and that the United States needs to pay attention before it is too late.

I believe that we must do what we can to ensure that the upcoming elections in Nicaragua are free and fair. Passage of this resolution will send a loud and clear message to the political elements that are attempting to subvert Nicaraguan democracy that the United States does not abandon friends who have stood so strong for the value of democracy.

□ 2115

While the recent actions of the Ortega-Aleman Pact indicate they may have abandoned their immediate efforts to overthrow President Bolanos, we should be under no illusion that they have given up their longer-term goal of returning Nicaragua to the days of oppression and dictatorship. So many Nicaraguans died during the years of violence and civil war for the dream of a free and democratic Nicaragua. Their sacrifice should not be in vain. We must work with the democratic forces of Nicaragua to ensure that Nicaragua continues to thrive and benefit for the people of that nation.

The resolution before us sets out a path which I believe and many of my colleagues on both sides of the aisle believe will ensure that democracy remains viable in Nicaragua. I urge my colleagues to show their support for democracy in Nicaragua by supporting this resolution.

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

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

Mr. Speaker, I rise in strong support of this important resolution, and I want to commend my good friend from Indiana for submitting this very important piece of legislation.

Mr. Speaker, although Nicaragua narrowly averted a political and constitutional crisis recently, the country remains gripped by an epic struggle to maintain its democratic form of government and its respect for the rule of law and civil society.

Former Nicaraguan President Arnoldo Aleman and former communist dictator Daniel Ortega conspired to subvert the administration of the democratically elected President Enrique Bolanos to their perverse interpretation of Chinese water torture.

Through their control of the National Assembly in Nicaragua, Aleman and Ortega slowly, but methodically, packed the Supreme Court, the Electoral Council, the comptroller's office, and other institutions with their stooges.

They then planned to carve away key revenue-raising administrative offices, like TelCor, the agency in charge of telecommunications in Nicaragua, and place them under legislative control. The last step for the unholy Aleman-Ortega alliance was to begin the process of removing several members of Bolanos' cabinet and other senior officials from their government positions on very questionable grounds.

Mr. Speaker, the dubious legal proceedings against President Bolanos' government sparked a resounding and near universal international outcry. From the Organization of American States to the Central American Court, to members of this body, led by my

friend and colleague, Mr. BURTON, chairman of the Western Hemisphere Subcommittee, a cacophony of respected voices reiterated their unwavering support for true democracy and the rule of law in Nicaragua and their determined opposition to the return of corrupt caudilloism.

Undoubtedly feeling the intense pressure, Sandinista leader Ortega broke ranks with former President Aleman and entered into a new agreement with President Bolanos that postponed the most onerous constitutional and administrative changes until after the end of Bolanos' presidential term in 2007.

Mr. Speaker, while the new agreement between Bolanos and Ortega defused a volatile confrontation between the executive and the other branches of Nicaragua's government, it did not remove Aleman or Ortega loyalists from their government positions, at least to the extent that the Aleman-Ortega Pact still remains in place.

Under normal circumstances, the influence that Aleman and Ortega are able to continue to wield, either individually or jointly over the operation of Nicaragua's government, would be troublesome enough. With presidential and legislative elections scheduled to be held within a year's time in Nicaragua, their influence over the electoral process threatens to undermine the prospects for free, fair, transparent, and inclusive elections next October.

Mr. Speaker, President Bolanos visited us last week and spoke of the many tasks that remain. ID cards need to be distributed to all eligible voters without discrimination based upon political affiliation. All willing and qualified candidates must be allowed to contest the elections. Perhaps most importantly, credible international observers from the Organization of American States and other institutions must be invited and encouraged to monitor the electoral process as soon as possible.

Mr. Speaker, it is my hope that, through international interventions like the resolution before us today, Aleman and Ortega will recognize the destructive folly of their previous acts, maintain Nicaragua on the path of economic and political liberalization, and once again permit the Nicaraguan people to express their choice for the future in next year's elections. I strongly urge my colleagues to support this resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Speaker, H. Con. Res. 252 expresses the sense of Congress that the Government of the United States should actively support the aspirations of the democratic, political, and social forces in the Republic of Nicaragua. I want to say it is possible that my good friend, Mr. BURTON, may have already achieved the results that were intended in this resolution.

This bill was crafted to address a pact formed by Arnoldo Aleman, former president of Nicaragua of the LCP Party, who had been sentenced to 20 years of house arrest for looting state coffers of $100 million. The pact was with Mr. Aleman and Daniel Ortega, former president of the Sandinista Party.

The Aleman-Ortega Pact passed so-called constitutional reforms that weakened the power of the Bolanos presidency. It was in this context, I believe, that H. Con. Res. 252 was introduced.

However, I believe the context, perhaps the mere introduction of the bill, helped to bring about a change of the context. In October, days after Nicaragua received a threat from U.S. Deputy Secretary of State Robert Zoellick that Nicaragua risked losing $175 million in U.S. aid if President Bolanos were toppled, Bolanos and Ortega agreed to postpone the constitutional reforms until the next president's term begins in 2007.

So, again, this may be an example where the mere introduction of a bill helped to bring about the desired change, and I think that Mr. BURTON and everybody who has been involved in the introduction of the bill should be commended for their work.

H. Con. Res. 252, expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua may have already achieved its aims and may not be necessary.

This bill was crafted to address a pact formed by Arnoldo Aleman, former President of Nicaragua of the Liberal Constitutional Party, who had been sentenced to 20 years of house arrest for looting state coffers of $100 million, with Daniel Ortega, former President of the Sandanista Party.

The Aleman-Ortega pact passed constitutional reforms that weakened the power of the Bolanos Presidency. It was in this context that H. Con. Res. 252 was introduced.

However, the context has since changed.

In October, days after Nicaragua received a threat from U.S. Deputy Secretary of State Robert Zoellick that Nicaragua risked losing $175 million in U.S. aid if President Bolanos were toppled. Consequently, the members of the pact agreed to postpone the constitutional reforms until the next president's term begins in 2007.

I commend the sponsors of the legislation but would suggest that since the resolution has achieved its ends, it should be withdrawn.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my good friend and distinguished colleague, the gentleman from New York (Mr. SERRANO).

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

Let me start by saying that I support, like everyone else, a free and fair electoral process in Nicaragua in the coming year. And I support democracy in Nicaragua, the separation of powers, the independence of the judiciary, and other institutions.

What I am opposed to is the typical U.S. interference in Latin America. Our foreign policy traditionally, historically, has been to ignore Latin America, and then every once in a while to take some action that is so out of touch with reality in Latin America, and foolish, as this resolution is tonight.

What we are doing on the floor of the House today is a clear example of this warped, nonexistent policy. If U.S. history in Nicaragua were one of supporting elections without taking sides and supporting checks and balances and independent institutions, I would feel differently about a resolution like this. But we have little credibility in Nicaragua today because the U.S. is perceived as having such a strong animosity to Daniel Ortega, my brother from California just called him a communist and I thought that had ended awhile ago, and the FSLN, that any actions we take are viewed as biased and certainly not objective or impartial.

While I can go through sentences in this text that I have differences with, that is not what is driving me to speak on the House floor today. Would we not be providing a better example to the democratic movement in Nicaragua if we led by example and instead of voting on this resolution today, we stayed away from anything that appeared to show the United States taking sides and interfering yet again in Nicaragua?

Given our long and troubled history in this country, we need to be careful not to interfere. Instead, let us support the OAS's effort and not take positions on internal Nicaragua elections.

Let me also take a moment to comment on one line of the resolution that states: ''Congress condemns the continued operation of the Aleman-Ortega Pact,'' which no longer exists, ''as detrimental to democracy in the Republic of Nicaragua, the future of democracy in Nicaragua, and the stability of the entire region.''

Of course this is right on top of the fact that we now claim that Venezuela is the danger to the region so they have been replaced tonight by Nicaragua as the main danger to the region. I simply have to take issue with the ''stability of the entire region'' comment. I think what undermines the stability of Latin America is the total lack of attention on an ongoing basis to the concerns of Latin America and then kinds of efforts like this resolution that show up every so often.

If this were coming to a vote, I would vote against this because I know what this is about. This is a little different than the Chavez-Venezuela issue. On that one we did not like the results, and the results are the fact that either through his coalition, through pushing back and attempted coup, which has our fingerprints all over it, President Chavez and his coalition have been elected and reelected eight times. We do not like the results, so we do not like him.

Here we suspect, like the rest of Latin America, that the result may be

one we do not like so we are anticipating that by suggesting that they better get their act together, meaning let anybody win except the opposition because that obviously would be undemocratic.

Mr. Speaker, there has to be a reason why Latin America went from military dictatorships to so-called democracies to again electing leftist leaders. Either something is in the water of Latin America or people are fed up with conditions. So what do we do? Instead of saying they are electing leftist governments and we should find out why and support the elected leaders in their desire to bring up the poor, we say beware Chavez, beware Bolivia, beware Peru, beware Chile, beware everybody, and especially beware Nicaragua: we did it to you once; we can do it to you again. If you do not elect the kind of government we want, you are in deep trouble with us and you are not democratic. That is not democracy.

Mr. BURTON of Indiana. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. WELLER), vice chairman of the Western Hemisphere Subcommittee.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Indiana for bringing this resolution to the floor. I am a strong supporter of this resolution.

Democracy in Nicaragua has been and continues to be under threat from something known as ''the pact.'' The pact is an agreement based on corruption and desire for power between two men: former President Aleman and former dictator Ortega, known locally as the party caudillos, strongmen, party bosses; and they are both corrupt.

Let us be clear: the pact today controls the Supreme Court of Nicaragua, the pact controls the Supreme Electoral Council, the pact controls the National Controllers Board, and the public prosecutor's office. These two corrupt caudillos have divided up power so they control it for themselves.

□ 2130

The Pact is alive and well. A side agreement to weaken President Bolanos failed largely because of civil society, but control of the country's institutions, those I named, still continue. So democracy continues to be threatened in Nicaragua. What is the goal of the Pact? To manipulate the 2006 elections for their benefit, for the benefit of former dictator Ortega and former President Aleman, to feed their corruption. The Pact wants to stay in power, including through controlling the supreme electoral council. Now, what type of people make up the supreme electoral council? I would note that two out of seven of the members have had their visas permanently revoked by the United States. And according to a survey published September 19 of this year by La Prensa, the leading newspaper, three-fourths, 74 percent of Nicaraguans believe that the supreme electoral council is capable of fraud. Evidence points to possible fraud by the supreme electoral council in the most recent election, the 2004 municipal election. Now the supreme court, controlled by Roberto Rivas, is extremely corrupt and influenced by the Ortega side of the Pact. Fully three members of the supreme court of Nicaragua have had their U.S. visas permanently revoked. And the court recently suffered the embezzlement of over $600,000 in confiscated narco-trafficking funds allegedly by Sandinista officials of the court.

Democracy is indeed in danger in Nicaragua, but I am pleased to see that efforts of civil society, groups like the Movimento de Democracia and other groups, particularly the government of Nicaragua under President Bolanos to create free and fair and transparent elections continues to push for true democracy. The United States must actively support democracy. The United States must actively support the rule of law and human rights in Nicaragua and to work with international organizations, especially the Organization of American States, to ensure the conditions exist for democracy and to ensure the integrity of the election process. I am particularly pleased that the International Democratic Institute and the International Republican Institute are both involved, and I hope the Organization of American States becomes fully engaged now, sooner rather than later, in ensuring a transparent and fair election process.

Mr. Chairman, I commend you for bringing this important resolution to the floor before us today. Democracy has had a good start in Nicaragua. It is under threat because of the Ortega-Aleman Pact. We must do everything we can to support true democracy and ensure free, fair and transparent elections, and that is why I strongly support this resolution and urge bipartisan support.

Mr. LANTOS. Mr. Speaker I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from California.

I want to say that I was greatly concerned hearing the comments of my colleague from New York who raises some valid points about the United States' interventions in Latin America. Now, I think that, you know, on one hand, the sponsors of the legislation have already achieved their ends, and I just wonder if the gentleman from Indiana would yield to a question.

Mr. BURTON of Indiana. Mr. Speaker, I will be happy to yield to my colleague.

Mr. KUCINICH. Mr. Chairman, you have sponsored a resolution here that, as I indicated earlier, the sponsorship moved some policy change. In light of that, would you have any interest in withdrawing the resolution and declaring victory?

Mr. BURTON of Indiana. I do not think so at this time. I think this resolution sends a very strong message, and I think we need to pass it.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Let me just end by saying, thank you to Mr. LANTOS, my very good friend, for his leadership and his hard work on this and a lot of other legislation. Let me just say that Mr. LANTOS and I were both here back in the 1980s when the war took place in Nicaragua and El Salvador, and we saw the horrible result of dictatorships. We saw the horrible result of civil war, and democracy has changed that whole region down there. And we think it is extremely important that we do everything we can to support democratic institutions so that we do not have the bloodshed that we saw back in the 1980s and we do not see the massive flight of people leaving that region to get to the United States and elsewhere to get away from those wars. So I think this resolution sends a strong message. Once again, I thank Mr. LANTOS.

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

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 252, as amended.

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

The title of the concurrent resolution was amended so as to read: ''Expressing the sense of Congress that the Government of the United States should support democracy, the rule of law, and human rights in the Republic of Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish the requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006.''.

A motion to reconsider was laid on the table.

## REMEMBERING AND COMMEMORATING THE LIVES AND WORK OF UNITED STATES CHURCHWOMEN EXECUTED IN EL SALVADOR IN 1980

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 458) remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980, as amended.

The Clerk read as follows:

H. RES. 458

Whereas on December 2, 1980, four United States churchwomen, Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, were violated and executed by members of the National Guard of El Salvador;

Whereas in 1980 Maryknoll Sisters Maura Clarke and Ita Ford were working in the parish of the Church of San Juan Bautista in Chalatenango, El Salvador, providing food, transportation, and other assistance to refugees and Ursuline Sister Dorothy Kazel and Cleveland Lay Mission Team Member Jean Donovan were working in the parish of the Church of the Immaculate Conception in La Libertad, El Salvador, providing assistance and support to refugees and other victims of violence;

Whereas these four United States churchwomen dedicated their lives to working with the poor of El Salvador, especially women and children left homeless, displaced and destitute by the Salvadoran war;

Whereas these four United States churchwomen joined the more than 70,000 civilians who were murdered during the course of the Salvadoran war;

Whereas on May 23 and May 24, 1984, five members of the National Guard of El Salvador—Subsergeant Luis Antonio Colindres Aleman, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura—were found guilty by the Salvadoran courts of the executions of the churchwomen and were sentenced to thirty years in prison, marking the first case in the history of El Salvador where a member of the Salvadoran Armed Forces was convicted of murder by a Salvadoran judge;

Whereas the United Nations Commission on the Truth for El Salvador was established under the terms of the historic January 1992 Peace Accords that ended El Salvador's twelve years of war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the war;

Whereas in March 1993 the United Nations Commission on the Truth for El Salvador found that the execution of the four United States churchwomen was planned and that Subsergeant Luis Antonio Colindres Aleman carried out orders from a superior to execute them, and that then Colonel Carlos Eugenio Vides Casanova, then Director-General of the National Guard and his cousin Lieutenant Colonel Oscar Edgardo Casanova Vejar, then Commander of the Zacatecoluca military detachment where the murders were committed, and other military personnel knew that members of the National Guard had committed the murders pursuant to orders of a superior and that the subsequent cover-up of the facts adversely affected the judicial investigation into the murders of the four United States churchwomen;

Whereas the United Nations Commission on the Truth for El Salvador determined that General Jose Guillermo Garcia, then Minister of Defense, made no serious effort to conduct a thorough investigation of responsibility for the murders of the churchwomen;

Whereas the families of the four United States churchwomen continue their efforts to determine the full truth surrounding the murders of their loved ones, appreciate the cooperation of United States Government agencies in disclosing and providing documents relevant to the churchwomen's murders, and pursue requests to release to the family members the few remaining undisclosed documents and reports pertaining to this case;

Whereas the families of the four United States churchwomen appreciate the ability of those harmed by violence to bring suit against Salvadoran military officers in United States courts under the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

Whereas the lives of these four United States churchwomen have, for the past 25 years, served as inspiration and continue to inspire Salvadorans, Americans, and people throughout the world to answer the call to service and to pursue lives dedicated to addressing the needs and aspirations of the poor, the vulnerable, and the disadvantaged, especially among women and children;

Whereas the lives of the four United States churchwomen have also inspired numerous books, plays, films, music, religious, and cultural events;

Whereas schools, libraries, research centers, spiritual centers, health clinics, women's and children's programs in the United States and in El Salvador have been named after or dedicated to Sisters Maura Clarke, Ita Ford and Dorothy Kazel and lay missionary Jean Donovan;

Whereas the Maryknoll Sisters, headquartered in Ossining, New York, the Ursuline Sisters, headquartered in Cleveland, Ohio, numerous Religious Task Forces in the United States, and the Salvadoran and international religious communities based in El Salvador annually commemorate the lives and martyrdom of the four United States churchwomen;

Whereas the historic January 1992 Peace Accords allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic political, economic, and social institutions; and

Whereas December 2, 2005, marks the 25th anniversary of the deaths of these four spiritual, courageous, and generous United States churchwomen: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) remembers and commemorates the lives and work of Sisters Maura Clarke, Ita Ford, and Dorothy Kazel and lay missionary Jean Donovan;

(2) extends sympathy and support for the families, friends, and religious communities of the four United States churchwomen;

(3) continues to find inspiration in the lives and work of these four United States churchwomen;

(4) calls upon the people of the United States and religious congregations to participate in local, national, and international events commemorating the 25th anniversary of the martyrdom of the four United States churchwomen;

(5) recognizes that while progress has been made during the post-war period, the work begun by the four United States churchwomen remains unfinished and social and economic hardships persist among many sectors of Salvadoran society; and

(6) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other United States Government departments and agencies to continue to support and collaborate with the Government of El Salvador and with private sector, nongovernmental, and religious organizations in their efforts to reduce poverty and hunger and to promote educational opportunity, health care, and social equity for the people of El Salvador.

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

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on December 2, 1980, 25 years ago this month, four American church women were murdered in El Salvador by members of the El Salvadoran military. In 1984, five national guardsmen were tried, convicted and sent to prison for these murders.

On the occasion of the 25th anniversary of their deaths, the resolution before us commemorates the lives and work of the Maryknoll Sisters, Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel and lay missionary Jean Donovan. It extends our most profound sympathy and support to the families, friends and religious communities of these four women. It encourages us to find inspiration in their lives and work and calls upon the American people and religious congregations to participate in local, national and international events marking the 25th anniversary of their deaths.

The resolution also recognizes that progress has been made in El Salvador following the war, but reminds us that the work of these missionaries on behalf of the poor remains unfinished. Therefore, it calls on us as a Congress to engage ourselves and relevant U.S. agencies to continue to support and collaborate with the Salvadoran government and other private nonprofit and religious groups working to reduce poverty and hunger in El Salvador and to promote educational opportunity, health care and social equity.

I would like to commend Mr. MCGOVERN for bringing this resolution to the floor. It is a fitting tribute to four inspiring American church women who worked on behalf of some of the poorest Salvadorans, including refugees and children left homeless during El Salvador's internal struggles. I think we could all learn a lesson from the events of 25 years ago and work even harder to ensure that democracy remains strong in Central America and elsewhere so that such events can never be repeated. I urge my colleagues to support the resolution.

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

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

I rise in strong support of this important resolution. Mr. Speaker, El Salvador has progressed much since the 1980s when a horrific civil war tore through the country, consuming some 75,000 lives.

In the last decade, the country has held numerous free and fair elections. Power was transferred peacefully from one political party to another, and the military has withdrawn from the political and economic affairs of the country and returned to its barracks.

Standards of living have also improved. According to the World Bank, fewer infants are dying at birth; more children are attending primary school; and more families have access to safe drinking water today than they did 10 years ago.

El Salvador has also become one of our most trusted and unwavering allies and has taken principled and brave stances on such issues as Iraq and the defense of Israel.

Mr. Speaker, despite these extraordinary accomplishments, El Salvador, like many post-conflict countries, still struggles with a host of social, economic and environmental problems.

Public investments in health, education, sanitation and other social programs are low. As a consequence, the health of the population is generally poorer than that of most of El Salvador's regional neighbors. Also, violence, much of it gang related, is crippling El Salvadoran society. And El Salvador's preparedness to respond and mitigate natural disasters remains lacking.

Today's resolution reminds us to draw strength and inspiration from the lives of four admirable women who were killed for dedicating their lives to trying to bring hope to those who are desperately poor in El Salvador.

Working together with our El Salvadoran friends, I am confident that we can overcome the remaining challenges that confront them and strengthen the already close ties that bind our two great nations.

Mr. Speaker, the resolution before us today takes another step towards fortifying these bonds. I want to applaud my friend and colleague, Chairman HYDE, for expediting this body's consideration of the resolution, and I commend the efforts of the gentleman from Massachusetts (Mr. MCGOVERN) for authoring it.

I strongly urge all of my colleagues to support H. Res. 458.

Mr. Speaker, I yield as much time as he might consume to the gentleman from Massachusetts (Mr. MCGOVERN), the author of this legislation.

Mr. MCGOVERN. Mr. Speaker, I wish to express my gratitude and appreciation to the leadership on both sides of the aisle for bringing this resolution to the House floor before we adjourn for the year. I especially want to thank Western Hemisphere Subcommittee Chairman BURTON, Subcommittee Ranking Member MENENDEZ, House International Relations Committee Chairman HYDE, Ranking Member LANTOS, Majority Leader BLUNT, Democratic Leader PELOSI, Speaker HASTERT, Rules Committee Chairman DREIER and all of their staffs.

Mr. Speaker, on December 2, 1980, Maryknoll Sisters Maura Clark and Ita Ford, Ursuline Sister Dorothy Kazel and Cleveland lay missionary Jean Donovan were brutally violated and murdered by members of the Salvadoran national guard. The guardsmen who pulled the triggers and their immediate superior, a sub-sergeant, were tried, convicted and imprisoned in 1984 for these heinous crimes, although they were later released in 1997 and 1998. But I am not here today to recall these tragic events. I am here to remember and honor their lives.

These four courageous American women dedicated their lives to the safety and welfare of others, to the poor and the desperate of El Salvador, especially the women and children left homeless and destitute by the violence and the war of that era. It is the way that they lived their lives and the work that they carried out that has proven to be so inspirational to so many people in the 25 years since their death and especially the young people who are looking for role models, both secular and spiritual, to guide their own futures.

I had the privilege to spend December 1 through December 6 in El Salvador and to participate in the many 25th anniversary events organized by the Maryknoll Sisters and other Salvadoran and American religious leaders honoring the lives of these four wonderful women. I was a member of a delegation coordinated by the Washington office on Latin America and the Association of Jesuit Colleges and Universities. Our delegation joined over 200 other Americans and an equal number of religious representatives from throughout Central and South America and elsewhere. During our 5 days in El Salvador, we walked in the footsteps of these women. We visited small rural communities where they lived and worked. We met with the campesinos, the priests and the sisters with whom they labored. We attended mass, and we worshipped at the site where their bodies were found.

□ 2145

And we listened to the members of their families and their religious orders tell stories of their lost loved ones that brought these women vividly and joyously to life for all of us.

While it was a time of sorrow and remembered grief, it was also a time of celebration, for these four American women are remembered with great love and affection by the Salvadoran people and by so many Americans across our country. Their spirits burn bright and have served to inspire many others, including young people, to lives of service. Who now remembers those who brutalized and murdered them, unless it is with a shudder?

Several 25th anniversary events were held here in the United States during the December 2 weekend in cities as diverse as Kansas City, Boston, Cleveland, Seattle, Detroit, and Milwaukee. Across our country we will also find community centers, neighborhood health clinics, and groups that provide counseling for young women and mothers dedicated to these four women. We will find libraries, schools, and scholarly centers named in their honor and books, films, plays and music created to celebrate their lives.

In El Salvador, throughout Latin America, and even around the world, it is common to come across communities and humanitarian projects named after Maura Clarke, Jean Donovan, Ita Ford, and Dorothy Kazel.

I have been very privileged to get to know some of the family members of these women, and I have long been a friend of the Maryknoll Sisters. A finer group of people one simply cannot find. It is for them, the families, friends, and colleagues of these four church women that I am proud the House is acting on this special remembrance of their loved ones who have been lost to them these past 25 years but who always remain, as they say in Spanish, ''presente'' in their hearts, minds, and souls.

I believe these four American women represent the very best our country has to offer. They represent the best values and ideals, not only of the American people but of all people. My recent time in El Salvador inspired me. It reenergized me. It reminded me that we must remain committed to continuing the church women's legacy by helping the poor and disadvantaged of El Salvador develop their communities and create a more hopeful future for all.

I urge my colleagues to approve of H. Res. 458 and to remember the very special lives dedicated to service of Maura Clarke, Jean Donovan, Ita Ford, and Dorothy Kazel.

STATEMENT ON THE 25TH ANNIVERSARY OF THE FOUR MISSIONARY WOMEN—BISHOP THOMAS G. WENSKI, BISHOP OF ORLANDO, CHAIRMAN, USCCB COMMITTEE ON INTERNATIONAL POLICY, NOVEMBER 21, 2005.

Twenty-five years ago, many throughout the world were shocked by the news of the abduction, rape and murder on December 2nd 1980 of four American missionary women in El Salvador. That same year saw the intensification of the civil war in that country that was dramatically marked first by the assassination of Archbishop Oscar Romero on March 24th and, nearly a decade later, by the slaughter of six Jesuit priests and their two aides at the Central American University on December 16th 1989.

There can be little doubt that the sacrificial deaths—the martyrdoms—of these exemplary Christians, representing the episcopate, the life of vowed religious men and women, and the Catholic laity. Nor is there doubt that the findings of those guilty for these crimes served to hasten the end of that fratricidal war that was finally concluded with the January 1992 Peace Accords.

Sister Maura Clarke, MM, Sister Ita Ford, MM, both of the Maryknoll Sisters, Sister Dorothy Kazel, OSU of the Sisters of St. Ursula, and lay missionary Jean Donovan of the Cleveland Diocesan Mission team were all young, dynamic, deeply committed missionaries. They saw the face of Christ in the poorest and most vulnerable of the people of El Salvador and sought to offer what aid and consolation they could provide. In the poisonous political atmosphere of the time, their concern for ''the least of these'' was seen by some as a challenge to an unjust status quo.

May we today rededicate ourselves, together with the bishops and faithful of El Salvador and all of Central America, to the task of peace, justice and reconciliation throughout the Americas for which these exemplary women gave their lives.

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DECEMBER 7, 2005.

To: Hon. Dennis Hastert, Speaker.
Hon. Roy Blunt, Majority Leader.
Hon. Nancy Pelosi, Minority Leader.

DEAR REPRESENTATIVES HASTERT, BLUNT, AND PELOSI: As people of faith and leaders of our Nation's religious communities, we write to urge you to move H. Res. 458 expeditiously to the House floor for consideration under suspension before the 109th Congress adjourns for the year. The resolution, which currently has 88 bipartisan cosponsors, was approved unanimously by the Western Hemisphere Subcommittee and unanimously by the House International Relations Committee. It was reported out of the HIRC on November 16, with recommendations that it be placed on the suspension calendar.

H. Res. 458 remembers and commemorates the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980.

Through their dedicated witness and untimely deaths in El Salvador, these four women remind us of the powerful gifts of humility, community and faith.

During the early years of El Salvador's tragic civil war, in which over 70,000 civilians eventually lost their lives, Maura Clarke and Ita Ford worked in Chalatenango, providing food, transportation, and other assistance to refugees; Dorothy Kazel and Jean Donovan worked in La Libertad, providing assistance and support to refugees and other victims of violence.

Based on their commitment to Jesus' call to service in the gospel, these four U.S. churchwomen dedicated their lives to working with the impoverished people of El Salvador, especially women and children left homeless, displaced and destitute by the civil war.

Now, 25 years after their kidnapping, rape and murder at the hands of Salvadoran National Guardsmen, it is fitting for Congress to recognize the women and their sacrifice and how their example has inspired so many others to answer the call to service. We strongly encourage your support of H. Res. 458, and again urge you to make every effort to move this resolution through the International Relations Committee in a timely fashion.

Sincerely,

Congregational Leadership Team, Maryknoll Sisters of St. Dominic.

General Council, Maryknoll, Fathers & Brothers.

Leadership Team, Ursuline Sisters of Cleveland.

Leadership Team, Maryknoll Lay Missioners.

Leadership Conference of Women, Religious (LCWR).

Rita Ann Teichman, SSI, Region VII, Leadership Conf. of Women Religious.

Raya Hanlon, OP, Chair Region XIV, Leadership Conf. of Women Religious.

Rev. T. Michael McNulty, SJ, Justice and Peace Director, Conference of Major Superiors of Men (CMSM).

Rev. Charles L. Currie, S.J., President, Association of Jesuit Colleges and Universities.

Rev. James Hug, S.J., President, Center of Concern.

Dave Robinson, Exec. Director, Pax Christi USA.

Rev. Louis Lougen, Provincial, Missionary Oblates of Mary Immaculate.

Sister Janet Yurkanin, IHM, Director, Migration and Refugee Services Diocese of Trenton, NJ.

Franciscan Mission Service.

NETWORK, a National Catholic Social Justice Lobby.

Office of Justice, Peace & Integrity of Creation, Columban Missionaries.

Leadership Team of the Institute of the Sisters of Mercy of the Americas.

Institute Justice Team of the Sisters of Mercy of the Americas.

Sisters of Mercy of the Americas, Vermont Regional Leadership Team.

Sisters of Mercy of the Americas, Cincinnati Regional Leadership Team.

Sisters of Mercy of the Americas, Auburn Regional Community.

Sisters of Mercy of the Americas, Burlingame Regional Leadership Team.

Sisters of Mercy of the Americas, Baltimore Regional Community.

Sisters of Mercy of the Americas, Detroit Regional Leadership Team.

Karen M. Donahue, RSM, Justice Coordinator, Sisters of Mercy Regional Community of Detroit.

Benedictine Sisters of the Sacred Heart, Lisle, IL.

Benedictines for Peace in Pittsburgh.

Benedictine Sisters, Mt. Angel, OR.

Benedictine Sisters of Chicago.

Sisters of St. Benedict, Rock Island, Illinois.

Sister Christine Vladimiroff, Prioress Benedictine Sisters of Erie, PA.

Sister Merle Nolde, OSB, Benedictine Sisters.

Dominican Sisters of Oxford, Leadership Team, Sister Teresita Lipar, OP, Prioress, Sister Susan McMahon, OP, Vicaress, Sister Gene Poore, OP, Councilor.

Adrian Dominican Sisters, Global Mission, Justice and Peace, Adrian Dominican Sisters, Midwest Chapter.

Dominican Sisters of St. Catherine of Siena, Kenosha, Wisconsin.

Leadership Team, Tacoma, Dominican Community, Sister Sharon Casey, Sister Patricia Morisset, Sister Mary Patricia Murphy.

Congregation Justice Committee, Sisters of the Holy Cross, Notre Dame, Indiana.

Ann Oestreich IHM, Congregation Justice Coordinator, Sisters of the Holy Cross.

Office of Justice, Peace & Integrity of Creation, School Sisters of Notre Dame, Mankato, MN.

School Sisters of Notre Dame, Office of Global Justice & Peace.

Sisters of the Living Word, Leadership Team.

Catherine M. Holtkamp, CDP, Director, Office of Peace & Justice, Congregation of Sisters of Divine Providence of Kentucky.

Sister Anne Shepard, Prioress, Mount St. Scholastica, Atchison, KS.

Sisters of the Holy Names of Jesus and Mary, Oregon Province.

Sisters of St. Joseph of Orange.

Sister Mary Quinn, President, Sisters of St. Joseph of Springfield.

Leadership Team, Sisters of St. Joseph, Nazareth, MI.

Sister Patricia Kelly, SSJ, President, Sisters of Saint Joseph, Philadelphia.

Sister Kathleen Coll, SSJ, Coordinator, Sisters of Saint Joseph, Philadelphia.

Sister Ricarda Vincent, SSJ, President, Sisters of St. Joseph, Northwestern Pennsylvania, Sister Rosemarie Lorenz, SSJ.

Sister Maureen P. Kelly, SSJ, Sister Barbara L. Reuben, SSJ, Sister Dorothy Winner, SSJ, Sister Linda M. Larsen, SSJ, Sister Mary Jane Daily, SSJ, Sisters of St. Joseph.

Sisters of St. Joseph of Peace, Our Lady Province.

Sister Joellen Sbrissa, CSJ, Office of Peace, Justice and Integrity of Creation.

Sisters of St. Joseph of La Grange, IL and Wheeling, WV.

Sister Kathleen Lucs, CSJ, Sisters of St. Joseph, of La Grange.

Sisters of St. Joseph of Carondelet, Los Angeles Province.

Rosemary Lynch, IBVM, Provincial, Institute of the Blessed Virgin Mary.

Union of Sisters of the Presentation of the Blessed Virgin Mary.

Congregation of Sisters of St. Agnes.

Sisters of the Presentation, San Francisco.

Sisters of St. Francis, Sylvania, Ohio.

Sisters of St. Francis, Little Falls, MN.

Leadership Team of the Sisters of St. Francis, Clinton, Iowa.

Leadership Team, Sisters of St. Francis of the Holy Cross.

Leadership Council of the Wheaton, IL Franciscans.

Justice, Peace & Integrity of Creation Office, Wheaton, IL Franciscans.

Sisters of St. Francis, Millvale, PA.

Sister Betty Kane, OSF, Director, Evangelical Life Services, Sisters of St. Francis of Philadelphia.

Sister Nancy Celaschi, OSF, School Sisters of St. Francis, Pittsburgh.

Sister Virginia Welsh, OSF, Community Minister, Sisters of St. Francis of Tiffin, Ohio.

Sister Mary Elizabeth Imler, General Community Leader, Franciscan Sisters of the Sacred Heart, Frankfort, Illinois.

U.S. Provincial Team, School, Sisters of St. Francis, Sister Barbara Kraemer, OSF, Sister Elizabeth Heese, OSF, Sister Maureen McCarthy, OSF.

Sister Dominica Lo Bianco, OSF, Our Lady of Angels Convent, Aston, PA.

International Team, School Sisters of St. Francis.

Sister Janet Gardner, OSF, General Minister, Sisters of St. Francis of the Providence of God, Pittsburgh PA.

Sister Rose Marie Surwilo, OSF, Sisters of St. Francis of Mary Immaculate, Joliet, IL.

Daughters of Charity of the East Central Province Leadership Team.

Sister Irene Fortier DHS, Justice Coordinator for Province, Daughters of the Holy Spirit.

Sister Mary Jo Anderson, CHS, General Coordinator, Community of the Holy Spirit.

Sister Margaret O'Rourke, dmj, Social Justice Coordinator, Daughters of Mary and Joseph, Long Beach, CA.

Leadership Team, Servants of Mary, Ladysmith, WI.

Sister Louise Akers, SC, Sisters of Charity.

Sisters of Charity of the Blessed Virgin Mary, Dubuque, Iowa.

Sisters of Charity of Nazareth, Congregational Leadership.

Sisters of Divine Providence of San Antonio, TX.

Sisters of the Immaculate Heart of Mary, New York Area Peace and Justice Group.

Sister Regina E. Flanigan, IHM, Sisters Servants of the Immaculate Heart of Mary, Immaculata, PA.

The Leadership Council Sisters, Servants of the Immaculate Heart of Mary, Monroe, Michigan.

Sister Susan Hadzima, IHM.

Sisters of the Holy Names, California Province.

The Provincial Leadership, Sisters of the Divine Savior—USA Province.

Sisters of the Sacred Hearts of Jesus & Mary, Oakland, CA.

Ursuline Sisters of the Roman Union, Eastern Province.

Office of Justice, Peace and Integrity of Creation, Ursuline Sisters of the Roman Union, Eastern Province.

Sister Joy Peterson, Leadership Team Srs. of the Presentation of the Blessed Virgin Mary, Dubuque, Iowa.

Sister Imelda Gonzalez, cdp, Congregation of Divine, Providence.

Sister Gertrude Myrick, RSM, Sisters of Mercy.

Sister Florence Magnan, CSA, Congregation of Sisters of St. Agnes.

Sister Mary Doretta Cornell, RDC, Sisters of the Divine Compassion.

Sister Eileen White, GNSH, Grey Nuns of the Sacred Heart.

Prof. Rowshan Nemazee, Department of Religious Studies, McGill University Montreal, Quebec, Canada.

Susan Fitzpatrick.

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SOLIDARITY FOR THE 21ST CENTURY
REMEMBERING THE MARTYRS OF EL SALVADOR

We are here to honor the memory of four women martyred 25 years ago and of 75,000 others, including Archbishop Romero, who gave their lives for social justice and for human dignity. When corpses were piled high in the public garbage dumps outside this city—when bishops, generals, the nuncio and government officials demanded neutrality from the Church—these four chose to accompany a people made profoundly vulnerable by war and by repression. They lived the virtue of solidarity, not neutrality. Poor people, they believed, were one place of God's revelation in history—an opening where the God of hope and possibility was discovered in the midst of suffering and fear.

When they were killed, for people of faith in the United States and elsewhere in the North, they put a familiar, human face on the thousands of Salvadoran lay people, religious and priests who also were martyred here in those years and they gave great energy to a whole movement learning to act in solidarity with the people of Central America.

Solidarity—not (according to Joe Donders) a feeling of vague compassion or shallow distress at the misfortunes of others, but a firm and persevering determination to commit oneself to the common good.

Maura, Ita, Dorothy and Jean lived a solidarity that, even in these very different times would serve us. The Maryknoll Sisters, in the reflection paper they prepared for this conversation, described solidarity as a posture that is rooted in the identity of each person as a creature of God, a creature endowed with immense dignity, a treasure—who is created for interdependence within our human and earth community. They called us to a spirituality of family solidarity, which sets us free to transform our broken world.

In Like Grains of Wheat, Margie Swedish and I describe solidarity as the practice of accompanying people and the rest of creation marginalized by institutionalized violence, and of engaging in a process of social, economic and environmental transformation that is rooted in right relationships. We talked about a spirituality of solidarity shaped by a process that included several steps or stages:

Moving across boundaries to see with new eyes the reality of the world in which we live.

Having our hearts broken by the injustice we see, by ecological destruction—and broken open by new relationships

Finding life and joy and faithfulness at the margins, even in the midst of great suffering

Going home, reinserting in our own society as people who were changed, challenged—and are there committed to challenging the status quo

Becoming people of hope who believe that a better world is possible—and making or renewing a commitment to work for that better world.

These are times very different from the ''era of the martyrs in El Salvador, Latin America.'' These are times defined by globalization with that phenomenon implies; by excessive wealth concentrated in the hands of a small minority in almost every country of the world and intransigent poverty lived by a global majority; by increasingly evident ecological catastrophy; and by a growing awareness of the intrinsic interconnectedness of humans with each other and with the rest of creation.

What might solidarity look like now and toward what might such a process lead us? That is the question we will all reflect upon this afternoon, but let me offer a few examples around the theme of security, which is becoming the ''communist threat'' of the 21st century.

Three months ago we watched a painful drama unfold in New Orleans that brought to the surface deep frustration and anger—and spectacular beauty. Immediately, there arose across the country—around the world—a gut level sense that life was precious and that everyone had a right to a dignified rescue from that dreadful situation. When it became evident that some people were much more vulnerable to the ravages of nature than others—that poverty (with its roots in racism) was the determining factor in how one fared, people across the country—around the world—were outraged.

Four years earlier, in the midst of the horrific aftermath of the terrorist attacks in the U.S., the same intuition was evident—to honor the sacredness of every life, to save lives—every life possible. Period. Nothing else mattered—color of skin, language spoken, legal status in the U.S., level of income. Everyone asked immediately how they could help.

We saw with new eyes and our hearts were broken—the beginning of solidarity.

Deep in the human heart, I believe, is an indelible sense of the value of each human life and an instinct for solidarity that accompanies, responds to, needs to shape our conversation around a topic that is too often manipulated for political gain or ideological reasons, yet will be central in many ways to the future of the human community and the integrity of creation.

According to Franciscan theologian Bryan Massingale, ''Security in the biblical worldview is an outcome of pursuing [a] more comprehensive vision of shalom. When shalom is established through the pursuit of justice, then true security is found . . . Security is a state of being that flows from the inclusion of all in the bounty of the earth.'' Inclusive human security, as opposed to national security or personal financial security, guarantees access to food, clean water, healthcare, education and employment for all. It recognizes the right of people to deep democracy—to participate in important political, economic and environmental decisions that affect their lives and it respects the integrity of creation.

This kind of security—inclusive human security—would emerge from a ''globalization of solidarity,'' international cooperation to meet the basic needs of all people in a manner that nurtures right relationships within the community of all life—human and beyond.

The experience of solidarity between U.S. people and the people of Central America in the 1970s and 80s and 90s taught us about interdependence and about security rooted in transnational community. That rich and deep experience of solidarity exposed the lie that the security of a wealthy and powerful few is threatened by the majority's desire for and right to a dignified life. In fact, we learned what the poor of Central America already knew—that the security—the very survival—of the majority of people and of the earth herself is profoundly threatened by the desire of the wealthy and powerful to maintain wasteful and destructive lifestyles.

It is clear now that true, inclusive security has to be rooted in global community—in the globalization of solidarity.

At issue is how we define security, from whose perspective and through what lens.

And it seems to me that the global groaning we are now experiencing is about shifting (especially in the global North) from one definition to the other:

. . . from pursuing security by building higher walls and stronger fences, hiring fiercer guards, inventing more powerful weapons systems, or dominating the global economy

. . . to pursuing security through the adoption of a new—or perhaps a very old—cosmovision that sees and values the whole community of life—and through collaborative attention to ensuring that the basic needs of all human beings everywhere are met. I believe that the role of the Church—of faith communities and of educational institutions is key in facilitating such a shift.

Religious leaders, pastors, educators and the media have to help us—

Grapple with our own fear and insecurity, enabling us to live with vulnerability—even see it as necessary for faithful living in solidarity with the majority of people who are always vulnerable;

Rework our value system from the ground up—reclaiming the positive (exhibited on 9/11 and in response to recent hurricanes) and eliminating rather than orchestrating the violent and destructive;

Reset our priorities from the accumulation of power, wealth and consumer goods to nurturing right relationships with other people and the rest of creation;

Move from individualism to emphasize community—ultimately the global community;

Learn to be present, to listen, to wait—to relinquish our need for instant gratification;

Develop our skills for social, political and economic analysis and historical consciousness that might help us move beyond sound bytes to understand root causes;

Deal with our collective fear of aging and death; and

Reexamine our symbols and myths to strip them of their ability to isolate and blind us—helping us as a people to rethink our way of being in the world, our relationship with the rest of creation.

''Unless the grain of wheat falls to the earth and dies, it remains alone. But if it dies, it bears much fruit.'' (John 12:23–26)

Unless a seed falls to the ground and dies . . . the last words of Archbishop Oscar Romero were about the price of liberation—the cost of global solidarity, of inclusive human security. His witness and that of Ita, Maura, Dorothy and Jean can give us courage to move in that direction—courage to birth a solidarity fitting for the intensely integrated and bitterly divided world of the 21st century.

Let me end with a little story:

In 1986, with about 20 other internationals, I accompanied a group of about 500 Salvadorans back to their own land near Suchitoto, which was then still under intense conflict. Many of them had been living at Calle Real refugee camp in San Salvador for 7 years and they were bone tired of being unable to plant crops and care for their families. After a few very difficult days we were arrested—forced by the Salvadoran military to leave the returning families a few heavily mined kilometers from their destination. We and they were not sure they would survive. But they did. They planted their crops and when they reaped their first harvest of beans and corn a few months later, they sent each of us a little packet of black beans and corn

kernels. I have treasured them since as powerful symbols of courage and life—and solidarity.

I lost my first cousin in the WorId Trade Center—he worked at Cantor Fitzgerald and left his wife and two very young children. About a week after the attack, I wound my way down to the site of the devastation and planted a few of those seeds from EI Salvador in a small park as close as I could get to the destruction. In some ways it was a futile gesture—indicative of my inability to imagine a more practical gesture of support for his family. On the other hand, those seeds carry great weight—the weight of what might blossom were we to open our hearts as a nation to a way of life given to global solidarity.

Over a year later, I returned to Ground Zero with my family. After they went on their way, I found my way back to that little park just to see it after the debris had been cleared—there was a tall stalk of corn where I had planted the seed. It was unbelievable, but a powerful sign of hope to me. The seeds of the solidarity that nourished us—North Americans and Central Americans together will bear rich fruit personally, nationally and globally—if we are willing to risk planting them again.

MARIE DENNIS,
*El Salvador, December 3, 2005.*

Mr. LANTOS. Mr. Speaker, I commend my friend from Massachusetts for his singularly moving statement.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

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

I rise in support of this resolution to honor the four United States churchwomen who were murdered in El Salvador 25 years ago this month: Maryknoll Sisters Maura Clarke, Ita Ford, Ursuline Sister Dorothy Kazel, and Maryknoll Lay Missioner Jean Donovan. Sisters Dorothy Kazel and Jean Donovan were both from my hometown of Cleveland. I was present at a neighborhood church during a reception for Sister Dorothy before she left on her last trip to El Salvador and have shared many moments with the Kazel family since then.

These churchwomen, along with other martyrs, dedicated their lives to working with El Salvador's poor during the incredibly dangerous and devastating period of the Salvadoran civil war. What their lives were about was bringing the social Gospel to those most in need. More than 70,000 civilians were murdered during the 12 years of that war.

The legacies of a history ripe with violence have lingered. Perhaps the best way to honor the four churchwomen is to do what they would do, to acknowledge the human rights offenses that have continued to this day. I would like to address such offenses: the continued operation of the School of the Americas in Fort Benning, Georgia, under the new name of the Western Hemisphere Institute for Security Cooperation; and the ongoing threats to the Office of the Human Rights Ombudsman in El Salvador.

I would like to urge support for Dr. Beatrice Alamanni de Carrillo, the Human Rights Ombudswoman of El Salvador. A crucial component of the 1992 Peace Accords that put an end to the Salvadoran civil war was the establishment of the Office of the Human Rights Ombudsman, the principal human rights investigative and monitoring body in El Salvador. Dr. de Carrillo has received numerous accolades for her work strengthening human rights in El Salvador.

Yet 25 years after the murders of the four U.S. churchwomen, threats against defenders of human rights continue. Over the course of the past year, the Ombudswoman has been the target of ongoing intimidation and harassment. The United States has the responsibility not only to recognize the work of the four churchwomen who we memorialize today but also to support those who are continuing to defend human rights in El Salvador.

The murders of the churchwomen and countless others were executed by members of the armed forces of El Salvador. Three of the five officers involved in the 1980 rape and murder of four churchwomen were graduates of the School of the Americas. Other notorious graduates involved in human rights offenses in El Salvador have included: El Salvador death squad leader Roberto D'Abuisson; 19 Salvadoran soldiers linked to the 1989 murder of six Jesuit priests, their housekeeper and her daughter; two of the three killers of Archbishop Oscar Romero of El Salvador; and 10 of the 12 officers responsible for the murder of 900 civilians in the Salvadoran village, El Mozote.

In supporting the resolution honoring the 4 churchwomen, I would like to urge for floor consideration of another bill offered by Congressman MCGOVERN, H.R. 1217, the Latin America Military Training Review Act of 2005, which closes the Western Hemisphere Institute for Security Cooperation.

Additionally, I would like to urge support for Dr. Beatrice Alamanni de Carrillo, the Human Rights Ombudswoman of El Salvador. A crucial component of the 1992 Peace Accords that put an end to the Salvadoran civil war was the establishment of the Office of the Human Rights Ombudsman, the principal human rights investigative and monitoring body in El Salvador. Dr. de Carrillo has received numerous accolades for her work strengthening human rights in El Salvador. Yet 25 years after the murders of the four U.S. churchwomen, threats against defenders of human rights continue. Over the course of the past year, the Ombudswoman has been the target of ongoing intimidation and harassment, including anonymous death and other threats and public slander, at times even by high-ranking State officials. The United States has the responsibility to support the work of human rights defenders in El Salvador whenever we have the opportunity to do so. In memory of the four churchwomen murdered 25 years ago, I urge my colleagues to publicly support the work of Dr. de Carrillo and to pressure the State Department and the Embassy of El Salvador to also publicly support her work.

Mr. OBEY. Mr. Speaker, I rise today to express my support for House Resolution 458, a resolution honoring the lives of four American churchwomen who were murdered just over 25 years ago in El Salvador. I am a cosponsor of the resolution and am gratified that the House has chosen to bring it to the floor under suspension of the rules.

In late 1980, four American churchwomen were serving communities in El Salvador that were wracked by the violence of that country's civil war. They were murdered by members of the National Guard of El Salvador, horrifying the world and bringing home the impact of that war to the American public. These four lives were but a fraction of the 70,000 civilians who perished in that conflict, and those numbers are dwarfed by the toll of the misery inflicted by the violence that raged up and down Central America in the 1970s and 80s.

Locked in the struggle of the cold war, the U.S. turned a blind eye to much of the suffering in the region, focusing its efforts on the geopolitical ends of thwarting potential communist movements through military means, whether supporting the contras in Nicaragua or right-wing governments in places like El Salvador. We look back on this period today with a mixture of relief that democracy prevailed and disgust at the tactics that were used.

Brave action by these churchwomen carried the flag of democracy and human rights into that region, and helped freedom prevail. Our reliance on institutions like the School of the Americas to train the soldiers of leaders whose primary attractiveness to us was being "not a communist" rather than sharing our ideals of human rights hamstrung our efforts. Sadly, our military's reluctance to track those that we have trained makes it impossible for us to look beyond the anecdotal record of those who were the worst, or the best, to assess the true measure of what we did. However, that record was enough for those of us concerned about U.S. training of foreign militaries to push for closure of the School of the Americas and ensuring that the training that the U.S. military conducts here in the U.S. and around the world ensures respect for human rights, democracy, and the rule of law. People like Joe Moakley and Tip O'Neill, who I wish were here to see this. As chairman of the Foreign Operations Subcommittee of the House Appropriations Committee in the 1980s, I led the fight with them to restrict U.S. military assistance to despotic regimes, and to conduct better oversight of foreign military training programs.

Today, as much of our foreign assistance seems to be focused on the military front, in places like Colombia and elsewhere, we should remember that humanitarian assistance, development assistance, and people-to-people contact foster stronger bonds and better allies than military assistance alone. Ensuring clean water, education and stronger civil society provide a better life for everyday people do more to further our goals of fighting terror than another shipment of the weapons of war.

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

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

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and agree to the resolution, H. Res. 458, as amended.

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

A motion to reconsider was laid on the table.

## RECOMMENDING INTEGRATION OF CROATIA INTO NATO

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 529) recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization, as amended.

The Clerk read as follows:

H. RES. 529

Whereas the United States recognized the Republic of Croatia on April 7, 1992, acknowledging the decision of the people of Croatia to live in an independent, democratic, and sovereign country;

Whereas since achieving their independence, the people of Croatia have built a democratic society, based on the rule of law, respect for human rights, and a free market economy;

Whereas Croatia is a functioning democracy, with stable institutions guaranteeing the rule of law, human rights, and market economy;

Whereas Croatia has previously cooperated with the North Atlantic Treaty Organization (NATO) by allowing NATO free access to its air space during NATO's 1999 military action against Serbia;

Whereas the United States has shown support for Croatia in many ways since its independence, including by providing Croatia with economic and military assistance that has contributed significantly to the continued success;

Whereas Croatia is a reliable partner of the United States, actively contributing to the stabilization of South Central Europe;

Whereas NATO's Membership Action Plan, which was launched in April 1999, is a program of assistance that provides both goals and a roadmap for countries aspiring to NATO membership;

Whereas Croatia was invited into the Membership Action Plan in May 2002 and has made substantial progress in attaining the necessary level of reforms required for receiving an invitation to start accession talks with NATO;

Whereas the United States, Croatia, Albania, and Macedonia are signatories to the United States-Adriatic Charter, which promotes Euro-Atlantic integration and commits the signatory nations to the values and principles of NATO and to joining the Alliance at the earliest possible time;

Whereas Croatia significantly improved its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY);

Whereas on October 3, 2005, the European Union decided to open accession negotiations with Croatia based on the assessment of its Council of Ministers that Croatia met the political and economic criteria for candidacy in the European Union, including that Croatia was fully cooperating with the ICTY;

Whereas Croatia has sent troops to Afghanistan as part of the NATO-led International Security Assistance Force (ISAF) in support of the war against terrorism and has endorsed and is participating in the Proliferation Security Initiative with like-minded nations across the world to prevent the flow of weapons of mass destruction, missile systems, and related material; and

Whereas Croatia shares the common interests and values of the free and democratic world: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) the Republic of Croatia has made significant progress since its independence in strengthening its democratic institutions and respect for human rights and the rule of law;

(2) Croatia should be commended for its progress in meeting the political, economic, military, and other requirements of NATO's Membership Action Plan, its contribution to the global war on terrorism, and for its constructive participation in the United States-Adriatic Charter;

(3) the Government of Croatia should be commended for its ongoing cooperation with the International Criminal Tribunal for the former Yugoslavia;

(4) Croatia would make a significant contribution to NATO; and

(5) with complete satisfaction of NATO guidelines and criteria for membership, Croatia should be invited to be a full member of the North Atlantic Treaty Organization at the earliest possible date.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 529, a resolution introduced that supports the accession of Croatia into the North Atlantic Treaty Organization.

Since achieving their independence in 1992, the people of Croatia have built a democratic society based on the rule of law, respect for human rights, and a free market economy. In addition, they have sent troops to Afghanistan as part of the NATO-led security force in support of the war on terrorism and have provided strong support to the U.S. nonproliferation efforts.

Mr. Speaker, just last week the one remaining impediment to Croatia's entry into NATO was removed when General Ante Gotovina, the alleged Croatian war criminal, was arrested in Spain. General Gotovina has been transferred to The Hague to stand trial before the International Criminal Tribunal for the former Yugoslavia. His arrest last Thursday in the Canary Islands confirms the truthfulness of the statements by the Croatian Government that Gotovina was not hiding in Croatian territory.

House Resolution 529 commends Croatia's significant progress in strengthening its democratic institutions, its support for the global war on terrorism, and its ability to make significant contributions to NATO. It also applauds their ongoing cooperation with the International Criminal Tribunal.

Finally, the resolution states that once it meets NATO's guidelines and criteria for membership, Croatia should be invited to join NATO at the earliest possible date.

Mr. Speaker, Croatia is not only a strong ally of the United States. The American and Croatian people share a love of freedom and democracy. Croatia has been a steadfast friend, and it will make an important contribution to security and peace in Europe and throughout the world as a member of NATO. Both the Europe and Emerging Threats Subcommittee and the House International Relations Committee unanimously approved House Resolution 529, and I urge its adoption in the full House.

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

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

Mr. Speaker, I strongly support this resolution and urge all of my colleagues to do so.

At the outset, I want to commend my good friend and fellow Californian (Mr. GALLEGLY) for introducing this important piece of legislation.

Since dissolution of Yugoslavia, the Balkans have gone through a period of profound instability, a deadly civil war, and the worst atrocities seen in Europe since the end of the Second World War.

It would be entirely understandable in this context if Croatia had given in to the authoritarian impulses of its past and remained a state where the prospect for democracy remained a hope rather than a reality. And, indeed, the first Croatian Government after independence had elements of extreme nationalism that helped contribute to the atrocities of the 1990s.

Fortunately, the Croatian people rose above their history and have embarked on fashioning democratic institutions that are mandatory for a pluralistic society. There have been two peaceful transfers of power in Croatia since 1991, and the parliamentary elections of 2003 were generally judged by the international community to be free and fair.

Recently, the Government of Croatia has also adopted a more cooperative approach to working with the International Tribunal for the former Yugoslavia, providing key materials and documents that assist the work of this vital international institution. In fact, Mr. Speaker, just this past week, the last remaining key Croatian indictee, Ante Gotovina, was apprehended by Spanish authorities in the Canary Islands and transferred to The Hague to stand trial. We congratulate all those who had a part in bringing this infamous war criminal to justice, and we urge Croatia to continue its vital cooperation with the court. No civilized country can do less.

In response to this increased cooperation, the European Union has decided

to open accession talks that will eventually lead to the entry of Croatia to the European Union. In this context, Mr. Speaker, it is perfectly appropriate to start looking ahead to eventual full membership for Croatia in the North Atlantic Treaty Organization. Croatia is already a member of the Partnership for Peace, and its membership would further anchor Croatia in the emerging zone of freedom that continues to sweep across the face of the Eurasian land mass.

Mr. Speaker, membership in NATO has been a linchpin in anchoring countries of the former Warsaw Pact firmly in the Euro-Atlantic framework. This resolution seeks to extend this successful policy to Croatia.

However, we should note that becoming members of both the European Union and NATO will require further reforms by Croatia, and the Croatian Government has much work ahead. We should work together to ensure that Croatia takes all the vital steps, and I hope this resolution will kick off this important dialogue.

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

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank my friend from California (Mr. LANTOS) for yielding me this time.

When Croatia was struggling for its independence and survival, I was one of the American political figures who challenged my own government for its lack of support for Croatia at a critical hour. Here I take great pride in asking my government in the House of Representatives as a Member to support the integration of the Republic of Croatia into the North Atlantic Treaty Organization.

I take great pride in my Croatian heritage. My grandfather John Kucinich came from what is now part of Croatia. My father made sure that we stayed close to the Croatian culture and language while we were growing up in Cleveland, and greater Cleveland has a very large Croatian community. I take great pride in the achievements of my Croatian brothers and sisters in the United States as well as in Croatia and those around the world. And I agree that Croatia ought to be fully integrated into the European Union as well as NATO.

I want to at the same time, though, make sure that I make Congress aware of the conduct of the Croatian television network, HRT, which has, unfortunately, denied an American filmmaker access to documentary film footage so as to frustrate the commercial release of her production.

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This is not a routine matter, Mr. Speaker, because this film by Ms. Brenda Brkusic, ''Freedom From Despair,'' has received great critical acclaim. She has won many awards, including the CINE Golden Eagle Award, which has previously been awarded to international filmmakers Steven Spielberg and George Lucas. She has been recognized by her peers as an emerging talent in the film industry. The Croatian National Foundation has agreed to be her fiscal sponsor; and Amnesty International, the largest human rights organization in the world, has endorsed her film for its strong human rights advocacy.

I believe that the Government of Croatia is sensitive to human rights issues, as has been stated by my friend Mr. GALLEGLY and also by my friend Mr. LANTOS. However, we need to make sure that HRT, which is the state-owned television station, does not escape its responsibility to be sensitive to human rights.

So, I am using this opportunity while I celebrate the support for Croatia, I also believe that it is important to continue to point out wherever there are questions relating to human rights, whether they be in freedom of expression, in telling the truth about the past or in trying to lay the groundwork for a bright future that Congress needs to be the proper forum to make those statements.

Croatia desires to be in NATO to protect itself from outside forces. I want to make sure Croatia is protected from threats to freedom of expression inside the country of Croatia.

When Croatia was struggling for its independence and survival I was one of the American political figures who challenged my own government for its lack of support for Croatia at a critical hour. I take great pride in my Croatian heritage. My grandfather was born in what is now Croatia. I take pride in the achievements of my Croatian brothers and sisters in Croatia, America and around the world.

However, I want to make the Congress aware of the conduct of the Croatian television network HRT, which has deliberately denied an American filmmaker access to documentary film footage, so as to frustrate the commercial release of her production.

The Croatian television network, HRT, initially gave Ms. Brenda Brkusic rights to film footage for student use in the production. Once she asked for commercial rights, HRT refused to cooperate. HRT has refused to answer her questions about the specific price for rights to the footage, giving her general, estimated quotes much higher than are quoted to other people who have inquired for footage rights, and they have suggested unreasonable limitations on those rights. Most recently, when she sent HRT a list of archives she was given by HRT for student use, HRT then informed her that they do not have the right to sell her that material. Ms. Brkusic asked HRT where she must go to get the rights, yet HRT refused to answer her questions. Furthermore, HRT has on other occasions sold that same material that Ms. Brkusic requested to other individuals for broadcast on television.

This is not a routine matter about a routine film. Ms. Brkusic's film, ''Freedom from Despair,'' has received great critical acclaim. She has won many awards, including the CINE Golden Eagle award, which was previously been awarded to the internationally acclaimed filmmakers Steven Spielberg and George Lucas. She has been recognized by her peers as an emerging talent in the film industry. The Croatian National Foundation has agreed to be her fiscal sponsor, and Amnesty International, the largest human rights organization in the world, has endorsed her film for its strong human rights advocacy.

The fact that numerous media outlets have agreed to donate their footage to her film at no cost is noteworthy. They include: ABC 7 Chicago, NBC 5 Chicago, CBS 2, WGN 9 Chicago, and Greater Chicago Broadcast Ministries. They all granted her worldwide rights to their footage in perpetuity for free, within a few weeks of her request.

HRT, on the other hand, has not only been uncooperative, but obstructive. This distresses me. Given the high profile on this film and the extraordinarily fast rising stardom of its director, a young Croatian-American, HRT's antics will damage the reputation of the Croatian government in the international community.

Croatia desires to be in NATO to protect itself from outside enemies. But who will protect Croatia from threats to freedom of expression inside the country?

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

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume to respond to Mr. KUCINICH.

Mr. Speaker, while I am not aware of the specific details that Mr. KUCINICH outlined, I want to make it very clear I do appreciate his comment about Croatia and his feeling about its accession to NATO.

I would like to say, while I am not familiar with that specific incident, I firmly believe that Croatia's overall record has significantly improved in human rights over the past decade. Although Croatia may not be perfect, just 14 years ago the Croatian people were living under a communist dictatorship and in the intervening period has made great strides in human rights and I believe has a very free press.

Mr. Speaker, Croatia, like many other former communist states in Eastern and Central Europe, are relatively new democracies. There are still some areas that need improvement. However, there should be no doubt that the Croatian Government respects human rights and civil liberties.

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

Mr. GALLEGLY. I yield to the gentleman from Ohio.

Mr. KUCINICH. First of all, I want to thank my friend for reviewing the history of commitment. I want to thank my friend for pointing out that Croatia has worked toward fulfillment of commitments on human rights. I would agree with that. At the same time, I would ask my friend to assist me in helping Croatia continue that commitment in an area that is really important, and that is freedom of expression.

I would like to at some point after the debate share with the gentleman the specific concerns that I had that

caused me to bring this up during debate. But I want to thank the gentleman for his sponsorship, for his commitment, and I join him in it.

Mr. GALLEGLY. Mr. Speaker, reclaiming my time, I would like to personally go on record to make the firm commitment to my good friend Mr. KUCINICH from Ohio to work with him on this issue. I think we are on the same page, and I look forward to working with him.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I would just thank Chairman GALLEGLY for sponsoring this resolution. I am happy to be a cosponsor. I would just make the point that this supports the accession of Croatia into NATO. As either chairman or subcommittee chairman of the Global Human Rights and International Ops Committee for 6 years in the 1990s and as either chairman or cochairman of the Commission on Security and Cooperation in Europe, I have watched very closely the issues relating to Croatia over these many years.

As a matter of fact, FRANK WOLF and I actually got into Vukovar while it was under siege and saw the incredible devastation that occurred early in that war with Serbia, and one house after another, one block after another being literally decimated by the Serbian offensive.

But so much has changed. So much has changed dramatically. As a matter of fact, over the last 5 years we have seen the real changes. For a while there, regrettably, the government was very wedded and many people in Croatia to nationalism, and some would even say extreme nationalism. That has now dissipated largely and now we have a Croat group of people, a free press, increasingly the NGOs, the church, all speaking on one accord for more human rights; and I do think over time and hopefully sooner rather than later they will make their way into NATO, provided the additional benchmarks are met.

So this is a good statement of solidarity with the people of Croatia saying that we think it is time. I thank, again, Mr. GALLEGLY for sponsoring this.

Mr. Speaker, as a cosponsor of H. Res. 529, I rise in strong support of this resolution that supports the accession of Croatia into the North Atlantic Treaty Organization. I have followed developments in Croatia extensively, both as a Chairman of the International Relations Committee and as Chairman or Co-Chairman of the Helsinki Commission. I can particularly recall—indeed, it would be hard to forget—the horror that accompanied the seige and ultimately the fall of Vukovar during the conflict in Croatia in 1991. That was the year Croatia proclaimed its independence from the disintegrating Yugoslavia. Few would have predicted that in such a short period of time Croatia would be advancing toward European integration at its current pace.

It is true, as stated in this resolution, that since achieving independence, the people of Croatia have built a democratic society, based on the rule of law, respect for human rights and a free market economy. To be more precise, however, it is worth noting that most of this progress occurred in the last five years, after Croatia was able to move beyond the conflict but also to make its own transition away from nationalism. The lack of progress which occurred in the early years of Croatia's independence is not something to hide. It makes the progress achieved since 2000 all the more profound.

It is also true that the people of Croatia deserve the credit. It was the Croatian people who became fed up with supporting the agenda of others. Through non-governmental organizations, independent media outlets and ultimately the ballot box, they earned their independence and freedom. Those representing Croatia's Serb community who made the decision to return to their homes, despite fears and lingering obstacles, also deserve credit for Croatia's progress. They have challenged the country to recover and to reconcile, and Croatia is stronger as a result. The people of Croatia have built a democratic society based on the rule of law, respect for human rights and a free market economy.

They have sent troops to Afghanistan as part of the NATO-led security force in support of the war on terrorism and have provided strong support to U.S. nonproliferation efforts. Mr. Speaker, just last week, the one remaining impediment to Croatia's entry into NATO was removed when General Ante Gotovina, the alleged Croatian war criminal, was arrested in Spain. General Gotovina has been transferred to The Hague to stand trial before the International Criminal Tribunal for the former Yugoslavia.

Mr. Speaker, the resolution states that once it meets NATO guidelines and criteria for membership, Croatia should be invited to join NATO at the earliest possible date. With its location, resources and talented people, a Croatia which satisfies the guidelines and criteria for NATO membership will strengthen the alliance.

Support for Croatia's integration into NATO should also encourage others in the region to make similar progress. Two other Adriatic Charter partners, Albania and Macedonia, immediately come to mind. It is also my deepest hope that Bosnia and Herzegovina, ten years after the Dayton Accords ended the conflict there, can move beyond what have become the restraining effects of that peace agreement's ethnic balancing act, adopt serious constitutional reform and accelerate its integration into Europe as well. Finally, we all hope that people in Serbia will continue their efforts to overcome the bankrupt legacy left by extreme nationalism, in particular by taking every effort to bring to justice those responsible for war crimes, crimes against humanity and genocide, so that Serbia, too, can move forward.

H. Res. 529 commends Croatia's significant progress in strengthening its democratic institutions, its support for the global war on terrorism and its ability to make significant contributions to NATO. It also applauds their ongoing cooperation with the international war crimes tribunal.

Mr. Speaker, Croatia is not only a strong ally of the United States. The American and Croatian people share a love of freedom and democracy. Croatia has been a steadfast friend, and it will make an important contribution to security and peace in Europe and throughout the world as a member of NATO.

Both the Europe and Emerging Threats Subcommittee and the House International Relations Committee unanimously approved House Resolution 529, and I urge its passage by the full House.

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

Mr. Speaker, in closing, I would just like to thank my good friend, the ranking member of the full committee, whom I have had the honor and pleasure of working with for many years, and thank him not only for his support, but powerful words this evening in support of this resolution. I ask our colleagues to join with us in passing this resolution tonight.

Mr. CARDIN. Mr. Speaker, I am pleased to support this resolution as the ranking member of the Helsinki Commission. I visited Croatia in 2000, shortly after new leadership came into power, and I was confident of the country's commitment to reform. I believe, 5 years later, we have seen that the people of Croatia truly are committed to reform.

Of particular interest to me as a determinant of U.S. policy toward southeastern Europe has been the degree to which countries cooperate with the International Criminal Tribunal for the former Yugoslavia, located in The Hague. While Croatia has had a generally good record in this regard, the Gotovina case remained as a blot on that record. Fortunately, with Gotovina's recent apprehension on Spain's Canary Islands, Croatia can put this issue behind it.

I hope, however, that the people of Croatia will view the work of the Tribunal as a necessary step to determine guilt or innocence, and that Croatian courts will similarly seek justice regarding cases relating to war crimes and crimes against humanity that it considers, regardless of who was responsible for these crimes and who were the victims.

I also call for all remaining indictees to be apprehended and transferred to The Hague, in particular Ratko Mladic and Radovan Karadzic. The House made a similar call earlier this year when passing the resolution marking the massacre at Srebrenica in Bosnia. There has been some progress this year, but both Bosnian Serb and Serbian authorities need to do more. Otherwise, they will fall further behind in European and Euro-Atlantic integration to their own detriment.

Mr. VISCLOSKY. Mr. Speaker, I rise today as the co-chair of the House Croatian Caucus in strong support of H. Res. 529. I would first like to thank Chairman GALLEGLY for authoring this legislation, the ranking member on the Europe Subcommittee, Mr. WEXLER, as well as Mr. RADANOVICH, my co-chair of the House Croatian Caucus for all of their tireless work advocating for Croatia.

Since 1994, on more than one occasion, Congress has endorsed the enlargement of NATO. Most recently, in 2003, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia signed accession protocols to the

Washington Treaty of 1949 signifying their willingness to join NATO. Since its independence from the former Yugoslavia in 1992, Croatia has made substantial progress in attaining the necessary level of military and political reforms required for receiving an invitation to begin accession negotiations with NATO. I am pleased to say that just this past October, the European Union began negotiations with Croatia based on its assessment that Croatia met the political and economic criteria for candidacy in the European Union.

Croatia is a strong ally of the United Sates in the War Against Terrorism. Croatia has sent troops to Afghanistan as part of the NATO-led International Security Assistance Force and has endorsed and is participating in the Proliferation Security Initiative to prevent the flow of weapons of mass destruction to that region.

Stability in South Central Europe is a very high priority, and Croatia has become a valuable, constructive partner in this delicate region. Given the potential for future regional conflicts, NATO should want to take advantage of the greater contribution that Croatia would make toward peace and stability as a full member of NATO.

The resolution before us today expresses the sense of the House of Representatives that Croatia has made significant progress since its independence in strengthening its democratic institutions and its respect for human rights and the rule of law. In addition, it commends the Republic of Croatia for the progress it has made since the end of its war for independence. Further, the Resolution commends Croatia for its progress in meeting the political, economic, military, and other requirements of NATO's Membership Action Plan, for its contribution to the global war on terrorism, and for its constructive participation in the U.S.-Adriatic Charter.

In closing Mr. Speaker, I would like to once again thank the International Relations Committee for reporting this resolution and urge my colleagues to support this resolution and approve Croatia's accession into NATO.

Mr. RADANOVICH. Mr. Speaker, I rise today in support of H. Res. 529, recommending Croatia's integration into NATO. As a co-chair of the Congressional Croatian Caucus I am pleased to support this bipartisan resolution. The success to date of H. Res. 529 is due to the vision and resolve shown by members of the Caucus to effectively drive this important measure forward, in addition to the hard work of the National Federation of Croatian Americans, NFCA, and the Croatian Embassy.

The success of H. Res. 529 is yet another testimony that ongoing reforms by the Croatian Government are reaping significant rewards that are of immense benefit both domestically and internationally. This is crucial in paving the country's path towards Euro-Atlantic integration.

Voting in favor for this cause will send a very strong message that the significant progress Croatia has made to date has not gone unrecognized in Congress. More importantly, the full adoption of H. Res. 529 will officially sanction and invigorate mutually complementary U.S./Croatian strategic interests towards trans-Atlantic integration issues.

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

The SPEAKER pro tempore (Mr. CONAWAY). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 529, as amended.

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

A motion to reconsider was laid on the table.

## URGING RUSSIAN FEDERATION TO WITHDRAW LEGISLATION RESTRICTING ESTABLISHMENT OF NONGOVERNMENTAL ORGANIZATIONS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 312) urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign nongovernmental organizations in the Russian Federation, as amended.

The Clerk read as follows:

H. CON. RES. 312

Whereas Russian Federation President Putin has stated that ''modern Russia's greatest achievement is the democratic process (and) the achievements of our civil society'';

Whereas the unobstructed establishment and free and autonomous operations and activities of nongovernmental organizations and a robust civil society free from excessive government control are central and indispensable elements of a democratic society;

Whereas the free and autonomous operations of nongovernmental organizations in any society necessarily encompass activities, including political activities, that may be contrary to government policies;

Whereas domestic, international, and foreign nongovernmental organizations are crucial in assisting the Russian Federation and the Russian people in tackling the many challenges they face, including in such areas as education, infectious diseases, and the establishment of a flourishing democracy;

Whereas the Government of the Russian Federation has proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, including erecting unprecedented barriers to foreign assistance;

Whereas the State Duma of the Russian Federation is considering the first draft of such legislation;

Whereas the restrictions in the first draft of this legislation would impose disabling restraints on the establishment, operations, and activities of nongovernmental organizations and on civil society throughout the Russian Federation, regardless of the stated intent of the Government of the Russian Federation;

Whereas the stated concerns of the Government of the Russian Federation regarding the use of nongovernmental organizations by foreign interests and intelligence agencies to undermine the Government of the Russian Federation and the security of the Russian Federation as a whole can be fully addressed without imposing disabling restraints on nongovernmental organizations and on civil society;

Whereas there is active debate underway in the Russian Federation over concerns regarding such restrictions on nongovernmental organizations;

Whereas the State Duma and the Federation Council of the Federal Assembly play a central role in the system of checks and balances that are prerequisites for a democracy;

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would ''correspond more closely to the principles according to which civil society functions''; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

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

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by democracies, including the provisions regarding foreign assistance.

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

The Chair recognizes the gentleman from New Jersey.

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

Mr. Speaker, I rise in very strong support of H. Con. Res. 312, introduced by the very distinguished chairman of our full committee, Chairman HENRY HYDE, urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have a chilling effect on civil society in that country.

Amazingly, as Russia prepares to assume leadership of the G–8 and the Council of Europe next month, Russian lawmakers have been working feverishly to subordinate pockets of independent thought and action to state control. The focus of recent days has been on nongovernmental organizations, especially those working in the fields of human rights and democracy. In essence, the provisions would require all nongovernmental organizations to re-register with a government commission empowered with invasive powers to monitor NGO activities.

The Duma has passed amendments to the Law on Public Associations by a vote of 370–18, but the measure must go through further readings scheduled for next week and signed then by Vladimir Putin before it becomes law. In mid-

November, members of the Helsinki Commission, which I am cochair of, sent a letter which I will make a part of the RECORD to the Speaker of the Russian Duma, Boris Gryzlov, urging the Duma to reject the pending proposed amendments, purportedly crafted with input from Putin's advisers.

The move against NGOs, Mr. Speaker, is not occurring in a vacuum, but is calculated to move in a lead-up to the critical parliamentary elections that are scheduled for 2007 and a presidential contest the following year to replace Putin, who is prevented from seeking another term.

In response to expressions of concern from the United States and others, some modifications to the draft are apparently being considered, though it is still unclear the extent to which the amendments will be revamped. We will not have a full picture until next week. By then, it may be too late to change before landing on President Putin's desk. Thus, consideration of Chairman HYDE's measure comes at a critical time for the House to be on record opposing the burdensome compulsory registration requirements being proposed.

As originally drafted, the proposed amendments will require Russia's approximately 450,000 NGOs to re-register with a government commission under a complicated registration procedure and would expand the ability of the government to deny registration permission.

Financial auditing, a tactic currently used to harass opposition NGOs, would also become more intrusive under the bill's provisions. No doubt there would be negative impact on foreign-based organizations, such as Human Rights Watch and the Carnegie Foundation, while increasing controls over NGOs of Russian origin.

Mr. Speaker, whatever package of amendments to the legal framework for NGOs in Russia finally emerges, they must be evaluated in light of that country's commitments as a member of the Council of Europe and participating state in the Organization For Security and Cooperation in Europe. Do the proposals under consideration in the Russian Duma fully respect the right of individuals to freedom of association, or do they undermine that fundamental freedom under the guise of fighting corruption and terrorism? That is the key question. This resolution gets us on record, and hopefully it will have some sway with the Duma and with President Putin.

Mr. Speaker, I include for the RECORD the letter I referred to earlier to the Chairman of the Russian State Duma, Boris Gryzlov.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
*Washington, DC, November 18, 2005.*

Hon. BORIS GRYZLOV,
*Chairman, Russian State Duma, 2 Okhotny Ryad, Moscow, Russian Federation.*

DEAR MR. CHAIRMAN: As Members of the Commission on Security and Cooperation in Europe, we urge you to seek rejection of the proposed amendments to the Law on Public Associations pending in the State Duma that would have a chilling effect on civil society in the Russian Federation, including the functioning of non-governmental organizations focused on human rights and democracy.

These proposals would seriously undermine the rights of individuals in Russia to freedom of association, subordinating this fundamental right to excessive and intrusive control by organs of the state. Besides apparent conflicts with provisions of the Russian Constitution, these burdensome compulsory registration requirements run counter to numerous international commitments concerning the right of individuals to form, join and participate effectively in nongovernmental organizations, including longstanding OSCE provisions. If adopted, these proposals would jeopardize the very existence of a number of well-established human rights NGOs, cripple the non-governmental sector and undermine effective public oversight of governmental activity and policy. History has shown that a vibrant civil society and economically prosperous nation cannot long withstand such intellectual stagnation.

Under the guise of fighting corruption and terrorism, the amendments would in fact deal a potential death blow to Russian civil society, reversing important advances made since the institution of glasnost. Enhanced enforcement of the existing criminal code should suffice to address any genuine security concerns. Indeed, the pending proposals reflect an attitude toward independent political activity that is reminiscent of Russia's Soviet past. Adoption of these amendments would send a particularly negative signal at a time when Russia is preparing to assume leadership of the G–8 and the Council of Europe.

Mr. Chairman, we know that you and your colleagues aspire to a democratic and prosperous Russia, and trust that you recognize that further restrictions on civil society would lead Russia away from that goal.

Sincerely,

CHRISTOPHER H. SMITH, M.C.,
*Co-Chairman.*
SAM BROWNBACK, U.S.S.,
*Chairman.*
BENJAMIN L. CARDIN, M.C.,
*Ranking Member.*
FRANK R. WOLF, M.C.,
*Commissioner.*
JOSEPH R. PITTS, M.C.,
*Commissioner.*
MIKE PENCE, M.C.,
*Commissioner.*
CHRISTOPHER J. DODD, U.S.S.,
*Ranking Member.*
RUSSELL D. FEINGOLD, U.S.S.,
*Commissioner.*
HILLARY RODHAM CLINTON, U.S.S.,
*Commissioner.*
MIKE MCINTYRE, M.C.,
*Commissioner.*

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

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

Mr. Speaker, I want to commend my good friend, the chairman of the International Relations Committee, HENRY HYDE, for introducing this resolution of which I am the principal Democratic cosponsor. I also want to thank my friend from New Jersey (Mr. SMITH) for his strong support.

Mr. Speaker, under Vladimir Putin, Russia is marching back towards its totalitarian past. It has rejected democratic institutions, undermined democratic procedures, and reversed the progress made as the Cold War came to an end. Not long ago, the world looked with hope and optimism towards the emergence of a truly democratic Russia, but then Putin came to power. Under Putin, the Kremlin first focused its attention on stifling independent television, restricting open, free and unrestricted news coverage. That was followed by a heavy-handed effort to intimidate the business community.

The leaders of Russia's largest, most successful and most transparent private corporation, Mikhail Khodorkovsky and Platon Lebedev, were arrested on trumped-up charges, held in prison for many months, put in a cage and tried before a kangaroo court. Then they were sentenced to draconian prison terms and are serving as we meet here tonight in Siberia. Shades of the gulag.

The latest and in many ways one of the most insidious steps is an effort that will take Russia back to the era of the czars and the commissars: legislation was recently introduced in the Russian Duma that would severely restrict the establishment or the activities of domestic and foreign nongovernmental organizations within Russia.

Mr. Speaker, in countries around the globe, civil society is promoted by nongovernmental organizations, some domestic and some international. They foster the values and the virtues that are key to any modern society, limited government, democratic elections and the rule of law and respect for human rights. They promote free association and freedom of expression. They encourage the conditions that are essential for open market-oriented economies. They promote assistance for the poor, the elderly, the sick, and the disabled. Such organizations foster political pluralism, individual liberty, and the rights of individual men and women.

□ 2215

Mr. Speaker, the resolution we are considering today was introduced by my good friend, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE). I was pleased to join him as the principal Democratic sponsor.

Our resolution is timely, and it is important. It urges the Russian government to withdraw proposed legislation that would restrict and limit the activities of nongovernmental organizations in Russia. It is in Russia's own interest to have a vigorous and energetic civil society to contribute to the richness and to the diversity of the country.

Mr. Speaker, Russia would like to be treated and to be seen as a leading democratic nation. It wants to be considered a member of the group of industrialized democracies. Putin wants to

host the next round of meetings of the G–7 in St. Petersburg, but this is an organization to which Russia, marching towards authoritarianism, does not properly belong.

Russia is not an advanced industrial democracy. It is a resource-rich country whose economy is kept afloat by crude oil and natural gas revenues. As the actions of the Putin government continue to demonstrate, it certainly is not a democracy.

Mr. Speaker, our resolution is a warning to the government of Russia that it is taking a dangerous and counter-productive course, a course that is destructive of the goals that the government and its people seek. As the text of our resolution notes, ''Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the Western community of democracies,'' but the proposed NGO legislation is ''incompatible with membership in that community.''

Let me also add, Mr. Speaker, that just recently we were profoundly disturbed that Russia agreed to sell to Iran, clearly the number one terrorist-supporting nation on the face of this planet, sophisticated air defense equipment. This is clearly not the action of a democratic and pro-Western society.

I urge all of my colleagues to support this important resolution.

Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman for his eloquence on this matter.

I have been to Russia many, many times, and I believe it is always in the interest of peace between our two countries for us to keep an active dialogue, even on matters that are very difficult.

H. Con. Res. 312 urges the government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations and activities of foreign NGO's in the Russian Federation.

I would agree that there are many NGO's that do great work in civil society and peace and human rights, in workers rights, in the environment and in health care, but there are also some bad apples in the bunch, and we cannot ignore that. If the Russian government were, for example, to be looking at the role that the National Endowment for Democracy played in the April 2002 coup of President Hugo Chavez in Venezuela, the Russian government would have good reason to oppose foreign NGOs in their country.

The State Department's Richard Boucher acknowledged that the Bush administration provided ''funding to groups that promote democracy and strengthen civil society in Venezuela and around the globe.'' He further stated that the funds are ''for the benefit of democracy, not to support any particular political faction.''

According to the New York Times, the organization ''funneled more than $877,000 into Venezuelan opposition groups in the weeks and months before the recently aborted coup attempt.'' More than $150,000 went to ''a Venezuelan labor union that led the opposition work stoppages and worked closely with Pedro Carmona Estanga, the businessman who led the coup.'' That is from the New York Times.

The National Endowment for Democracy, over the years, has actively worked to destabilize governments in Central America and Eastern Europe. According to a book by former State Department employee, William Blum, entitled, Rogue State: A Guide to the World's Only Superpower, the NED ''played an important role in the Iran-Contra affair of the 1980s, funding key components of Oliver North's shadowy Project Democracy network, which privatized U.S. foreign policy, waged war, ran arms and drugs, and engaged in other equally charming activities.''

So we in the United States have legitimate complaints about a variety of conditions in the Russian Federation and in other countries around the world, but I question whether we have the right to encourage the channeling of funds into NGOs who work as instruments of U.S. foreign policy. I thank the gentleman for the opportunity to present this.

I have been to Russia many, many times and I believe it is always in the interest of peace between our two countries for us to keep on active dialogue.

H. Con. Res. 312, which urges the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign NGOs in the Russian Federation.

While there are many NGOs that do great work in civil society, in working rights, in peace, in environment, in human rights, in health care, there are some bad apples of the bunch and we cannot ignore that. If the Russian government were to look at, for example, the role that the National Endowment for Democracy played in the April 2002 coup of President Hugo Chavez in Venezuela, the Russian government would have good reason to oppose foreign NGOs in their country.

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So we in the United States have legitimate complaints about a variety of conditions in the Russian Federation and in other countries around the world, we do not have the right to channel funds into NGOs who work as instruments of U.S. foreign policy.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, I strongly urge all of my colleagues to vote for this resolution, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS), this is a Hyde-Lantos bill, for his leadership on this bill.

Mr. CARDIN. Mr. Speaker, I rise in support and as a cosponsor of H. Con. Res. 312, to urge the Russian Government to alter or withdraw the proposed legislation affecting nongovernmental organizations, NGO's, operating in Russia. The Russian legislation would severely restrict foreign assistance to NGO's in Russia and would also force existing Russian NGO's to reregister with the government.

The draft Russian bill raises a number of serious concerns, and may violate Russia's commitments to the OSCE. Several hundred thousand nongovernmental organizations currently operate in Russia, representing all sections of society. By forcing all NGO's to reregister, the Russian Government will have the power to subjectively deny registration to some organizations and limit the activities of others. This legislation strikes at the heart of basic democratic freedoms: the right of individuals to freely associate and participate in society. Some of the provisions in this bill would also increase the oversight of financial auditing of NGO's, which the government could use to place restrictions on opposition groups.

Just months ago, the Russian President Vladimir Putin outlawed any foreign funding of political parties in Russia. This legislation goes further and affects human rights groups and other NGO's who are only seeking to improve the nature of Russia's civil society. Foreign organizations would be required to register as legal Russian entities, seriously hindering their attempts to promote democracy and accountability in Russia. Many organizations which have conducted prominent and important human rights work in Russia since the collapse of the Soviet Union would see their activities curtailed under the Russian bill, which may lead to the partial or complete closure of critical offices inside of Russia.

Last month, the State Duma in Russia approved the first reading of the bill by 370 to 18 votes, despite more than 1,000 NGO's appealing for the Duma to reject it. This Friday, December 16, the Duma has scheduled a second reading of the bill. As the ranking member of the Helsinki Commission, I have worked closely with Commission Cochairman CHRIS SMITH in opposition to this bill. The Helsinki Commission sent a bipartisan, bicameral letter

in November—which I cosigned—to the Chairman of the Russian State Duma urging the rejection of this legislation. In particular, the letter emphasized the importance that nongovernmental organizations play in civil society and in fulfilling Russia's obligations as a democratic state and member of the international community.

Russia has made great strides since the end of the Cold War. There were serious concerns that Russia would not have a smooth transition to a fully functioning democracy. I am gravely concerned about recent developments in Russia. President Putin himself has said that "modern Russia's greatest achievement is the democratic process (and) the achievements of civil society". I therefore call on President Putin and the State Duma to be true to their word and reject this bill, to reaffirm their commitment to the democratic process and civil society.

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

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 312, as amended.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 312.

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

There was no objection.

## CONDEMNING THE LAOGAI

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 294) calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government, as amended.

The Clerk read as follows:

H. CON. RES. 294

Whereas the Laogai is a vast prison labor system in the People's Republic of China and consists of a network of more than 1,000 prisons, camps, and mental institutions in which detainees must work at factories, farms, mines, and other facilities;

Whereas the two major aims of the Laogai are to generate economic resources for the state through free labor and to "reform criminals" through hard labor and political indoctrination;

Whereas the Government of the People's Republic of China relies on the Laogai as a tool for political suppression of pro-democracy activists, Internet dissidents, labor activists, and religious and spiritual believers, including Han Chinese, Tibetans, Uyghurs, Mongolians, and "house church" Christians;

Whereas, while the Soviet Gulags no longer exist, the Chinese Laogai is still fully operational, subjecting most of its three million prisoners to forced labor by threatening torture;

Whereas fifty million people have suffered as prisoners in the Laogai since its inception;

Whereas Laogai prisoners are deprived of religious freedom and forced to give up their political views in order to become a "new socialist person" and uphold communism and the Chinese Communist Party;

Whereas in recent years, more than 100,000 religious believers have been unjustly and illegally imprisoned in one Laogai camp alone, where they have been beaten, tortured, and often killed;

Whereas Laogai prisoners are forced to work long hours in appalling conditions, including mining asbestos and other toxic chemicals with no protective clothing, tanning hides while standing naked in vats filled with chemicals used for softening of animal skins, and working in mining facilities where explosions and other accidents are a common occurrence;

Whereas it is documented that China's national policy since 1984 has been to extract organs from executed prisoners without prior consent of the prisoners or their family members, setting China apart from every other country in the world;

Whereas there are more than 1,000 instances in which organs are harvested from executed Chinese prisoners every year;

Whereas both Chinese and foreign patients from around the world receive organs transplanted from executed Chinese prisoners;

Whereas Laogai prisoners are required to make confessions of their wrongdoings, which include political and religious views that the Chinese Communist Party wishes to suppress;

Whereas Chinese citizens are not guaranteed due process of law nor even a right to trial;

Whereas many individuals are often convicted and sentenced with no trial at all, or they are convicted with "evidence" extracted through torture;

Whereas in one part of the Laogai system known as the Laojiao, or reeducation-through-labor, Chinese citizens can be detained for up to three years without any judicial review or formal appearance in the judicial system;

Whereas goods produced by forced labor in the Laogai system continue to be exported to the United States and the world;

Whereas the Chinese Government has continuously encouraged the export of goods produced through the Laogai prison system and relies on forced labor as an integral part of its economy;

Whereas forced labor and torture practices carried out in the Laogai violate international laws, standards, and treaties to which China is party, including the United Nations Charter, the Universal Declaration of Human Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

Whereas China, a member State of the International Labor Organization, also violates many agreements regarding labor conditions and the rights of workers: Now, therefore, be it

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

(1) calls on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government;

(2) calls on the Government of the United States to fully implement United States laws that prohibit the importation of forced labor products made in the Laogai;

(3) calls on the Government of the United States to take actions to review the implementation of the Memorandum of Understanding on Prison Labor in 1992 and the Statement of Cooperation in 1994 with respect to the Laogai;

(4) will undertake efforts to join with the European Parliament to urge the introduction of a resolution at the United Nations Human Rights Commission condemning the Laogai and the human rights situation in China;

(5) calls on the Government of the People's Republic of China to release information about the Laogai, including the total number of Laogai camps and prisoners throughout China, the exact locations of the camps, and the business production activities taking place at the camps;

(6) calls on the Government of the People's Republic of China to release information about the number of executions of prisoners at the camps that are carried out every year, and the extent of the harvesting and transplantation of organs of executed prisoners;

(7) urges the Government of the People's Republic of China to allow unrestricted visits by international human rights inspectors, including United Nations inspectors, to Laogai camps throughout China; and

(8) urges the Congressional-Executive Commission on China to continue to investigate the Laogai system in China and to make recommendations for United States policy that will help protect human rights for Chinese citizens.

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

The Chair recognizes the gentleman from New Jersey.

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

Mr. Speaker, I rise in strong support of this resolution which calls for the condemnation of the vast Laogai labor system of more than 1,000 prisons, camps and mental institutions maintained by the government of the People's Republic of China, and of the use of forced labor as an integral part of China's economy.

I would note parenthetically that, back in 1992, the gentleman from Virginia (Mr. WOLF) and I gained access to one of those prison camps, Beijing Prison Camp Number 1, a horrible place where 40 Tiananmen Square activists were being punished for their peaceful activities. Hundreds of others were also imprisoned there for political, religious and other alleged crimes. The place reeked of cruelty and sadness and was a nightmarish insight into the dark soul of the Chinese Communist dictatorship. Today, sadly, the Laogai continues its cruelty unabated.

Indeed, the continued operation of this network of Stalinist camps within

China's borders raises grave questions about Beijing's commitment to engage in reform even after it seeks to be recognized as a leader among the community of nations.

The Laogai, which was created by the Chinese Communist party under Mao Zedong and modelled after the Soviet Gulag system, serves the one-party dictatorship as a tool to maintain control of a population yearning to be free. The Laogai system has tormented more than 50 million people since its founding and still contains as many as 4 million prisoners today. It not only provides the government a source of cheap labor, it also serves to instill fear in its citizens lest they be forced to go through ''reeducation'' through hard labor and compulsory political indoctrination.

The low cost of maintaining these prisons provides additional incentive for the PRC to continue its use of the Laogai system. The use of slave labor to manufacture a product for export as an integral part of its economy represents not only a violation of international law and labor standards but represents an unfair trade practice which widens the trade deficit and threatens American jobs.

As is so common in authoritarian regimes, the PRC represses freedom of religion and expression through this system of more than 1,000 prisons. As we know, Mr. Speaker, these prisoners are given no legal rights and are often tortured in order to induce confessions. All Laogai prisoners are forced to labor in order to remake them as new socialist persons. New arrivals are subjected to immediate, daily, lengthy interrogation sessions and forced to admit their ''crimes.'' These sessions may last days, weeks and even months. In some cases, they last years. If a prisoner resists, he or she is tortured.

The horrifying trade in human organs from China is the latest development of the Laogai system. The organs of more than 1,000 executed prisoners have reportedly been harvested for money. In the 1990s and to the year 2005, as part of the series of about 24 Congressional hearings that I have chaired on human rights abuses in China, I conducted one extraordinary hearing on this grizzly business. In that hearing, with the help of the great Harry Wu, a survivor of the Laogai himself, we heard from a former PRC police officer who testified and brought compelling proof as to how prisoners were shot, but not killed, and moved to awaiting ambulances to begin the process of removing their organs for transplantation.

The practice reminded me and many others in that hearing of the atrocities committed by the infamous Nazi, Dr. Joseph Mengele.

Despite numerous human rights treaties, Mr. Speaker, to which the PRC is a signatory, the government continues to use the Laogai as a means to suppress groups such as the Falun Gong and other religious believers, but in the case of the Falun Gong, up to 50 percent of the Laogai prisoner population is made up of those individuals.

Cyber dissidents and journalists are increasingly being crushed by the Laogai system as well. As in the case of Shi Tao, a journalist who is now serving a 10-year forced labor sentence at a jewelry factory attached to the Chishan prison for sending an e-mail through his Yahoo account warning journalists of the dangers of social destabilization and the risks of return of certain dissidents on the 15th anniversary of the Tiananmen Square massacre.

I point out to my colleagues, and I hope that each and every one of you will read this, there is a very, very strong statement on torture by the U.N. rapporteur on torture who has just finished his report, Manfred Nowak.

He said that the abuse of suspects and prisoners remains widespread. His report describes some of the torture methods used by China's police and prison officers to extract confessions and maintain discipline: Emersion in sewage, sleep deprivation, cigarette burns and beating with electric prods. Not surprisingly, Mr. Nowak also accused the Chinese officials of systematically interfering with his investigations.

Victims and family members were intimidated by security personnel during the visit, placed under surveillance or instructed not to meet with Mr. Nowak. Among the prisoners, Mr. Nowak said he observed ''a palpable level of fear and self-censorship'' that he had not seen in missions in other countries.

One cannot be optimistic given recent events, but killings by gunfire last week of at least 20 residents in the village of Dongzhou in southern China by Beijing's security forces is further evidence that China has a long way to go in achieving the rule of law.

The cold-blooded murder of these villagers protesting over land use and the corruption demonstrates clearly that, 16 years after Tiananmen Square, Chairman Mao's famous dictum that ''all political power comes from the barrel of the gun'' is still the credo of Beijing's leaders.

Those among our friends in Europe who seek removal of an arms embargo against China should reflect on the use of guns and bullets to kill the innocent villagers in Dongzhou and to keep 4 million inmates, many prisoners of conscience, locked up in the vast Laogai system.

This resolution sends a strong message, and I urge its passage.

SPECIAL RAPPORTEUR ON TORTURE HIGHLIGHTS CHALLENGES AT END OF VISIT TO CHINA

INTRODUCTION

BEIJING, 2 December 2005.—The Special Rapporteur of the United Nations Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment concluded a two-week visit to the People's Republic of China (PRC) today.

Nearly a decade after the initial request, the visit to the PRC by the United Nations Special Rapporteur on Torture, Manfred Nowak, finally materialised from 20 November to 2 December, and included visits to Beijing, Lhasa, Tibet Autonomous Region (TAR) and Urumqi, Xinjiang Uighur Autonomous Region (XUAR). The long-awaited visit of the Special Rapporteur on Torture to China has its origins in a 1995 request by the then Special Rapporteur, Sir Nigel Rodley, for an invitation to carry out a fact-finding visit. The Government responded in 1999 with an invitation for a ''friendly visit'' in May 2000, however, differences between the Government and the Special Rapporteur on the standard methodology for country visits by United Nations human rights experts (including unannounced visits to detention centres and private meetings with detainees) prevented it from being realized. In spring 2004, the Government extended an unconditional invitation to the then Special Rapporteur, Theo van Boven, for a two-week visit in June of that year, which was then postponed by the Government. Upon Manfred Nowak's appointment as Special Rapporteur on Torture in December 2004, the Government of China renewed its invitation for a visit in 2005, accepting his Terms of Reference.

The mission's aim was two-fold: fact-finding and starting a process of cooperation aimed at the common goal of eradicating torture in the PRC.

The Special Rapporteur wishes to express his deep appreciation to the Ministry of Foreign Affairs, in particular Dr. Shen Yongxiang, Special Representative on Human Rights Affairs, and his team for their professionalism, cooperation, and shared commitment to the objectives of the mission. The Special Rapporteur credits the Ministry for its great efforts in ensuring that the mission proceeded as smoothly as possible and that his Terms of Reference were in principle respected. All meetings with detainees were carried out in privacy and in locations designated by the Rapporteur. No request for a meeting or interviewing of a particular individual was refused. Prison staff were generally cooperative. The Special Rapporteur was also able to meet with a number of individuals outside of his official programme, notwithstanding the obstructions elaborated upon below.

While visits were also planned for Jinan in Shandong Province and Yining in the XUAR, the Special Rapporteur sincerely regrets that he had to cancel these visits due to time constraints, and expresses his gratitude to the Ministry of Foreign Affairs and the respective leaderships of Shandong Province and Yining Autonomous Prefecture for accommodating these last minute changes to the programme.

While in Beijing, the Special Rapporteur met with Government officials, including the Assistant Foreign Minister, the Vice Ministers of Justice and Public Security, the Deputy Procurator-General, as well as prominent members of civil society including the All China Lawyers' Association, the Beijing Lawyers' Association, China University for Political Science and Law, Renmin University, Tsinghua University, Beijing University, the Chinese Academy of Social Sciences, and the Beijing Child Legal and Research Centre. Meetings were also held with individual lawyers, human rights defenders, academics, and members of the diplomatic corps and UN country team. In Lhasa and Urumqi, the Special Rapporteur met with local officials including from the Ministry of Foreign Affairs, the People's Court, the Procuratorate, and Departments of Justice and Public Security.

In Beijing, the Special Rapporteur visited the Municipal Detention Centre, Prison No. 2

(twice), and the Municipal Women's Re-education Through Labour (RTL) Facility. In Lhasa he visited Lhasa Prison, Tibet Autonomous Region Prison (also known as Drapchi Prison), and the recently-opened Qushui Prison. In Urumqi, he visited Prison Nos. 1, 3, and 4, as well as the Liu Dao Wan Detention Centre. In all facilities, the Special Rapporteur met with prison management and interviewed detainees in private.

PARTICULAR CIRCUMSTANCES OF THE FACT-FINDING MISSION

The Special Rapporteur feels compelled to point out that some Government authorities, particularly the Ministries of State Security and Public Security, attempted at various times throughout the visit to obstruct or restrict his attempts at fact-finding. The Special Rapporteur and his team were frequently under surveillance by intelligence personnel, both in their Beijing hotel as well as in its vicinity. Furthermore, during the visit a number of alleged victims and family members were intimidated by security personnel, placed under police surveillance, instructed not to meet the Special Rapporteur, or were physically prevented from meeting with him.

Prison officials imposed their own working hours as limits for interviews which curtailed the number of facilities that could be visited and the number of detainees interviewed. The Special Rapporteur and his team were also prevented from bringing photographic or electronic equipment into prisons.

Furthermore, in contrast to his previous country visits, the Special Rapporteur was unable to obtain a letter of authorization from the relevant authorities to visit detention centres on his own. Consequently, officials from the Ministry of Foreign Affairs accompanied him to detention centres in order to ensure unrestricted access. As the authorities were generally informed an hour in advance, the visits could not be considered to have been strictly ''unannounced.'' Nonetheless, this practice significantly improves upon the modalities employed in previous visits to China of Special Procedures of the Commission on Human Rights.

In his interviews with detainees, the Special Rapporteur observed a palpable level of fear and self-censorship, which he had not experienced in the course of his previous missions. A considerable number of detainees did not express a willingness to speak with the Rapporteur, and several of those who did requested absolute confidentiality.

Under these conditions and taking into account the size and complexity of China as well as the limited duration of the mission, the Special Rapporteur acknowledges the limitations in drawing up a comprehensive set of findings and conclusions on the situation of torture and ill-treatment in China.

SITUATION OF TORTURE AND ILL-TREATMENT

The Special Rapporteur recalls that over the last several years his predecessors have received a significant number of serious allegations related to torture and other forms of ill-treatment in China, which have been submitted to the Government for its comments. These have included a consistent and systematic pattern of torture related to ethnic minorities, particularly Tibetans and Uighurs, political dissidents, human rights defenders, practitioners of Falun Gong, and members of house-church groups. These allegations have been and continue to be documented by international human rights organizations.

The methods of torture alleged include, among others: beatings; use of electric shock batons; cigarette burns; hooding/blindfolding; guard-instructed or permitted beatings by fellow prisoners; use of handcuffs or ankle fetters for extended periods (including in solitary confinement or secure holding areas), submersion in pits of water or sewage; exposure to conditions of extreme heat or cold, being forced to maintain uncomfortable positions, such as sitting, squatting, lying down, or standing for long periods of time, sometimes with objects held under arms; deprivation of sleep, food or water; prolonged solitary confinement; denial of medical treatment and medication; hard labour; and suspension from overhead fixtures from handcuffs. In several cases, the techniques employed have been given particular terminologies, such as the ''tiger bench'', where one is forced to sit motionless on a tiny stool a few centimeters off the ground; ''reversing an airplane'', where one is forced to bend over while holding legs straight, feet close together and arms lifted high; or ''exhausting an eagle'', where one is forced to stand on a tall stool and subjected to beatings until exhaustion. On the basis of the information he received during his mission, the Special Rapporteur confirms that many of these methods of torture have been used in China.

Although he cannot make a detailed determination as to the current scale of these abuses, the Special Rapporteur believes that the practice of torture, though on the decline—particularly in urban areas—remains widespread in China. Indeed, this is increasingly recognized by Government officials and reports. According to the 2005 Supreme People's Procuratorate's (SPP) report to the National People's Congress presented on 9 March 2005, covering the year 2004), 1595 civil servants had been investigated for suspected criminal activity in cases involving ''illegal detention, coercion of confessions, using violence to obtain evidence, abuse of detainees, sabotaging elections, and serious dereliction of duty resulting in serious loss of life or property.'' The report goes on to note that this is a 13.3 percent increase over the previous year's totals and that the SPP personally investigated 82 of the most serious cases. When compared with other national statistics, these official figures are clearly the tip of the iceberg in a country the size of China and demonstrate that most victims and their families are reluctant to file complaints for fear of reprisal or lack of confidence that their complaints will be addressed effectively.

EFFORTS BY THE GOVERNMENT TO COMBAT TORTURE

In recognizing the problem, the Government has undertaken a number of measures to tackle torture. In August 2003, the Minister of Public Security, Zhou Yongkang, issued a set of unified regulations on the standardization of law-enforcement procedures for public security institutions entitled, ''Regulations on the Procedures for Handling Administrative Cases'', including procedures defining police powers in respect of time limits for confiscation of property, legal means for gathering evidence, time limits on investigation and examination of suspects, etc. In 2004, the Ministry issued regulations prohibiting the use of torture and threats to gain confessions. The Supreme People's Procurotorate announced that eliminating interrogation through torture would be a priority of their work agenda and has instructed procurators that confessions obtained as a result of torture cannot form a basis for the formal approval of arrests and that prosecutors must work to eliminate illegally obtained evidence.

In addition to initiatives at the central level, the Zhejiang provincial Public Security Department issued regulations on forced confessions stating that local police chiefs will be expected to resign in any district where there are more than two cases of forced confessions resulting in injuries, miscarriages of justice or public order problems. In mid-April 2005, Sichuan law enforcement and judicial authorities issued a joint opinion that prohibits the use of illegally obtained evidence, such as coerced confessions in criminal trials, and requires courts to exclude coerced statements and confessions if police cannot provide a rational explanation of the alleged coercion or refuse to investigate allegations of abuse.

Practical measures to combat torture have included piloting systems of audio and video recording in interrogation rooms, strengthening representation during the investigative and pre-trial phase of the criminal process by placing lawyers on a 24-hour basis in pilot police stations, designing interrogation rooms which separate suspects from interrogators, and placing resident procurators in places of detention and near public security bureaux to supervise law enforcement personnel.

The Special Rapporteur also observes positive developments at the legislative level including the planned reform of several laws relevant to the criminal procedure, which he hopes will bring Chinese legislation into greater conformity with international norms, particularly the fair trial standards contained in the International Covenant on Civil and Political Rights (CCPR) which China signed in 1998 and is preparing to ratify. He also welcomes the resumption by the Supreme People's Court (SPC) of its authority to review all death penalty cases, particularly given the fact that the quality of the judiciary increases as one ascends the hierarchy. The Special Rapporteur suggests that China might use the opportunity of this important event to increase transparency regarding the number of death sentences in the country, as well as to consider legislation that would allow direct petitioning to the SPC in cases where individuals do not feel that they were provided with adequate relief by lower courts in cases involving the use of torture, access to counsel, etc.

NEED FOR FURTHER EFFORTS TO PREVENT AND ADDRESS TORTURE

The Special Rapporteur notes that China was among the first States to ratify the UN Convention against Torture (CAT) in 1988, which requires States parties to take measures for the prevention of torture and to punish every act of torture with appropriately serious penalties. Although Chinese law prohibits gathering evidence through torture and provides for punishment of those guilty of torture, the Chinese definition of torture does not fully correspond to the international standard contained in CAT. In particular, physical or psychological torture that leaves no physical trace is difficult if not impossible to punish with appropriate penalties in China (indeed, the Chinese word for torture, ''kuxing,'' principally connotes physical torture).

Combating torture in China is further impeded by the absence of essential procedural safeguards necessary to make its prohibition effective, including: the effective exclusion of evidence from statements established to be made as a result of torture; the presumption of innocence; the privilege against self-incrimination; timely notice of reasons for detention or arrest; prompt external review of detention or arrest; granting of non-custodial measures, such as bail; the right of habeas corpus; and timely access to counsel and adequate time and facilities to prepare a defence.

Other serious shortcomings are the lack of an independent monitoring mechanism of all places of detention and a functional complaints mechanism. A number of authorities have pointed out that mechanisms exist in

China for individuals to report instances of torture, particularly procurators, some of which are resident in prisons and near police stations. However, the Special Rapporteur believes that it is difficult to rely on the vigilance of procurators whose interest in convicting suspects as charged might compromise their ability to oversee the police and prison guards. In addition, procurators encounter many difficulties in practice to exercise their supervisory role, including because detainees are afraid to report instances of torture to them.

During his mission, the Special Rapporteur noted the inefficiency of current complaint mechanisms. He was informed, for example, that in Prison No. 4 in Urumqi, the procurators have not received a single torture complaint during the last decade. In the Tibetan Autonomous Region, he was told that no complaint had been received since 2003 and in the Beijing Municipal Detention Centre, none were received since its establishment in June 2004. In the Xinjiang Uighur Autonomous Region, two cases of torture were established by the courts since 2000, and in the Tibet Autonomous Region one such case had been confirmed. The Deputy Procurator-General of the PRC informed the Special Rapporteur that only 33 law enforcement officials had been prosecuted for torture throughout the country during the first nine months of 2005.

Indeed, an important element in combating torture is judicial oversight. However, China lacks an independent judiciary, and the judiciary suffers from relatively low status in comparison to other State organs. Without a court system that judges cases fairly and independently according to law, thereby redressing grievances in a timely manner, the problem of torture cannot be brought under effective control, particularly in a context where police exercise wide discretion in matters of arrest and detention and are under great pressure to solve cases.

FORCED RE-EDUCATION AS A FORM OF INHUMAN AND DEGRADING TREATMENT

The Special Rapporteur also pointed to conceptual or ideological constraints to the effective implementation of the prohibition of torture. The criminal justice system is focused on admission of culpability, and the role of obtaining confessions continues to be central to successful prosecutions. In fact even after persons, who have not confessed to an offence, have been convicted and sentenced, these persons are subject to restrictions within prison, such as limited restricted access to telephone or visiting privileges until they confess, or are provided the incentive of a reduced sentence if they confess. Moreover, the system as such places a strong emphasis on change and re-education of the criminal, and the acceptance of punishment.

Societies that have been successful in establishing a human rights culture differ from others in the degree of tolerance of the majority towards those whose behavior deviates from standard moral and social norms. This right to be different, which finds its legal expression in the human rights to privacy, freedom of expression, religion, assembly and association, lies at the very heart of any democratic society. These freedoms and political rights were not enacted to protect conformist behavior, but non-conformist behavior.

Under international human rights law, Governments are only permitted to interfere with the expression of political opinions, religious convictions, moral values or minority views when they constitute incitement to hatred or violence or a direct threat to national security or public safety in the country. A system of State surveillance of citizens with non-conformist views and with severe punishments for such ''deviant behavior'', such as Re-Education through Labour (RTL), seems to be incompatible with the core values of a society based upon a culture of human rights and leads to intimidation, submissiveness, self-censorship and a ''culture of fear'', which interferes with the right not to be subjected to inhuman and degrading treatment or punishment.

Every society has the right, and indeed is required by article 10 of the CCPR, to assist convicted criminals during their prison term through vocational training, education, and measures aimed at ensuring their equal access to the labour market in order to become law-abiding citizens. However, efforts aimed at the rehabilitation and re-socialisation of persons who committed crimes should be clearly distinguished from forms of deprivation of liberty aimed at the forceful re-education of human beings with deviant behaviour through labour and coercion.

The system of RTL in China and similar methods of re-education in prisons and even in pre-trial detention centres go well beyond legitimate rehabilitation measures and aim at breaking the will of detainees and altering their personality. Such measures strike at the very core of the human right to personal integrity, dignity and humanity, as protected by Articles 7 and 10 of the CCPR, as well as articles 1 and 16 of the CAT. RTL constitutes not only a serious violation of the human right to personal liberty, but must also be considered as a systematic form of inhuman and degrading treatment or punishment, if not torture. RTL and similar measures of forced re-education in prisons, pre-trial detention centres and psychiatric hospitals should therefore be abolished.

CIRCUMSTANCES SURROUNDING CAPITAL PUNISHMENT

The Special Rapporteur also expressed concern about the circumstances surrounding the death penalty, including the situation of prisoners on death row. At the Beijing Municipality Detention Centre, where the Rapporteur spoke with prisoners sentenced to death at first instance and awaiting appeal, he noted that these prisoners were handcuffed and shackled with leg-irons weighing approximately 3kg, 24 hours per day and in all circumstances (Le. including during meals, visits to the toilet, etc). Prison officials indicated that the average length of appeal was two months. This practice is reportedly based on a nation-wide regulation for detention facilities. When questioned by the Special Rapporteur on the reasons for the handcuffs and shackles around the clock, prison officials indicated that this was necessary for their own safety, the security of others, to prevent them from fleeing, and to prevent suicide. However, in the Liu Dao Wan Detention Centre in Urumqi, death row prisoners were ''only'' shackled and not handcuffed. In the opinion of the Special Rapporteur this practice is inhuman and degrading and serves only as an additional form of punishment of someone already subjected to the stress and grievance associated with having been sentenced to death. The Special Rapporteur also expressed concern at the high number of crimes for which the death penalty can be applied. He encouraged the Government to both narrow its scope and to be more transparent towards family members and the public at large regarding its use; including by making statistics on the death penalty public information.

RECOMMENDATIONS TO THE GOVERNMENT OF THE PRC

Among his key preliminary recommendations to the Government, the Special Rapporteur recommended:

Reform the criminal law by adding the crime of torture in accordance with the definition contained in CAT (Art. 1) with appropriate penalties.

Ensure that the reform of the criminal procedure law conforms to ICCPR fair trial provisions, including by providing for the following: the right to remain silent and the privilege against self-incrimination; the right to cross-examine witnesses and the effective exclusion of evidence extracted through torture.

Reform the criminal justice system by transferring several functions of the procurators to the courts, for example, authorization of detention and supervision of the police.

Allow lawyers—particularly criminal defense lawyers—to be more effective in representing the rights and interest of their clients including through involvement at the earliest stages of police custody and pre-trial detention.

Abolish Section 306 of the Criminal Law, according to which any lawyer who counsels a client to repudiate a forced confession, for example, could risk prosecution.

Take measures to enhance the professionalism, efficiency, transparency, and fairness of legal proceedings; and raise the status and independence of judges and courts within the Chinese legal system.

Reduce the number of pre-trial detainees by enlarging the use of noncustodial measures such as bail.

Establish an independent complaints mechanism for detainees subject to torture and ill-treatment.

Accept the right of individual petition to the Committee against Torture and its competence to initiate an inquiry procedure in accordance with Articles 20 and 22.

Abolish imprecise and sweeping definitions of crimes that leave large discretion to law enforcement and prosecution authorities such as ''endangering national security'', ''disrupting social order'', ''subverting public order,'' etc.

Abolish ''Re-Education through Labour'' and similar forms of forced reeducation of detainees in prisons and pre-trial detention centres and psychiatric hospitals.

Bring conditions on death row into conformity with the right of detainees with humane treatment.

Limit the scope of the death penalty by abolishing it for economic and nonviolent crimes.

Utilize the opportunity of the planned restoration of Supreme Court review for all death sentences to publish national statistics on the application of the death penalty.

Establish a national human rights institution in accordance with the Paris Principles. The United Nations Commission on Human Rights and General Assembly have adopted a set of guiding principles on the role, composition, status and functions of national human rights institutions commonly known as the Paris Principles. Commission on Human Rights Resolution 1992/54 of March 1992 and General Assembly Resolution A/RES/48/134 of 20 December 1993. With the authority to carry out unannounced visits to all places of detention.

Ratify the Optional Protocol to the UN Convention against Torture.

Ratify the UN Covenant on Civil and Political Rights.

That OHCHR provide support to the above through its technical cooperation programme within the framework of the recent MOU signed between the High Commissioner for Human Rights and the Chinese Government.

The Special Rapporteur expresses his appreciation to the Government for inviting him to visit the country and looks forward to a long-term process of cooperation with the Government to combat torture and ill-

treatment. He also expresses his appreciation for the support of the UN Country Team in China, and the Office of the High Commissioner for Human Rights.

The Special Rapporteur will submit a comprehensive written report on the visit to the UN Commission on Human Rights at its sixty-second session in 2006.

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

Mr. Speaker I rise in strong support of this resolution. Mr. Speaker, at the outset, I want to commend my friend from New Jersey for his eloquent and powerful statement.

It was my great pleasure, Mr. Speaker, to join my good friend and colleague, my co-chairman of the Congressional Human Rights Caucus, the gentleman from Virginia (Mr. WOLF) in introducing this important measure regarding China's continued use of forced labor.

□ 2230

Mr. Speaker, the horrendous treatment of prisoners of conscience in China's legal system is legendary. Courtrooms are closed to families. Defense lawyers are imprisoned if they defend their clients vigorously. And the judges themselves make their decisions based on orders from the Communist Party, not based upon the law or the facts of the case.

The other failure of the Chinese State to allow freedom of expression and religion is only exacerbated by the treatment of prisoners upon their arrival in forced labor camps. Prisoners of conscience are forced to work under horrendous, life-threatening conditions for years on end, often with little or no contact with their families.

Thanks to the groundbreaking work of former political prisoner, our friend Harry Wu, we now have documentation that political prisoners have been forced to labor in dangerous mines and in toxic chemical factories with no protective clothing. Other prisoners of conscience are forced to work on assembly lines for up to 18 hours a day, generating cheap clothing and other products destined for sale in the United States and other developed Nations.

Despite two different agreements between the United States and China on the forced labor issue in the early 1990s, prison labor products continue to flow into our Nation and are sold by some of America's largest retailers.

It is also important to remember, Mr. Speaker, that many people are dispatched to the Laogai prison labor system without any trial whatsoever. Tens of thousands of Falun Gong members have been sent involuntarily to psychiatric institutions and other labor camps. Upon arrival, they have been subjected to forced labor, cruel beatings, violent torture, and even death.

Mr. Speaker, our resolution once again puts Congress firmly on record against the Laogai prison labor system, and it demands that the Chinese open up their prisons and work camps to international inspectors. Our resolution also calls on the United States to aggressively implement laws prohibiting the importation of forced labor products.

Mr. Speaker, the existence of the Soviet Gulag is now acknowledged as one of the darkest chapters of modern Russian history. When the history of Communist rule in China will be written, maybe 50 years from now, China's Laogai prison labor system will undoubtedly be treated as a tragic and despicable act perpetrated by the Chinese leadership upon the people of China.

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

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

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

I thank my good friend the gentleman from California (Mr. LANTOS) for his very eloquent statement. This is an issue that very few Americans, very few lawmakers are really aware of, and it is about time the gross cruelty of the Laogai become much more well-known and action needs to be taken.

Mr. WOLF. Mr. Speaker, I would like to thank Chairman HYDE and Ranking Member LANTOS for expediting the consideration of H. Con. Res. 294, which condemns the Laogai prison system in China. I would also like to thank the 44 cosponsors of this resolution.

This system of over 1,000 prisons, camps and mental institutions serves as one of the Chinese Communist Party's main tools of political and religious repression. Chinese citizens held in these prisons have no right to due process, no trial, and are often arrested because of their political or religious views. Thousands of pro-democracy activists, Internet dissidents, labor activists, and religious and spiritual believers, including Han Chinese, Tibetans, Uyghurs, Mongolians, and "house church" Christians are languishing in the Laogai today.

The conditions in the Laogai prisons are abysmal. The system is based on a philosophy of reform through labor. Prisoners are forced to work extremely long hours in shocking conditions that often result in serious injury and even death.

In direct violation of several international treaties of which China is part, the Laogai prisoners are used as free labor to generate products sold on the international market. Next time you buy a product made in China, know that it may have been made by a Laogai prisoner in slave-like conditions.

Even more horrifying is the regular organ harvesting conducted in the prisons. Last week the deputy health minister of China even admitted to this horrific practice. Thousands of foreign patients and Chinese citizens receive organs harvested from Laogai prisoners. Can you imagine receiving an organ cut from someone arrested and killed because of their religious faith?

The Laogai prisons are truly modern day gulags.

I especially want to thank Harry Wu for his work in raising awareness about the Laogai system. Harry knows the system all too well, after spending 19 years behind bars in the Laogai after he was arrested because of his political beliefs. Harry has been courageous and relentless in his advocacy for human rights in China.

I am hopeful that this resolution will bring light to this abysmal system and urge a unanimous vote in support.

Mr. SMITH of New Jersey. Mr. Speaker. I am attaching an exchange of letters between Chairman HYDE and Chairman THOMAS concerning H. Con. Res. 294 "Calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government" for insertion into the CONGRESSIONAL RECORD.

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

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

DEAR CHAIRMAN HYDE: I am writing in regard to H. Con. Res. 294, which is scheduled for floor consideration on Wednesday, December 14, 2005. The second clause of the resolution relates to the use of prison labor in China.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning imports. The second resolved clause calls on the Government of the United States to fully implement its laws prohibiting the importation of products made in Chinese forced labor camps, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this resolution for floor consideration, the Committee will forgo action on this resolution. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H. Con. Res. 294, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
*Chairman.*

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COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
*Washington, DC, December 13, 2005.*

Hon. WILLIAM M. THOMAS,
*Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter concerning H. Con. Res. 294, calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government. The bill has been referred to the Committee on International Relations.

I concur with your statement concerning the jurisdiction of the Ways and Means Committee over the second resolved clause of the resolution, which refers to United States laws prohibiting the importation of products made in Chinese forced labor camps. I appreciate your willingness to forgo consideration of the bill.

I also understand that this action on your part does not in any way prejudice your Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation. I will insert this exchange of letters into the Congressional Record during the debate of this bill.

With best wishes,
Sincerely,

HENRY J. HYDE,
*Chairman.*

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 294, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 294, the resolution under consideration.

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

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–346) on the resolution (H. Res. 602) providing for consideration of the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## HONORING THE VICTIMS OF THE CAMBODIAN GENOCIDE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979, as amended.

The Clerk read as follows:

H. CON. RES. 238

Whereas beginning in April 1975, Pol Pot led the Communist guerilla group, the Khmer Rouge, in a large-scale insurgency in Cambodia that forcibly removed Cambodians from their homes and into labor camps in an attempt to restructure Khmer society;

Whereas traditional Khmer culture and society were systematically destroyed, including the destruction of temples, schools, hospitals, homes, and historic buildings;

Whereas the Khmer Rouge separated and destroyed families and punished and killed innocent civilians, including women, children, doctors, nurses, clergy, teachers, business owners, intellectuals and artisans;

Whereas more than 1.7 million Cambodians, or approximately 21 percent of the population, were killed in one of the worst atrocities of the last century;

Whereas many people were executed simply for being educated, wealthy, or even for wearing glasses as they were seen as bourgeois or contaminated with Western influence;

Whereas after the Khmer Rouge regime was overthrown in 1979, thousands of Cambodians fled on foot to refugee camps in Thailand and many refugees were processed again in other camps in the Philippines and Indonesia;

Whereas from these refugee camps approximately 145,149 Cambodians made their way to the United States, with the majority arriving in the early 1980s and settling in communities across the United States;

Whereas despite the tremendous loss of family members, homes, and even parts of their heritage during the Khmer Rouge regime, Cambodians have shown courage and enormous resiliency;

Whereas, according to United States Census Bureau figures, there are approximately 206,053 Cambodians currently living in the United States;

Whereas the new generation of Cambodian-Americans continues to contribute to all aspects of American society as writers, doctors, professors, and community leaders; and

Whereas the United Nations has taken affirmative steps to establish an international criminal tribunal to bring to justice the perpetrators of the Cambodian genocide: Now, therefore, be it

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

(1) honors the victims of the genocide in Cambodia that took place beginning in April 1975 and ending in January 1979; and

(2) welcomes the establishment of an international criminal tribunal to bring to justice the perpetrators of the Cambodian genocide, with the hope that proceedings of the tribunal will meet international standards of justice.

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

The Chair recognizes the gentleman from New Jersey.

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

Thirty years ago, as we all know, Cambodia was thrust into 4-years of hellish chaos that claimed the lives of one-fifth of that country's population. Pol Pot and the Khmer Rouge regime attempted a radical restructuring of Cambodia, systematically destroying traditional Khmer society, forcibly relocating large portions of the population, and purging those whom it regarded as bourgeois, or culturally contaminated. Their movement, which claimed to be a Communist effort to create a classless, utopian state, was, in fact, a genocide.

By the time it ended, 1.7 million Cambodians were dead. It stands as one of the worst crimes of the 20th century and a shocking example of what becomes possible when the dignity of the human person is subordinated to political ideology.

Faced with the terror of the Khmer Rouge, many thousands of Cambodians did what you and I would do in that situation. They and their families fled their homeland, becoming refugees. Of those numbers, more than 145,000 resettled in the U.S. where they have contributed to the strength of communities throughout our Nation. We are proud of our Cambodian American population, which has demonstrated such resilience and industry.

We also are hopeful that there may be yet justice and accountability for the Cambodian genocide. We welcome the steps that the U.N. has taken toward establishing an international criminal tribunal for that purpose. Although that body has yet to become operational, we hope that, when it does, its proceedings will be substantive, transparent and credible.

In light of its history, I am proud that this body is taking up H. Con. Res. 238 which honors the victims of the genocide in Cambodia and welcomes the prospect of justice for that great crime. I want to especially thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for introducing this resolution and urge its unanimous adoption.

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

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

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

Mr. LANTOS. Mr. Speaker, I would first like to commend my good friend and colleague, JUANITA MILLENDER-MCDONALD, for introducing this important resolution. Her leadership on behalf of all Cambodian-Americans is greatly appreciated.

Mr. Speaker, 30 years ago, one of the saddest chapters in world history began to unfold in the nation of Cambodia. With the victory of the Khmer Rouge, millions of men, women and children were forced from their homes into the countryside and prison labor camps throughout the nation.

They were told they faced "reeducation." Instead they suffered crimes against humanity that became a genocide.

Entire categories of Cambodians were immediately marked for torture and execution by the Khmer Rouge—educated Cambodians, wealthy Cambodians, individuals associated with the previous government, even Cambodians who wore glasses.

Thousands of innocent people were herded into Phnom Penh's infamous S–21 prison. Once behind bars, they were tortured by the Khmer Rouge until they confessed to their so-called crimes. After the confessions were duly recorded and the photos of the doomed were taken and filed away, the imprisoned individuals were summarily executed.

When the killing was over 4 years later, over 1.7 million Cambodians were dead. Many

had been executed, hundreds of thousands more were victims of starvation and malnutrition.

Some Cambodians were fortunate enough to escape the madness and brutality of the Cambodian Genocide, making their way as refugees to various Southeast Asian nations. Nearly 150,000 Cambodians ultimately resettled in the United States, and today, there are more than 200,000 Americans of Cambodian descent.

As Cambodians build new lives in the United States, it is appropriate and timely for the Congress to recognize the victims of the Cambodian Genocide, and to welcome the establishment of an international criminal tribunal to bring long-overdue justice to the perpetrators of the Cambodian genocide.

Mr. Speaker, the international tribunal established for Cambodia is not a perfect institution, and only time will tell if those who carried out the genocide will be brought to justice. It remains our profound hope that the work of the tribunal will be carried out according to international standards of justice.

Mr. Speaker, nearly 1 in 7 Cambodians lost their lives during the horrible 4 years of Khmer Rouge rule. With passage of this resolution, we remember the innocent victims of the genocide, and hope that justice prevails.

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

Mr. Speaker, I yield as much time as she might consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD), my dear friend and distinguished colleague, the author of this important piece of legislation.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. SMITH), the chairman, for his dedication and commitment to this issue, along with my friend the gentleman from California (Mr. LANTOS), the ranking member, for his ongoing support of this piece of legislation, and Mr. Speaker, I thank you for the opportunity to address this issue that is incredibly important to all Cambodian Americans.

The tragic history of over 1.7 million Cambodian men, women and children who died during the Khmer Rouge rule in Cambodia from 1975 to 1979 is unconscionable. The inhumanity of the Khmer Rouge regime and the harrowing events of the killing fields there still touch every Cambodian American family. They live each day with the indelible scars of lost mothers and fathers, brothers and sisters, and other loved ones.

While the tragedy can never be reversed, America's recognition of the 1.7 million lives lost is important to the hundred of thousands of survivors that now call America home.

My legislation, H. Con. Res. 238, commemorates the victims of the Khmer Rouge genocide.

In 1975, a large-scale insurgency took place, resulting in the forced removal of local Cambodians from their villages and into labor camps in an attempt by the Khmer Rouge to restructure society.

The Khmer Rouge maintained control by mass public tortures and executions. Families were separated by sending men, women and children into various labor camps, scattered throughout that country. Famine and disease were epidemic between April of 1975 and January of 1979. Cambodians watched hundreds of thousands of their loved ones die by starvation and thousands more by torture.

When the Khmer Rouge was overthrown in 1979 by Vietnamese troops, thousands of Cambodians fled to nearby refugee camps in Thailand and to camps in the Philippines and Indonesia. As many as 145,000-plus courageous Cambodians made their way to the United States.

With the assistance of the Federal Government, State, local and voluntary agencies, Cambodians were resettled in communities across America. Despite the tremendous loss of family members, homes and parts of their heritage, Cambodians have shown enormous resiliency.

Their culture and contributions to America continue each day to enrich our society, and I am immensely proud that the largest Cambodian presence in the United States resides in my district.

Cambodians have been awaiting justice for over a quarter of a century, and it now seems that the opportunity will soon arise. The United Nations has taken steps to establish an international tribunal in 2007 to bring justice to the perpetrators of the Cambodian genocide. The government of Cambodia seems poised to proceed.

It is my sincere hope that the Cambodian tribunal, once it is up and running, will ensure that justice is finally served, and that those who perpetrated the genocide against innocent Cambodians will finally be punished for their heinous acts. Mr. Speaker, the 10s of thousands of Cambodian Americans who lost loved ones to the killing fields deserve no less.

So I urge all of my colleagues to support this resolution, and again, I thank both the chairman and the ranking member.

Mr. LANTOS. Mr. Speaker, I again want to commend my friend from California for taking up this most important issue. We have no further requests for time, and I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 238, as amended.

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

A motion to reconsider was laid on the table.

## CONDEMNING THE GOVERNMENT OF ZIMBABWE'S ''OPERATION MURAMBATSVINA''

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 409) condemning the Government of Zimbabwe's ''Operation Murambatsvina'' under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to ''restore order'' to the country, as amended.

The Clerk read as follows:

H. RES. 409

Whereas on May 19, 2005, the Government of Zimbabwe launched ''Operation Murambatsvina'', translated from the Shona language as ''Operation Drive Out the Trash'', in major cities and suburbs throughout Zimbabwe in an effort that it characterized as an operation to ''restore order'' to the country;

Whereas hours after the Governor of the Reserve Bank of Zimbabwe called for an end to the parallel market, Operation Murambatsvina began in the city of Harare and subsequently in other urban areas, such as the city of Bulawayo, ostensibly to oust illegal vendors and eliminate illegal structures;

Whereas Operation Murambatsvina was carried out as an indiscriminate demolition of the homes and livelihood of thousands of Zimbabwean citizens already suffering from a protracted economic and political crisis brought on by poor policy directives by the Government of Zimbabwe that forced masses of rural dwellers to urban areas of the country for survival;

Whereas in some communities that were victimized by the forced demolitions, including Cheru Farm and Killarney Farm where more than 20,000 people lived, Zimbabweans had lived in residences for over 20 years and had well-functioning schools, health and HIV/AIDS clinics, orphanages for AIDS-affected children, viable businesses, places of worship, and other amenities;

Whereas in 1993, the Government of Zimbabwe moved families from Cheru Farms to a new location, Porto Farm, which during Operation Murambatsvina was demolished by Zimbabwean Government forces;

Whereas government security forces carried out Operation Murambatsvina, and in doing so, beat residents and forced them to destroy their own homes and places of business, though many residents provided permits from municipal authorities granting permission to build their structures;

Whereas Operation Murambatsvina resulted in the demolition throughout the country of homes, businesses, and religious structures, including a mosque, and an AIDS orphanage and in the intimidation, harassment, and arrest of tens of thousands of people;

Whereas Operation Murambatsvina cut off many AIDS patients from anti-retroviral medicines which will likely lead to a reversal of their health, resistance to the drugs, and a more virulent form of AIDS in Zimbabwe with potential for spreading throughout the region and worldwide;

Whereas churches and private citizens sheltering the victims of Operation Murambatsvina were also intimidated, harassed, and arrested for their efforts to provide a safe haven for the victims during Zimbabwe's harsh winter;

Whereas armed soldiers and police forcibly removed hundreds of homeless people from

churches in the city of Bulawayo and banned religious groups from providing humanitarian assistance to those seeking shelter at Hellensvale, a transit camp north of Zimbabwe's second city, and where police arrested and detained religious leaders;

Whereas a strongly worded statement issued by the Bulawayo clergy stated: ''The removal of the poor, innocent, weak, voiceless and vulnerable members of society by riot police in the middle of the night was uncalled for and unnecessary. It is inhumane, brutal and insensitive, and in total disregard of human rights and dignity. These people are not criminals but bona fide citizens of this nation. It seems the crime they committed is that they are poor.'';

Whereas the African Commission for Peoples' and Human Rights dispatched an African Union envoy, Bahame Tom Nyanduga, Special Rapporteur on Refugees, Internally Displaced Persons, and Asylum Seekers in Africa to investigate the ongoing demolitions;

Whereas the Government of Zimbabwe refused to allow the African Union envoy an opportunity to conduct his mission after being accused by the Government of Zimbabwe through its government-controlled media of ''following the agenda of western countries'';

Whereas the decision to block access to the African Union envoy is representative of a larger pattern of behavior, whereby the Government of Zimbabwe uses violence, intimidation, and demagoguery to subjugate its people, relies on scapegoats to justify the economic, political, and social crises in Zimbabwe, and detains and slanders United States diplomats who challenge the ruinous policies of that government;

Whereas in response to the crisis, the Secretary-General of the United Nations dispatched a special envoy, Ms. Anna Kajumulo Tibaijuka, Deputy Secretary General, United Nations Human Settlements Program (UN–HABITAT), on a factfinding mission to assess the scope and impact of Operation Murambatsvina on the people of Zimbabwe and its consequences for the Zimbabwean Government;

Whereas the mission of the United Nations special envoy was undertaken between June 26 and July 8, 2005, where she visited the cities of Harare, Headlands, Rusape, Mutare, Gweru, Bulawayo, Hwange, and Victoria Falls and met with victims of Operation Murambatsvina, heard personal testimony from victims, and met with members of the diplomatic community, the Government of Zimbabwe, and international nongovernmental organizations;

Whereas the United Nations special envoy estimated that approximately 700,000 people in cities across the country have lost either their homes, their source of livelihood, or both, and that a total of 2.4 million people or 18 percent of the population was directly or indirectly affected by Operation Murambatsvina and that the operation would have considerable short-term and long-term impact on social and economic conditions in the country;

Whereas 40,800 families directly affected by Operation Murambatsvina were headed by women, and 83,530 children under the age of four and 26,600 people age 60 and older were directly affected;

Whereas President Robert Mugabe described this sudden and extensive operation against thousands of families and business persons in the dead of winter as necessary ''to eliminate hideouts of crime and grime'';

Whereas the United Nations special envoy is quoted as saying ''the poor are not criminals . . . [t]hey work hard to obtain the little which they have and they should not thus be treated like criminals'';

Whereas the United Nations special envoy assessed the negative impact of Operation Murambatsvina on shelter, water and sanitation, food and nutrition, basic health services, HIV/AIDS, education, women and girls, refugees and other vulnerable groups;

Whereas the special envoy concluded that Operation Murambatsvina ''has rendered people homeless and economically destitute on an unprecedented scale; most of the victims were already among the most economically disadvantaged groups in society; and they have now been pushed deeper into poverty and have become even more vulnerable; and the scale of suffering is immense, particularly among widows, single mothers, children, orphans, the elderly and the disabled persons'';

Whereas at the time of independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Mugabe and his ZANU-PF party in recent years have turned away from the promises of liberation and become a party that uses state power to deny the people of Zimbabwe the freedoms and prosperity for which they fought and deserve;

Whereas the rise of urbanization and the informal sector in Zimbabwe has been the direct result of failed economic policies, a bitterly disputed fast track land reform program, unplanned cash handouts to appease war veterans, the costly military intervention in Congo, and persistent drought;

Whereas before Operation Murambatsvina, unemployment in Zimbabwe was between 70 and 80 percent, the HIV/AIDS prevalence rate was 24 percent, and the inflation rate was 164.4 percent (but was as high as 522.8 percent), and currently Zimbabwe has the world's fastest shrinking economy, there is an ongoing fuel crisis in the country, and the Zimbabwean economy had contracted 7 percent; and

Whereas the staggering suffering brought on by Operation Murambatsvina has been added to the already large-scale humanitarian crisis in Zimbabwe: Now, therefore, be it

*Resolved*, That—

(1) it is the sense of the House of Representatives that—

(A) through Operation Murambatsvina, the Government of Zimbabwe has created a humanitarian disaster that has compounded the already existing humanitarian food and economic crises in the country, and the Government of Zimbabwe has insufficient resources to address such crises;

(B) the Government of Zimbabwe has a duty to protect the economic, social, and political rights of its citizens as guaranteed by the Constitution of Zimbabwe and the African Charter on Human and Peoples' Rights; and

(C) the Government of Zimbabwe also is subject to the International Covenant on Economic, Social and Cultural Rights, to which Zimbabwe is a party, which states in part that ''forced evictions are prima facie incompatible with the provisions of the Covenant and can only be carried out under specific circumstances''; and

(2) the House of Representatives—

(A) condemns Operation Murambatsvina as a major humanitarian catastrophe caused by the Government of Zimbabwe's callousness toward its own people, disregard for the rule of law, and lack of planning to move families and businesses to more desirable locations;

(B) calls on the United Nations, the African Commission for Peoples' and Human Rights, and the African Union to continue efforts to investigate the impact of the demolitions of housing structures and premises from which informal businesses operated and to provide the international community with a viable strategy to address the problems;

(C) calls on the Government of Zimbabwe to allow international humanitarian organizations access to those affected by the operation who are in need of food, medicine, shelter, sanitation, and water;

(D) calls on the Government of Zimbabwe to hold accountable those responsible for this egregious injury to the Zimbabwean people, both the decisionmakers of the operation and those who carried out the operation;

(E) calls on the Government of Zimbabwe to immediately and aggressively implement policies to promote the private sector and create jobs and build housing to accommodate those displaced by the operation;

(F) calls on the United Nations and the international community to stand by the people of Zimbabwe who have been victimized by their government in this operation and to help them with relief and reconstruction of their lives;

(G) calls on the Secretary of the Treasury to instruct the United States Executive Director at the International Monetary Fund (IMF) to use the voice, vote, and influence of the United States to continue to advocate for further action at the IMF should the Government of Zimbabwe continue to fail to meet its obligations to the IMF;

(H) condemns President Mugabe's harassment of the United States Ambassador to Zimbabwe, including by threatening the Ambassador's expulsion from the country and asserting that he could ''go to Hell''; and

(I) calls on President Mugabe to recognize that absent meaningful corrective actions on his part, President Mugabe's legacy will be defined by his responsibility for the ruinous policies and draconian laws that brought untold suffering of his people and the near collapse of Zimbabwe as a nation.

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

The Chair recognizes the gentleman from New Jersey.

□ 2245

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

I begin by commending the gentleman from California (Mr. LANTOS) for crafting and authoring this resolution. It is very timely and extremely important, given the events in Zimbabwe. I would like to point out that H. Res. 409 condemns the government of Zimbabwe for its horrendous abuses of civil and human rights of its citizens.

Zimbabwe is a Nation that even recently was an economic success, an example to other nations in Africa. However, the serious mismanagement of that country's economy has reduced the gross national income to levels last seen in 1953. Inflation in Zimbabwe today exceeds 500 percent.

When the government of Zimbabwe began its so-called Operation Murambatsvina on May 19, it was supposed to be a limited operation to end the parallel market but developed into the most destructive campaign that country has seen in its post-independence history. Months after this vicious

campaign, there are estimates of as many as 700,000 displaced persons, many of whom are living without food, water or shelter.

By all accounts, this operation has made existing social problems much worse. Nongovernmental organization representatives have told us that now there are 2 million widows, 1.5 million orphans, 500,000 children with only one surviving parent and 8,000 households headed by children.

While many still recall Zimbabwe President Robert Mugabe's critical role in winning independence for his country, we must hold him accountable for the devastation he has more recently brought upon his country's citizens, serious, serious crimes and human rights abuses. Whatever he has achieved in the past, he is furiously undoing his legacy in the present.

House Resolution 409, which received its due consideration by the House International Relations Committee, seeks to shed light on the profound suffering that this operation has brought and inflicted upon the people of Zimbabwe. It notes that, through this operation, the government of Mugabe has created a manmade humanitarian disaster of epic proportions, which has only compounded the existing human rights and economic crises in Zimbabwe.

It condemns President Mugabe's harassment of the United States Ambassador to Zimbabwe most recently by threatening his expulsion from the country and asserting that he could ''go to hell'' in response to the Ambassador's efforts to draw attention to the crisis in Zimbabwe.

H. Con. Res. 409 also states that the government of Zimbabwe has a duty to protect its people and calls on that government to immediately and aggressively implement policies to promote private sector development, create jobs and build housing to benefit those displaced by this operation.

It further asserts that, absent such meaningful corrective measures, President Mugabe's legacy will be defined by his responsibility for the ruinous policies and draconian laws that have brought untold suffering to his people and the near collapse of Zimbabwe as a nation.

Finally, the resolution calls on the International Monetary Fund to take further action against the government of Zimbabwe should it continue to fail to meet its obligations to the international community.

My subcommittee held a hearing on Zimbabwe's situation and the U.S. policy toward that country last April. We were dissatisfied with the state of U.S. engagement. Despite diligent State Department efforts, we still lack creative ways to address and resolve this crisis.

One of the problems in engaging the government is the failure to speak with a consistent voice. This resolution may seem harsh to some, but it does not even begin to touch what is really going on in that once prosperous nation.

Mr. Speaker, Greg Simpkins is the leader on the subcommittee of our Professional Staff, and he led a staff CODEL to Zimbabwe on July 1 through the 10th. He was joined by Dr. Pearl-Alice Marsh, Senior Professional Staff Member for the Committee, and they did an extraordinary job in gathering a tremendous amount of information about what has really gone on and what the crisis is all about. I submit herewith their staff report for inclusion in the RECORD.

STAFFDEL SIMPKINS TRIP REPORT: ZIMBABWE AND SOUTH AFRICA

(By Gregory Simpkins)

SUMMARY

Staff delegation Simpkins, consisting of myself and Dr. Pearl-Alice Marsh, Senior Professional Staff Member for the House Committee on International Relations, traveled to Zimbabwe and South Africa from 1–10 July 2005. The purpose of this mission was to investigate the situation on the ground in Zimbabwe, especially in light of the recent government actions to destroy allegedly illegal housing and vending operations. The visit to South Africa was to examine programs involving Zimbabwe refugees, speak with members of the Zimbabwe expatriate community and discuss Zimbabwe with members of the South African government, the ruling African National Congress, the Congress of South African Trade Unions and think tanks.

We thank Ambassador Christopher Dell and his staff in Harare and Ambassador Jendayi Frazer and her staff in Pretoria for their assistance in making our visit productive.

The report on this operation is the result of our discussions with a wide variety of people in and around Harare and Bulawayo in Zimbabwe and in Pretoria and Johannesburg in South Africa (see appendix for list); a 27 June 2005 report by the Solidarity Peace Trust, a non-governmental organization registered in South Africa, and various published reports and subsequent contacts with sources in Zimbabwe.

OPERATION MURAMBATSVINA

On 19 May 2005, the Government of Zimbabwe commenced Operation Murambatsvina. While the Zimbabwean government refers to it as ''Operation Restore Order,'' a literal translation from the Shona language reveals that ''Murambatsvina'' more closely means ''discarding the filth.'' This places the operation in a more accurate context.

Gideon Gono, Governor of the Reserve Bank of Zimbabwe, called for an end to the parallel market, and hours later the operation began in Harare and subsequently other urban areas, such as Bulawayo, ostensibly to oust illegal vendors and eliminate illegal structures. Very early on, it became clear that this operation would clean out all vendors and non-standard and additional structures whether legal or not. In locations where dozens of vendors had populated long-standing markets that attracted tourists and local people alike, we saw empty spaces. But Operation Murambatsvina did not stop with its urban renewal objective. The operation spread to so-called squatters' camps and other rural areas, tearing down structures in which residents had in some cases invested their life savings in order to construct a substantial house with electricity and water.

Spreading from central business districts to suburbs to farms, this operation eventually evicted even supporters of the ruling Zimbabwe African National Union—Patriotic Front (ZANU–PF) who had seized white-owned commercial farms since 2000. Not even membership in the ruling party could save homes from destruction, as police took down houses despite the pleas of residents wearing ZANU–PF t-shirts. As for the veterans of the liberation war, who had claimed credit for assisting the government's land reform process that has so transformed Zimbabwe's economy, they appear to have been wiped out. Now landless and homeless, they apparently have outlived their usefulness to the ruling party. One war veteran reportedly stood in front of a police bulldozer that had torn down his home and pleaded for police to take his life.

A Zimbabwean employee at the U.S. embassy in Harare told us his supplementary dwelling in the backyard of his property had been built to house some of his children to relieve overcrowding in the main house. Nevertheless, authorities forced him to tear the structure down, despite his holding a legal permit from local authorities. His experience apparently was shared by many other homeowners whose homes were not shacks or shanties and who had locally-provided permits for their construction.

On June 2nd, BBC News quoted a cobbler (who identified himself as ''Edson'') on his encounter with police who arrived to force him and his fellow vendors from their standard locations in Harare. He told the BBC that the authorities were uninterested in his legal status as a vendor: ''They were very firm and just kept saying: 'We don't want you; we don't want you here; we want you to go from this place.' ''

Clearly, this operation was not restricted to illegal vendors or dwellings. We were told that police and supporting forces from youth militias and soldiers were not interested in differentiating between what was legal or illegal. One opposition politician showed us a truck load of youth militia and explained that they had been in government camps and prepared to take actions such as those associated with Operation Murambatsvina. Eyewitnesses reported seeing police looting stalls from which vendors were evicted. Others reported to us that police confiscated property for which residents of homes or shops could not produce satisfactory receipts, even if the goods were personal property and not for sale.

This operation was cruelly executed. In Bulawayo, Ms. Shingirai Mmpa told us she had been a vendor for nearly 20 years in the same location. She recounted how police one day suddenly seized the vegetables she and other women were selling as usual. Police came to her home and tried to make her tear it down. She protested unsuccessfully that she was a renter and did not own the house, and when she proved unable to tear the house down, police got her neighbors to help her do so. They then threatened to fine her 1.5 million Zimbabwe dollars if she didn't dispose of the rubble. Her experience was not unique.

In Harare, we were told about a grandmother who had been taking care of her grandchildren and other orphans. They lived in a cottage that had been declared illegal and was destroyed. She now faces a bill of five million Zimbabwe dollars for back rent for a cottage that no longer exists and another substantial bill for removing the rubble from the destroyed cottage.

We witnessed families at the Porta Farms camp whose homes had been utterly destroyed, leaving them to seek refuge, first in the bushes surrounding their former dwellings and then in the ruins on which their homes had stood. We saw beds and furniture sitting in the open, and families living with no food, running water or sanitation facilities. We saw a baby who had been born since the demolition, who had to survive in temperatures that might reach 32° at night. The

baby's mother, who had an obvious infection, had to manage without medication from the local clinic that had been managed by New Life Church. It was destroyed along with the other structures.

The evictions at Porta Farms involved more than a little irony. Most residents of Porta Farms had been moved from Chiuru Farm to keep them out of sight of Queen Elizabeth and other world leaders who attended the 1991 Commonwealth Heads of Government meeting in Harare. Some reportedly had been told that if they paid to install electricity and water that they would be given permits for their homes. Operation Murambatsvina abrogated whatever agreement they may have had with the government.

We witnessed a similar situation at Kilarney squatters' camp outside Bulawayo. The camp had been established by the white minority Rhodesian government to move poor blacks out of Bulawayo during colonial times. More residents of the camp had been moved by the government of Robert Mugabe in the 1980s in the aftermath of the government massacre of Ndebele people in Matabeleland. Now residents were on the move again. This time, the camp was completely razed. Where once thousands of people lived in houses often made of brick and mortar, only ruins remained.

Porta Farm residents told us that four people died in the destruction of that camp: a child who was run over by a bulldozer, a pregnant woman who died after being thrown into a truck for transport elsewhere and two critically ill people whose treatment was interrupted by the destruction. They were not the only people who did not survive this operation. A policeman was killed in Bulawayo when the wall of a building he was helping to tear down fell on him. He died in the United Bulawayo Hospital. An unknown number of people have died of exposure or starvation or succumbed to untreated medical conditions since Operation Murambatsvina began.

Estimates range from 300,000 (U.S. embassy) to 700,000 (United Nations) displaced persons. An estimated 46,000 people have been arrested. More than 300,000 children are unable to attend school due to being displaced or because they have to care for siblings or older relatives in distress. By all accounts, Operation Murambatsvina has exacerbated existing social problems. Non-governmental organization representatives told us there are now two million widows, 1.5 million orphans, 500,000 children with only one surviving parent and 8,000 households headed by children.

The official rate of HIV–AIDS in Zimbabwe is 25%, although it could actually be much higher. The way in which Operation Murambatsvina has been applied is certain to ratchet that percentage up much higher. Some women vendors have reported being required to give sexual favors to get licenses to sell goods. Moreover, with so many women vendors now unable to get a license due to being arrested for having an illegal vending operation, prostitution is likely to soar in coming weeks and months. Heretofore, prostitution was not seen as a major contributor to the rate of HIV–AIDS in Zimbabwe. A higher HIV–AIDS rate also will affect those countries to which Zimbabweans are fleeing.

The threat of hunger, estimated by the U.S. embassy to be greater than at any time in Zimbabwe's history, will be exacerbated by Operation Murambatsvina. The food deficit was believed to be 1.6 million metric tons prior to the removals and now will rise dramatically. In the face of rising hunger, the government outlawed ''urban farming'' and destroyed gardens in and around cities, despite the fact that many people were growing crops to make up for the lack of available produce in Zimbabwe markets.

This operation especially is having an ill effect on Zimbabwe's economy. Early into Operation Murambatsvina, the International Monetary Fund was predicting that Zimbabwe's Gross Domestic Product would fall by 7% this year and that inflation would rise to 200%. The country's Central Statistical Office reported in mid-July that inflation had risen nearly 20 percentage points in June to 164.3%. With the almost utter destruction of the informal economy in this operation and no coherent plan on how to restore the thousands of microenterprises that were shut down, the contraction of GDP could more than double. In fact, Center for Global Development researcher Todd Moss is estimating that Zimbabwe's Gross National Income is now down to its 1953 level.

THE DESTRUCTION'S AFTERMATH

When we spoke to Didymus Mutasa, Minister of National Security, he virtually bragged of having been part of the decision to commence Operation Murambatsvina. He echoed the government position that there were a lot of robberies, prostitution and illegal money changing involved in the informal markets that needed to be curbed. Minister Mutasa added that crime was down significantly (20% by some government estimates) since the operation began. He was adamant that only 40,000 people were involved and that they did not deserve sympathy.

In fact, the government has told diplomatic missions who had been providing food, blankets and medicines to displaced people to stop. In a June 17th article in the Zimbabwe Independent, senior officials at Zimbabwe's Ministry of Social Welfare were reported to have ordered governors of provinces to block donor groups from distributing food and clothing to displaced people since the article noted that it would ''expose the shortcomings of the controversial campaign.''

There is opposition within the government to requesting food assistance, despite the estimated 4.5 million Zimbabweans believed to need food this year. Discussions with the World Food Program revolved around the government allowing assistance while not requesting it and limiting the supply of food resources to school feeding programs or through the Grain Marketing Board, which has in the past distributed food using political considerations.

The government was said to be formulating its own response. One such response is the establishment of several transit camps, such as the one at Caledonia Farm. The conditions at these camps are widely considered to be squalid. According to a July 3rd report in the Times of London, aid workers say an epidemic of diarrhea has broken out at the camp. Conditions were so poor that church leaders we met with refused to allow the displaced people they were caring for to be taken to the camp.

This concern was confirmed by Lucy Mwanza, a former resident of the Harare suburb of Mbare now living at Caledonia Farm, who told the United Nations Integrated Regional Information Networks, as reported on June 14th: ''All they (the government) did was just to come and dump us here, and we have not heard from them since then. Just like the other families that were brought here, my five children and I were forced to set up two shacks using plastic and cardboard boxes, but the cold is unbearable at night.''

Father Barnabas Nqindi of the Church of the Ascension in Bulawayo told us he was keeping the more than 100 displaced persons at his church where the community has been generous in helping to provide food and other supplies. Father Nqindi said the transit camps, were too open, lacking proper shelter and the necessary infrastructure to care for residents. He said they were established hastily and remain unorganized. He believes churches will play a major role in ensuring that such camps are ready before people are transferred. Father Nqindi said the churches are concerned about maintaining access to the people once transferred so that they can continue to ensure the necessary services are provided and that eventual settlement of people in the camps is handled humanely.

Subsequent to our visit to Zimbabwe, baton wielding police in full anti-riot gear reportedly stormed Father Nqindi's church and other Bulawayo area churches, rounded up about 500 displaced people and took them to a transit camp about 35 kilometers outside the city. According to various reports, the next morning, the people were dispersed, and the camp was dismantled. WorldVision staff members were prevented from distributing food. Only the Red Cross was allowed to provide any assistance. Father Nqindi was briefly arrested, but has been released for now.

It is the government's intention to transfer many of the people displaced from urban areas to their rural home, if they have one. We saw many trucks carrying furniture leaving cities, presumably on the way back to the original family home. This exodus has been stymied, however, by the lack of fuel in the country. Lacking foreign exchange with which to buy sufficient fuel, the government has been unable to prevent the rapid increase in gasoline prices, which have risen 300% just due to higher world oil prices. In cities, suburbs and more rural areas, lines of empty cars are parked at gasoline stations awaiting word that fuel has arrived.

The government also intends to build housing for the displaced persons more consistent with reasonable urban planning. Governor Gono told us he is confident that the government can find one trillion Zimbabwe dollars to add to three trillion in funding already identified to begin construction of housing soon. However, the shortage of foreign exchange currently is forcing the government to choose between importing food or fuel, and the level of funding necessary for such a major construction project is far beyond known government revenues. Furthermore, to adequately meet the needs of the many displaced people in a timely manner, the rate of construction would have to exceed any known rate for such a project anywhere in the world.

The lack of housing, already a problem even for middle-class Zimbabweans, is now more acute. Housing prices have now doubled and tripled, outpacing the ability to pay of working families, even households headed by professionals. Some middle-class people were among those whose homes were demolished, and with this worsened housing crisis, the homeless in Zimbabwe now include those who make a good living, but who had the misfortune of losing their homes at the worst possible time.

One Zimbabwe businessman, who allegedly has a source within President Robert Mugabe's inner circle, told us that the Zimbabwe president, commenting on the results of Operation Murambatsvina reportedly said: ''What a mess!''

Indeed, many of his countrymen would agree, as they are calling this situation ''the Mugabe tsunami.''

RATIONALE FOR OPERATION MURAMBATASVINA

With such devastation to the Zimbabwe population and to the country's economy, one wonders why Operation Murambatsvina was undertaken in the first place. Of the many reasons offered by sources to whom we spoke, opposition party Member of Parliament David Coltart offered four reasons

that encompass what others have suggested as well.

The ZANU–PF government used Operation Murambatsvina as a tool to punish its political opponents. There certainly seems to be some truth to this contention since this operation began in urban areas that had not traditionally voted for President Mugabe or his party. In the March 2005 elections, ZANU–PF won only one urban seat. Mr. Coltart and others see the government's actions as purely retribution for the communities that did not vote for the ruling party. However, as mentioned earlier, this operation spread from the urban to the suburban to the rural areas and punished even ZANU–PF supporters. Whatever the initial rationale for this operation, it seems to have gotten out of hand and fallen victim to a melange of agendas. Some ZANU–PF communities apparently didn't vote in appropriate numbers in March, and the so-called war veterans had served their purpose. Still, the response of many ZANU–PF officials indicated that whoever was targeted by this operation was not to be pitied or helped.

The ZANU–PF government feared an urban uprising and used Operation Murambatsvina to clean out potential armed opponents. Mr. Coltart and others pointed out that the ZANU–PF government has mishandled the economy so badly that unrest is growing, especially with a 70% unemployment rate. The financial crisis is deep and becoming insurmountable without outside help that may not be forthcoming. Some sources reported that youth, whose unemployment is near universal, were becoming particularly restive, and some have said there were efforts to obtain weapons by urban youth. I must emphasize that this report is not broadly corroborated. Nevertheless, the Central Intelligence Organization is aware of sentiments, and due to their widespread infiltration of organizations and movements throughout Zimbabwe, they are aware of the so-called ''pub talk.'' Depopulating urban poor areas and destroying the dissatisfied war veterans likely does provide some protection against those willing and able to rise up in armed opposition to the government.

The ZANU–PF government was convinced that a vast pool of foreign exchange was tied up in the parallel market and used Operation Murambatsvina to obtain this currency. As discussed earlier, the government has mishandled the economy to a disastrous extent, and according to Dr. Tony Hawkins, economics professor at the University of Zimbabwe's School of Business, there is no turnaround in sight. Dr. Hawkins said the central bank is printing money and distributing it, but this is only exacerbating the inflationary spiral the country is experiencing. The government was widely reported to have raided hotels in search of significant amounts of foreign currency, which was not found in the expected amounts. Businesspeople confirmed that their successful Indian colleagues had their homes and businesses raided—again in search of supposed foreign exchange pools that for the most part were not found. The effort to locate and seize large amounts of foreign exchange from the informal sector also has generally failed to turn up enough foreign exchange to justify the raids.

The ZANU–PF government used Operation Murambatsvina as a tool of social engineering to turn the country into a feudal society that is easier to control. With its continual call for displaced people to return to their rural roots, the government seems to want to bring people back to the rural areas where they rule through appointed headmen. Many of the dispersed people no longer have a home in the rural area, never came from the rural areas or are foreign-born. Given the control headmen have in these areas, the displaced who relocate to rural areas will have to be ''vetted,'' meaning that they will have to pass a political litmus test to get land, work or food assistance until they can get established. At the Fountain of Hope Church we visited in Harare, young men were told to keep all the necessary identification on them because if they got picked up by police without it, they could be shipped off to work on a farm. If the commercial farming industry is to be revived, Zimbabwe will need an infusion of farm workers, and the displaced (and possibly forced) could provide a pliable rural workforce.

INTERNAL AND EXTERNAL FORCES

In considering how to deal with this complex and troubling situation in Zimbabwe, it is useful to consider those actors who could be of use in addressing this crisis. They consist of internal and external forces.

*Internal Forces*

There are four primary domestic actors in Zimbabwe:

ZANU–PF: The ruling party is home to competing interests that are becoming increasingly restive. There are the loyalists, such as Didymus Mutasa; the pragmatists, such as Vice President Joyce Mujuru and her influential husband Simon, and the potential reformers, such as Speaker of Parliament John Nkomo and Gideon Gono. Make no mistake about it: all these figures and those allied with them arrive at decisions based on how they are personally affected. Independent Member of Parliament Jonathan Moyo was once a member of Mugabe's inner circle, but he is now a proclaimed reformer, likely based on his ouster from the ruling party as much as his natural pragmatism.

The hardliners in ZANU–PF are just about unreachable. However, there are elements within the ruling party who might be amenable to working toward a better path for Zimbabwe's future if discussions were initiated through all available channels. ZANU–PF central committee member and former Member of Parliament Pearson Mbalekwa publicly split from the party, and at least 10 other party MPs are said to be considering a similar move. Of course, the rapid seizure of Mbalekwa's assets is a reminder to potential defectors of what is in store if they leave the party. Mr. Moyo has managed to survive life after ZANU–PF, so it is not impossible to carry on successfully after leaving the party if one is as clever as he is. One also must keep in mind that those loyal ZANU–PF leaders involved in business ventures know they cannot withstand the growing isolationism Mugabe's policies are bringing on Zimbabwe.

MDC: The opposition Movement for Democratic Change (MDC) has been almost absent from the fray involving Operation Murambatsvina. When we spoke with top officials from the party, they seemed not to fully understand the political necessity of identifying with their constituents by spending time with them in their misery, helping to bring shelter or food or just helping them clean up the rubble that had been their homes. While thousands were suffering the after-effects of Operation Murambatsvina, MDC leader Morgan Tsvangirai was in South Africa for the release of his autobiography.

This party also is in some turmoil. Mr. Tsvangirai has been quoted as wanting to get rid of his fellow top party leaders, although he has denied this. He would have some reason to question their loyalty, though, since party Vice President Gibson Sibanda and Secretary-General Welshman Ncube met with Mugabe while Mr. Tsvangirai was in Nigeria meeting with Nigerian President Olusegun Obasanjo. There are some who believe this party could split between the so-called activist wing, led by former labor leader Tsvangirai and the parliamentary wing, led by Mr. Ncube and Mr. Sibanda. The party lacks a strong base among civil society, labor or the churches because of its failure to bring all these stakeholders into their political calculations, and MDC has not adequately supported those civil actions that have taken place. With a tarnished reputation abroad caused by their past linkages to white farmers providing their funding, this party needs to reconceptualize its approach if it is to live up to its potential and plays significant role in Zimbabwe.

Civil society: We met with a number of NGOs, and the most impressive was Women of Zimbabwe Arise (WOZA). While much of the population seems unwilling or unable to respond pro actively to the crisis in their country, the members of WOZA put themselves on the line by protesting peacefully against government repression. Other NGOs are trying to respond in their own way, monitoring the political process, providing help for the homeless, offering services to victims of HIV–AIDS and defending the rights of Zimbabweans in court. However, other Africans who have fought for their freedom, particularly in South Africa, look down on Zimbabweans, who are seen as too passive in the struggle for their freedom. WOZA members have suffered beatings and arrests to stand up for the rights of all Zimbabweans.

Despite the fact that the Congress of South African Trade Unions (COSATU) reached out to labor in Zimbabwe and even continued to reach out in the face of repeated expulsions from the country, the Zimbabwe Congress of Trade Unions (formerly headed by Mr. Tsvangirai) has not played a strong role in the battle for Zimbabwe's future. Strikes have fizzled because of a lack of commitment by either civil society leaders or opposition party leaders. The prospect of facing a brutal police reaction seems to have frozen efforts to legally, peacefully oppose government actions.

Churches: I have separated churches out from civil society because until quite recently, most churches have declined to get involved in issues of political rights in favor of sticking with a focus on spiritual needs. Operation Murambatsvina led many churches and church leaders to alter their focus to include feeding and sheltering people. The government's heavy-handed evacuation of displaced people from churches and removal to an uncertain fate may spark a more activist role by churches. The accompanying arrests of ministers merely trying to meet the needs of people may cause more churches to challenge the political status quo and sharpen their criticism in sermons. Even some of the hardliners, such as Minister Mutasa, have demonstrated concerns about their spiritual future, and stronger preaching against cruel and undemocratic government actions could help wear them down as similar tactics began to do with white racists in the American south during the civil rights movement.

*External forces*

There are four categories of external forces that could impact the situation in Zimbabwe:

International community: Thus far, neither the United States nor the United Kingdom has been effective in making a positive impact on the situation in Zimbabwe since independence. The British, as the former colonial power, have had to work through the resentment of a government to which it ceded power. The United States has had to deal with the resentment of former guerillas who were never supported in the struggle against white minority rule. President Mugabe and his loyalists have a long memory for resentment, and in many ways, they

live in the past, fixated on the wrongs they feel were done to them in the 1960s, 1970s and even since independence.

The European Union and nations such as Australia have placed sanctions on Zimbabwe, but much of the rest of the international community apparently has felt that the problems of Zimbabwe are the responsibility of the former colonial power and have shown little patience for engagement with a difficult Zimbabwe regime that has too often fashioned its own reality in its interactions with the rest of the world. Of late, the Mugabe government has ''looked East'' to Malaysia and China for salvation from an international community that has pressed that government to respect the rule of law and make governance and economic reforms. Even now, the Zimbabwe government is appealing to China and Malaysia to save it from an international community that has no faith in its willingness to reform and has lost patience with its cavalier attitude toward the rights and welfare of its people.

International institutions: The United Nations has condemned various actions by the Government of Zimbabwe over the years, but has done so seemingly reluctantly and ineffectively. It's most recent efforts in Zimbabwe, however, were handled carefully, and hopefully will be its most important contribution to Zimbabwe ever. By sending an envoy whose portfolio was resettlement, the UN appeared to accept the government's rationale that Operation Murambatsvina was a legitimate, if clumsy, exercise. That allowed Ms. Anna Tibaijuka to not only enter the country, but examine the situation at length with few restrictions. Her report accused excoriated Operation Murambatsvina as a ''disastrous venture'' and accused the ZANU–PF government of creating a ''humanitarian crisis of immense proportions.''

In contrast, the African Union's initial reaction to the growing Zimbabwe crisis was to reflexively reject calls to pressure the Zimbabwe government to end its evictions, destruction and arrests. AU spokesman Desmond Orjiako told BBC News on June 6th that ''If the government that they elected says they are restoring order by their actions, I don't think it would be proper for us to go interfering in their internal legislation.'' Evidently, the enormity of this operation finally convinced AU leaders to take action, but it was so hastily put together that it failed to appropriately prepare the way for its envoy. As a result, Mr. Bahamas Tom Nyandunga, a member of the AU Commission on Human and People's Rights, was confined to his hotel for several days before being expelled from Zimbabwe during Ms. Tibaijuka's mission. Meanwhile, the International Monetary Fund will consider expelling Zimbabwe at an August meeting for failing to make any reasonable attempt to honor its loan obligations.

African community: The AU, as of this writing, has not reacted publicly to the rejection of its envoy. The organization's bureaucrats are likely lamenting the failure to follow protocols in dispatching their envoy and accepting Zimbabwe's right to reject an envoy forced on them in violation of the government's sovereignty. African housing ministers, meeting during our visit, accepted Zimbabwe's explanation of the reason or Operation Murambatsvina. Moreover, African government have been known to engage in similar mass evictions, such as Kenya's recent eviction of as many as 30,000 people from homes they constructed in the Mau Forest.

South Africa's quiet diplomacy has failed to move either the Zimbabweans or their fellow Southern African Development Community nations. Tanzania, Namibia and Zambia have even complimented the Zimbabwe government and dismissed criticism. Meanwhile, an African coalition of civil society groups, in five news conferences held across the continent, has appealed to the AU and the UN to stop Operation Murambatsvina. Mr. Reuel Khoza, chairman of the New Partnership for Africa's Development (NEPAD) has criticized the AU for ''shirking its responsibility'' in comments to Business Day on June 29th, calling on the AU to be ''more outspoken'' in condemning the actions of the Mugabe government. The South Africans seem to have heard the message. In its conditions for funding a financial bailout of the Zimbabwe government, it is requiring a resumption of discussions on cooperation between ZANUPF and MDC, economic and governance reforms and renewed respect for rule of law. South African government officials told us Africans were waiting for the UN report. Now that it has blasted the Zimbabwe government's actions, all eyes are on Africa for its reaction.

African Diaspora: People of African descent throughout the world are often overlooked as regards the influence they could have in bringing to an end the cover under which African despots often operate. By invoking colonialism, neo-colonialism and racism, Zimbabwe and other African nations deflect criticism as efforts by the white international power structure to either diminish their authority or impugn the capability of black leadership. In reality, however, African leaders such as President Mugabe have shown repeatedly that they do not rule in the interest of their countrymen. When Mugabe had the white commercial farms seized, he did not turn the land over to the black farm workers who knew how to till the land. When black professionals merely tried to defend the legal rights of the average Zimbabwean, they were beaten and jailed. When poor black workers tried to create acceptable shelter until they could afford better dwellings, the government destroyed their homes and put their lives in limbo.

African-Americans have a long history of trying to defend the interests of African people. In the 1930s, African-Americans were the leading edge of the movement to save Ethiopia from Italian conquest. Through the 1940s, 1950s and 1960s, African-Americans led the liberation struggle for African nations struggling to break free from colonial rule. Many African-Americans, including members of the Congressional Black Caucus, supported Zimbabwe's liberation struggle even when the U.S. government did not. Caucus members and African-American opinion leaders have shown interest in positively intervening in the Zimbabwe crisis to benefit that country's people. This is an untapped resource that should be utilized for the benefit of Zimbabweans and other African people who need all the help they can get.

RECOMMENDATIONS

American policy toward Zimbabwe has been unable to make any significant impact on that country's government and has had a hostile relationship with the Mugabe government since independence. Given the factors as presented earlier, I would suggest the following coordinated strategy to restructure U.S. policy:

(1) Provide humanitarian assistance to the fullest extent possible to the many displaced people. Even though the Mugabe government would be unlikely to receive humanitarian assistance directly from the United States, it is in the interest of the people of Zimbabwe to funnel such help through the World Food Programme or any other available conduit to meet the housing, food, medical and other needs of the people of Zimbabwe. This assistance must be provided as swiftly as possible, and revulsion as bailing the Zimbabwe government out of the crisis it has created must not prevent a rapid response to this crisis.

(2) Maintain civil society throughout the current crisis and enhance their ability to serve the needs of the people. President Mugabe last year declined to sign a restrictive law that would virtually tie the hands of NGOs by restricting their international funding, but the law is expected to be revived. Therefore, all U.S. efforts to maintain Zimbabwe civil society must be undertaken to build their capacity to defend the rights and interests of Zimbabwe's people. This should take the form of increased funding, as possible, for Zimbabwe NGOs, as well as technical assistance. As for labor and the churches, facilitating ongoing contacts with counterparts in other countries will be vital in enhancing their ability to carry out the increasingly necessary task of safeguarding the welfare of Zimbabwe's people. Funding is included in current authorization and appropriations bills.

(3) Provide support for efforts to inform the Zimbabwean people and the world community about events in Zimbabwe. The established media has been hampered in the effort to film and report on what happens in Zimbabwe. To offset this limitation, the U.S. government has funded ''guerilla media'' to film and report on Operation Murambatsvina and other actions taken against Zimbabwe's people. Such support must not only continue, but be expanded. In addition to equipment and funding to support guerilla media inside Zimbabwe, support must be extended to SW Radio, which has broadcast by shortwave (now medium wave) into Zimbabwe from London. Moreover, the popular and effective Voice of American broadcasts must continue and expand as needed.

(4) Work with the Zimbabwe business community at home and abroad to build their capacity to survive the economic crisis and strive toward improving the country's economic situation. With the dismantling of the formal economy and the recent destruction of the informal sector, efforts to rebuild both the agriculture and manufacturing sectors, as well as a legalized small and micro-business sector, will be vital in enabling Zimbabweans to survive beyond what aid can provide, accumulate wealth sufficient to escape poverty and produce tax revenues for a reformed public sector. That will mean encouraging the legalization of vendors under a rational, equitable policy, in addition to the reform of the country's investment policies so that expatriate Zimbabweans, South Africans and other investors will feel more certain about the commercial environment. Such investment would be an encouragement to reformist and pragmatic elements of ZANU–PF.

(5) Help legislators in the ruling party and the opposition party engage on issues of mutual concern. South Africa is encouraging talks between the ruling and opposition parties. The most likely basis for commonality now is in finding ways to rebuild the country's economy. Rather than tackling controversial political issues initially, working together to save the economy could build a basis for broader cooperation, especially since governance and economic reforms will be inevitable if Zimbabwe's economy is to be revived. U.S. resumption of USAID-funded programs to facilitate such parliamentary working relationships would be a helpful contribution to this process.

(6) Engage African nations, through their governments and people, to stimulate African efforts to help resolve the Zimbabwe crisis. African leaders are loathe be seen as being forced by the developed world to castigate one of their own. However, with the help of the Diaspora, especially African-

Americans, a successful way forward may be found to support good governance and economic policies that build the capacity of all Zimbabweans to escape poverty and not just make selected citizens wealthy. This effort could include encouragement of a team of respected African elders who could speak with President Mugabe about necessary changes, including his retirement. It also should include an effort to work through the African Union and civil society across the continent to promote a just solution to the current crisis.

(7) Selectively engage government officials and ruling party legislators to find ways to end the current crisis and move the country toward true democracy and economic freedom. By lumping all of Zimbabwe's leaders in the same category, there are no channels for discussions about how to use the levers of power to reverse Zimbabwe's current slide. The Zimbabwe Democracy Economic Recovery Act of 2001 allows for a selective waiver of the visa sanctions such that cooperative elements of ZANU–PF could be allowed into the United States for discussions, or if a visit to the U.S. would pose a problem for such ZANU–PF officials, then meetings could and should be arranged in more neutral settings. However and wherever these talks take place, they must be held if a way forward is to be found. Isolating the entire ruling party and government gives no encouragement for any officials to change their behavior or the direction of the country.

Zimbabwe has been a persistent problem for U.S. policymakers. It is time for the executive and legislative branches to devise a mutually agreeable, coordinated policy to bring Zimbabwe into ranks of African nations who have developed political and economic stability and help that nation avoid the certain fate of becoming a failed state if its course is not changed soon. Such an eventuality will not only have a tragically negative impact on that nation's population, but also will be a tremendous burden for the entire southern African region. It also will represent yet another missed opportunity for Africa to seize available opportunities to make advancements in the global economy.

APPENDIX

The following are the people we met during the staff delegation visit.

*Zimbabwe*

Hon. Tendai Biti—MDC Member of Parliament
Nikki Blythe-Wood—The Travel Company
Norberto Celestino—International Organization for Migration
Nigel Chanakira—Success Motivation Institute
Hon. David Coltart—MDC Member of Parliament
Lynde Frances—The Centre
Dr. Gideon Gono—Governor, Reserve Bank of Zimbabwe
Valerie Guarnieri—United Nations World Food Programme
Dr. Tony Hawkins—University of Zimbabwe School of Business
Munyaradzi Kereke—Reserve Bank of Zimbabwe
Bishop Trevor Manhanga, Bishop of the Pentacostal Assemblies of Zimbabwe
Isabella Matambandzo—Open Society Initiative for Southern Africa
Dr. Reginald Matchaba-Hove—Zimbabwe Election Support Network
Hon. Priscilla Mishairambwi—MDC Member of Parliament
Shingirai Mmpa—Women of Zimbabwe Arise
Hon. Jonathan Moyo—Independent Member of Parliament
Kilton Moyo—WorldVision
Jonah Mudehwe—National Association of Non-Governmental Organizations
Bishop Patrick Mutume, Auxiliary Bishop for the Catholic Diocese of Mutare
Hon. Didymus Mutasa—Minister for State Security
Priscilla Mutembwa—Zimbabwe Allied Banking Group
Welshman Ncube—MDC Secretary General and Member of Parliament
Fr. Barnabas Nqindi—Pastor, Church of the Ascension
Yvonne Nxumalo—Western Union
Florence Sachikonye—Sachara (clothing manufacturer)
Otto Saki—Zimbabwe Lawyers for Human Rights
Dr. Peter Kagwanja—International Crisis Group
Dr. Anna Tibaijuka—UN Habitat—Special Envoy
Daniel Wang'ang'a—WorldVision
Jenny Williams—Women of Zimbabwe Arise
Mari Yamashita—United Nations—Africa Division

*South Africa*

Simon Boshielo—COSATU
Richard Cornwell—Institute for Security Studies
Ross Herbert—South African Institute of International Affairs
Paul Fagan—International Republican Institute
Tim Hughes—South African Institute of International Affairs
Dr. Peter Kagwanja—International Crisis Group
Dr. Bane Maleke—Development Bank of Southern Africa
Chris Maroleng—Institute for Security Studies
Strive Masiyiwa—ECONET Wireless
Andrew Meldrum—The Guardian/The Observer
Fr. Richard Menatsi—Southern African Catholic Bishops' Conference
Kgalema Motlanthe—ANC Secretary General
Piers Pigou—Zimbabwe Torture Victims/Survivors Project
Matshidoso Raphadu—South Africa Department of Foreign Affairs
Dr. Piet Viljoen—Development Bank of Southern Africa

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

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

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, as the sponsor of this resolution, I would first like to express my appreciation to Chairman HENRY HYDE for his strong support for this measure and for his help in getting it to the floor. I also wish to thank my colleagues for their cosponsorship and concerns expressed for the people of Zimbabwe.

Mr. Speaker, for over two decades, the United States has tried to influence the government of Zimbabwe in the right direction. Many in this body supported the liberation of Zimbabwe from the oppressive, colonial rule of Ian Smith's Rhodesia.

And for years after independence, Zimbabwe's political leaders made great progress for their people in education, economic development, and agricultural production. Until a few years ago, Zimbabwe was considered the breadbasket of southern Africa.

But, Mr. Speaker, all of that changed in 2000 when President Robert Mugabe and his party realized they were losing their monopoly on political power, and changed from being a government of liberation to one of tyranny and ruthless oppression.

In 2001, Congress passed the Zimbabwe Democracy and Economic Recovery Act establishing sanctions on specific individuals who had grossly mismanaged the Zimbabwean economy, instituted draconian legislation in opposition to the rule of law, and used violence to suppress civil society and political opponents during their elections.

In that legislation, Mr. Speaker, we also provided incentives for Zimbabwe's leaders to return to the rule of law, to create new political space, and to pursue economic policies that would benefit their citizens.

Instead of responding to our incentives, conditioned only on their respect for the rule of law and economic common sense, Zimbabwe's leadership lashed out even more strongly against its own citizens.

Mr. Speaker, the event this past spring, called "Operation 'Throw Out the Trash'," by the Mugabe regime, has taken the government of Zimbabwe to a new low. When a government begins to describe its own citizens as "trash," it has lost its sense of purpose and become an enemy to its people.

Mr. Speaker, I have monitored carefully the situation in Zimbabwe and want to share with you some of the devastation documented by the United Nations, our own Agency for International Development, and Zimbabwean human rights organizations.

First, Operation "Throw Out the Trash" occurred as the Zimbabwean economy is in a chronic state of decline. Inflation is well over 300 percent. At a time when 70 percent of Zimbabweans are unemployed, food for a family of six can increase by 160 percent in one month alone. Compounding these economic woes is the HIV/AIDS crisis. Mr. Speaker, one-quarter of Zimbabweans is infected with HIV/AIDS.

With complete disregard for the suffering of its people, the Mugabe's regime launched "Operation Throw Out the Trash" on May 25, 2005, and within a few weeks, displaced 700,000 individuals from their homes or businesses or both, and indirectly affected 2.4 million people. Of the 700,000 directly displaced, an estimated 172,200 were living with HIV/AIDS.

To carry-out the Operation, the government ordered individuals to tear down their own homes and businesses, then loaded men, women and children onto trucks, and dumped them in transit camps outside the cities with no shelter, food, clothing, medicine, or sanitation.

This occurred during the dead of Zimbabwe's winter where night temperatures can fall to freezing. During the Operation, babies were born in the cold winter air and the weak and frail died from exposure.

Mr. Speaker, "Operation Throw Out the Trash" devastated the most vulnerable in Zimbabwean society including the elderly, the mentally ill, the physically challenged, malnourished children, and the chronically ill.

Most devastated, perhaps, were individuals living with HIV/AIDS. The Operation indiscriminately tore down health clinics where individual received voluntary counseling and testing. Patients on antiretroviral treatment were cut off from their doctors and medicines, while home-based care programs for HIV/AIDS patients were decimated.

Most shocking, the Operation destroyed several HIV/AIDS orphanages where the children, who had lost both parents and had no family caretakers, also were living with HIV/AIDS.

In response to an international outcry, the U.N. Secretary General appointed a Special Envoy to assess the situation and report on ways to address the conditions of those affected.

The Special Envoy reported that the Zimbabwe government's purported effort to clamp down on illegal dwellings and illicit activities, was carried out in an indiscriminate and unjustified manner and with disregard for national and international law.

She called for bringing those immediately responsible to account and for immediate reparations to those who had lost property and their livelihood.

Mr. Speaker, on top of this grave injury to his people, Mugabe lashed out recently at U.S. Ambassador Christopher Dell, who simply told the truth about the regime in power. Ambassador Dell stated the simple fact that Zimbabwe's current crisis is due to economic mismanagement and corrupt rule.

Mr. Speaker, we must reinforce Ambassador Dell's message by passing this resolution today.

This resolution sends a clear message to President Mugabe and his tyrannical government that we will speak out against his ruling party's harsh abuse of its citizens and condemn any actions that harm innocent people.

Mr. Speaker, before I close, I want to commend our U.S. AID staff members for their efforts to provide emergency shelter, food, clothing, blankets, and medicine to Mugabe's victims of "Operation Throw out the Trash." The Mission Director, Paul Weisenfeld, and his team, worked around the clock with local partners to provide relief for the affected people.

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

Mr. Speaker, I want to express my deep appreciation to my good friend and distinguished colleague, Pearl-Alice Marsh, for the extraordinary job she has done in connection with this issue.

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

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

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 409, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 575), providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 575

Whereas the foundation for the Israeli-Palestinian peace process was Palestinian recognition of Israel's right to exist and a solemn obligation to end terrorism and violence;

Whereas the removal of all Israeli presence in Gaza signifies an end to Israeli responsibility there and a shift in security responsibility of Gaza to the Palestinian Authority;

Whereas Israel's evacuation of Gaza affords the Palestinian Authority, now the responsible governing authority in Gaza, the opportunity to demonstrate its ability to govern, to establish the rule of law, to end corruption, and thereby to demonstrate that it is a partner for peace;

Whereas Palestinian Authority President Mahmoud Abbas has repeatedly called for the establishment of "One Authority, One Law, and One Gun";

Whereas since the withdrawal of Israeli military forces, the Palestinian Authority has taken few steps to establish rule of law in Gaza;

Whereas Hamas, Islamic Jihad, the al-Aqsa Martyrs' Brigade, and other terrorist organizations have vowed to continue terrorism against Israeli civilians, seek the destruction of the State of Israel, and employ violence and terror in fulfillment of that aim;

Whereas the inclusion of Hamas, or any other terrorist group on the State Department list of foreign terrorist organizations, into the Palestinian structure could be construed as an implicit endorsement of their anti-American and anti-Israeli terrorist ideology;

Whereas the first provision of the Road Map to Middle East Peace calls for the Palestinians to dismantle the terrorist infrastructure;

Whereas these terrorist organizations, including Hamas and Islamic Jihad, operate virtually without interference from the Palestinian Authority;

Whereas Hamas has announced its intention to run in Palestinian legislative elections scheduled for January 2006;

Whereas Abbas has indicated his willingness to see Hamas participate in the elections without first calling for it to disband its militia or for it to renounce its goal of destroying the State of Israel;

Whereas the United States has clearly stated that armed militias attached to political parties are incompatible with democratic societies;

Whereas President Bush has stated that Hamas "seeks to end dissent in every form, to control every aspect of life . . . the terrorists are preparing a future of oppression and misery";

Whereas the forces of freedom must continue to keep an untiring vigil against the enemies of rising democracies; and

Whereas the United States has a longstanding policy of not dealing or negotiating with terrorists: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms its commitment to the safety and security of the democratic State of Israel;

(2) asserts that terrorist organizations, such as Hamas, should not be permitted to participate in Palestinian elections until such organizations recognize Israel's right to exist as a Jewish state, cease incitement, condemn terrorism, and permanently disarm and dismantle their terrorist infrastructure;

(3) calls on the Palestinian Authority President Abbas before the election to declare openly his intention to take action to dismantle the terrorist organizations;

(4) asserts that the inclusion of Hamas, or any other terrorist group on the Department of State's list of foreign terrorist organizations, in the Palestinian Authority's government will inevitably raise serious questions for the United States about the commitment of the Palestinian Authority and its leadership to making peace with Israel and will potentially undermine the ability of the United States to have a constructive relationship with, or provide further assistance to, the Palestinian Authority; and

(5) states its strong belief that, as underlined in every recent Israeli–Palestinian peace agreement, progress in the peace process requires sustained Palestinian effort to dismantle the terrorist infrastructure, and that delay in confronting that principal obligation only emboldens the opponents of peace and threatens its realization.

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

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of House Resolution 575, and I commend my distinguished colleague and friend, Congressman CANTOR, for introducing this resolution and Congressman MCCAUL for his efforts on this measure. I thank also the House leadership, Chairman HYDE and Ranking Member LANTOS of the International Relations Committee for helping to bring House Resolution 575 to the House floor today.

This resolution takes a united stand against the attempts of the murderous Islamic extremist organizations to hijack the elections that will be taking place within the Palestinian Authority.

Hamas, in particular, is inserting itself in the political process while fully maintaining and reportedly expanding its militant activities. That organization's continuing violence against Israel and its refusal to disarm has been a constant and incendiary impediment in the U.S. efforts to promote peace and security in the region.

Allowing a group with a track record like Hamas to obtain significant influence and legitimacy within the Palestinian Authority severely jeopardizes our goal of eliminating jihadist safe havens through preemptive democratic reform. Conversely, allowing these organizations to masquerade as political parties and abuse the political process would be a triumph for those who wish to spread fear and violence throughout the region.

The participation of Islamist jihadist organizations, such as Hamas, in Palestinian elections will destroy any hope for peace and security for Israel, or for peace, democratic governance, and economic growth and prosperity for the Palestinian people.

A mistake was already made this summer, my colleagues, by allowing Hezbollah, another military jihadist entity, to participate in the Lebanese elections. Despite Hezbollah's refusal to disarm their militias and dismantle their terrorist infrastructure in violation of U.N. Security Council Resolution 1559.

Hezbollah's participation this summer in Lebanon's first elections after Syrian military withdrawal was allowed despite its continued targeting of Israelis, including the recent violence on Israel's northern border. The U.S. must not allow a similar error with respect to Hamas in the upcoming Palestinian elections. The stakes are too high, and the negative consequences are far too ominous.

We must continue to raise our strong opposition to the participation of jihadist organizations in Palestinian elections. Their participation will run counter to both U.S. policy priorities and statements from the Palestinian leadership regarding political reform and the fight against worldwide terrorism.

For the sake of peace and security, and for the benefit of both the Palestinian and the Israeli people, we must leverage our influence to promote and support positive change within the Palestinian Authority and prevent Islamist extremist organizations like Hamas from hijacking the process.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. MCCAUL), and I ask unanimous consent that he be permitted to control the time as the author of the resolution.

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

There was no objection.

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

I want to commend my colleagues and friends, Mr. CANTOR and Mr. MENENDEZ, for introducing this important resolution.

Mr. Speaker, I would like to ask my colleagues on both sides to suspend disbelief for a moment and imagine that this body included not just Democrats and Republicans but also representatives of an armed terrorist militia. Imagine that colleagues knew that those who opposed the militia's proposals might be killed as a result. It would certainly change the dynamics of this body just a bit, would it not, Mr. Speaker?

Well, that is exactly the circumstance that the Palestinian Legislative Council will face when it convenes after the January 25 elections, when Hamas, by current projections, is likely to hold over a quarter of the council seats.

Mr. Speaker, corruption of the legislative process is just one of many reasons that parties, so-called parties representing militias have no place in a Democratic system. When terrorist militias participate in elections, voters are intimidated. The concepts of the will of the majority and the rights of the minority are rendered meaningless.

Mr. Speaker, terrorist Hamas has no business participating in a Palestinian election that is supposed to advance the cause of peace; indeed, in a Palestinian election for a legislative body whose very basis is an Israeli-Palestinian agreement in which the Palestinians agreed to foreswear all violence.

In fact, Hamas should be disqualified on two grounds: as a terrorist group and as a group that denies Israel's right to exist. And there is a third reason as well: Hamas is a fundamentalist jihadist organization that has nothing but contempt for democracy, though it is more than happy to exploit democracy for its own nefarious ends.

Mr. Speaker, the participation of Hamas in the January 25 Palestinian election now appears likely. Just today, Hamas submitted its list of candidates. But Hamas participation will be a mistake of historic proportions for the cause of Israeli Palestinian peace. The very first clause of the Middle East roadmap requires that the Palestinians dismantle all terrorist infrastructure.

If that is what Abu Mazen wants to do, he is going about it in an entirely wrong way. With Hamas inside the legislative chicken coop in huge numbers, supported there in the cause of violence and gun-bearing by numerous other factions from Abu Mazen's own Fatah party, it will be more difficult than ever for Abu Mazen and the Palestinian authority to take the necessary action to dismantle Hamas' terrorist infrastructure, much less to convince it and other terrorist groups to disarm peacefully.

I deeply regret that Abu Mazen has welcomed Hamas' unconditional participation in the upcoming Palestinian elections. In passing this resolution, we will call on Abu Mazen to reverse course at the eleventh hour to prevent Hamas from participating and thereby try to help these elections prepare the ground for meaningful post-election peacemaking.

But, Mr. Speaker, even if Abu Mazen does not heed our advice, this resolution sends a powerful message to all the Palestinian people. The United States will have no interest in dealing with a Palestinian government that includes Hamas. Abu Mazen and his colleagues will have to keep that in mind when they form their cabinet.

Moreover, the inclusion of Hamas representatives in the government of the Palestinian Authority will have a profound effect on the attitude of the United States, both our government and the American people, toward Palestinians.

□ 2300

It will inform every decision that this body makes regarding any issue related to the Palestinians, including economic assistance. I urge Abu Mazen in the strongest terms to reconsider his decision to welcome Hamas participation in Palestinian elections. I urge all of my colleagues to support Middle East peace and to fight terrorism by voting for this important resolution.

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

Mr. MCCAUL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution to express the idea that democracy and terrorism are not compatible and that statesmen and terrorists cannot coexist. I want to thank Mr. CANTOR and Ms. ROS-LEHTINEN for their assistance and hard work in bringing this important resolution to the floor. I would also like to thank Mr. MENENDEZ, Mr. LANTOS, Ms. BERKLEY, and Mr. WEXLER for their partnership on this issue.

We have come here today in a very bipartisan fashion in order to deliver a message to Mr. Abbas and to all other developing democracies in the rest of the world.

The future of Palestinian democracy cannot include terrorists and religious fanatics. The first step of President Bush's road map to peace calls for the disarming of Hamas and other terrorist organizations, as well as the dismantling of the terrorist infrastructure. The Palestinian people will have a future only if their leaders begin to take responsibility for the well-being of their citizens, and they must end their obsession with the destruction of the State of Israel.

Democratic parties cannot control armed militias. If the Palestinians wish to have a democratic country, Hamas must lay down its arms, and it must renounce the use of terrorism and violence, and it must recognize Israel's right to exist; or they must know that this Congress will not be a friend to their government. Terrorist organizations do not have a place in a peaceful political process.

It is not unprecedented in recent history for a terrorist organization to lay down its arms, to renounce its violent ways, and then to be accepted into a legitimate democratic government. The IRA has accomplished this, and Hamas

has had the opportunity to do this. But instead, they have repeatedly vowed to continue bloody terrorist acts against innocent Israeli citizens and stated their intentions to seek the destruction of the State of Israel.

President Abbas himself has called for the Palestinian Authority to act with one authority, one law, and one gun. But actions speak louder than words, and this upcoming election is the test for him and for Palestinian democracy.

The Palestinian government has not taken the necessary steps to accomplish this goal, and President Abbas' apparent willingness to allow Hamas to participate without preconditions is disheartening.

The United States has a longstanding policy of not dealing with or making concessions to terrorists. We do not negotiate, we do not trade with, and we do not fund terrorists. Therefore, there is no diplomacy to be had with terrorists, and the Palestinian Authority will be a terrorist government if Hamas candidates are elected.

And what if members of terrorist organizations are elected? Should American taxpayers be forced to send foreign aid to the hands of these terrorists? Should we be giving them an opportunity to divert American foreign aid directly into the hands of terrorists who have pledged to kill innocent civilians? The answer is no.

This resolution is a message to President Abbas. If the Palestinian Authority is determined to continue and allow Hamas to participate as planned, then this government will have to take a new look at our relationship with the Palestinian government.

I urge my colleagues to support emerging democracies in the Middle East and to support this important resolution.

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

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Nevada (Ms. BERKLEY), a co-author of this resolution, my dear friend and distinguished colleague.

Ms. BERKLEY. Mr. Speaker, I thank Mr. LANTOS for his leadership on this and so many other issues.

I rise tonight in strong support of H. Res. 575, a resolution that expresses the sense of the House that Hamas should not be permitted to participate in Palestinian elections, and I urge its immediate passage.

I would also like to thank my colleagues who helped author this resolution and move it expeditiously to the floor: Mr. CANTOR, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Mr. MCCAUL, and Mr. WEXLER.

The goal of this resolution is to send a strong and unambiguous message to Abu Mazen that Hamas and the other terrorist groups should not be allowed to participate in the upcoming Palestinian elections. They should be prohibited from participating in the government and the Palestinian Authority should take affirmative steps to disarm and dismantle them. When Abu Mazen was elected, he pledged to root out terrorism and end corruption in the Palestinian Authority. To say he has not lived up to his pledge would be a decided understatement.

I believe Yasser Arafat did a tremendous disservice to the Palestinian people; and I believe that if Abu Mazen does not step up soon, lead his people and do what he has promised to do, that he will also be doing a tremendous disservice to the Palestinian people.

The very first step of the road map to peace is not only the denunciation of terrorism. That is the easy part. It is the dismantling and the disarming of the terrorist infrastructure and terrorist organizations. Abu Mazen has yet to take this essential first step.

No one disputes that Hamas is a terrorist organization. It has conducted numerous suicide bombings inside Israel and is responsible for the death of countless innocent people. Hamas does not accept Israel's right to exist and has never accepted the peace process. They this week announced, I am sorry to say, they vowed to end the truce they negotiated with Israel and vowed it will end by the end of this year.

Instead of striking out against Hamas and instead of stepping up to the plate and disarming the terrorists and dismantling their terrorist organizations, Abu Mazen's latest strategy is to try to co-opt them and bring the terrorist organization Hamas into his government. Allowing terrorist organizations to participate in the election process will not see them wake up the day after the election, embrace each other, sing Kumbaya and strive for peace and recognition of Israel. Instead, it will give them a dangerous foothold in the Palestinian Authority within which they can operate and further embolden those who support terrorism and the destruction of the State of Israel.

Hamas' participation in the election can only continue a long-running cycle of violence and terror. It undercuts the ability of the Palestinian government to engage in true democratic reforms and further strengthens the enemies of Israel and those who oppose peace. Hamas and other terrorist groups should be banned from the upcoming elections and from any future role in government until and unless they recognize Israel's right to exist as a Jewish state, cease all forms of incitement and violence, condemn terrorism, and dismantle their terrorist infrastructures.

Mr. MCCAUL of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Texas for his leadership on this issue, as well as the leadership of the gentleman from Florida, the chairwoman of the Middle East Subcommittee. And I also want to recognize the continued leadership on so many issues of import that the gentleman from California (Mr. LANTOS) has displayed. I also thank the cosponsor of the resolution, the gentleman from New Jersey (Mr. MENENDEZ), as well as the gentlewoman from Nevada who just spoke, and Mr. WEXLER.

I believe that this bipartisan display of support here for H. Res. 575 is no accident. It is an important resolution that demonstrates the unity of this House against what is going on currently in the Palestinian Authority vis-a-vis Hamas and other terrorist organizations.

The Palestinian people will elect a new parliament on January 25, 2006. But even before they choose their elected representatives, they must make another choice. That choice is whether to keep their allegiance with a terrorist past or to begin a new path towards peace.

When he was elected president, Abu Mazen was presented with a historic opportunity to change the direction of the Palestinian Authority from one of terror that existed under Yasser Arafat to one of peace.

But at every turn, he has refused to take the necessary steps to eliminate the terrorist infrastructure that results in the killing of so many innocent men, women and children on the streets of Israel. Now, with an election around the corner, rather than use all of the force he has at his disposal to get rid of the terrorists, Abu Mazen is giving Hamas and other terrorist groups legitimacy by allowing them to participate in the Palestinian elections.

Mr. Abbas has an opportunity right now to make a genuine gesture for peace, ban Hamas and other terrorist groups once and for all from the electoral process in the Palestinian Authority.

To understand the true nature of Hamas, one only needs to look at recent headlines. On Sunday, it was reported in the media that Hamas leaders and leaders from other terrorist groups met with Iran's foreign minister and in the resulting days escalated their terrorist attacks against Israel. Let us not forget that Iran's president recently called for Israel to be wiped off the map. Later he suggested that Israel be moved to Europe and called the Holocaust a myth.

Let us not forget that Hamas is on the State Department's list of terrorist organizations. It has never recognized Israel's right to exist, and it has now displayed an alliance with murderers, thugs, and developers of weapons of mass destruction. The bottom line: Hamas' entry into a Palestinian government would provide a veil of legitimacy to the terrorists.

As President Bush has said so often to the nations of the world, you are either with us or you are against us. In the United States we do not tolerate the terrorists or those who support them. This standard should and does apply to the Palestinian Authority.

It is an understatement to say there is nothing constructive that can come from Hamas' participation in Palestinian elections. In the strongest way possible, this Congress will speak out; and I urge my colleagues to insist that Hamas and other terrorists be banned from the Palestinian elections.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 6 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished chairman of the Democratic Caucus, who will soon move over to the other body to continue his good works.

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

Mr. MENENDEZ. Mr. Speaker, I thank my distinguished friend from California who I have had the privilege of serving with on the International Relations Committee.

□ 2315

Mr. Speaker, first I want to thank Mr. CANTOR for his work on this resolution, my counterpart on it, and his efforts to bring the resolution to the floor. I also want to thank Mr. LANTOS, Mr. MCCAUL, Ms. ROS-LEHTINEN and Mr. WEXLER, among all the others. There is an enormous number of bipartisan supporters of this resolution which speaks volumes, I think, about where the Congress stands.

We are here today to send a clear message to the Palestinian Authority that terrorism and democracy do not mix. Today we are here to send a clear message to President Abbas and to Hamas before the Palestinian elections on January 25. If Hamas and other terrorist organizations participate in the upcoming legislative elections, without first disarming and renouncing terrorism and their goal of eliminating the State of Israel, they will undermine Palestinian democracy and the Palestinian Authority's relationship with the United States of America.

As Mahatma Gandhi once said, ''The spirit of democracy cannot be established in the midst of terrorism, whether governmental or popular.''

That is why we are simply asking the Palestinians to join democracies around the world in taking a stand against hatred and terrorism. In fact, the Palestinian Authority's own election law would disqualify groups like Hamas from participating. These groups, who espouse racism, terrorism, intolerance and hatred, have no place in democratic elections.

When I met with President Abbas a few months ago, I made it clear to him that we hoped that he would deal with this issue before the elections. I gave him a letter signed by nearly 300 Members of the House of Representatives, which I wrote with Representative PRYCE, from the House leadership and the International Relations Committee, urging him to take immediate action. Yet we have only to look at the recent suicide bombing in Netanya, which killed five people and wounded at least 30 others, to see that President Abbas has not taken the necessary steps to dismantle the terrorist organizations.

And while President Abbas has taken some steps to quell incitement and has condemned terrorist attacks, I believe that his failure to fully confront Hamas will only hurt him in the future and will threaten Palestinian democracy.

Let me be clear, I simply do not believe that Hamas should be given the ability to use democracy to carry out terrorism.

President Abbas has asked Hamas to respect one authority, one law and one gun. But Hamas has refused to accept that policy. Hamas leaders have even vowed to turn the Palestinian Authority forces into a ''resistance force'' against Israel.

That is why I am deeply concerned that President Abbas is allowing Hamas to participate in elections. Perhaps he is hoping that, by buying time now, he will be able to disarm them later. But a policy of hoping will not work.

Look at Hezbollah. Hezbollah, a terrorist group funded by Iran and waiting right across Israel's northern border, took part in elections in Lebanon. Now they are armed with political power, as well as guns, and they have used their seats in parliament to avoid disarming.

I can think of no clearer example of the danger of a state run by those who support terrorism and espouse violence and anti-Semitism than the country of Iran. The Iranian president has spewed anti-Semitism and hatred in his calls for the destruction of the state of Israel and his denial of the Holocaust. Meanwhile, his government continues to defy the world with its dangerous nuclear programs.

It is all too clear what President Abbas must do: He should take responsibility as leader of the Palestinian people and demonstrate that the Palestinian Authority can establish the rule of law. That is why we are urging Mr. Abbas to confront Hamas and fully dismantle the terrorist network. Otherwise, we risk more violence, more terror and more Israeli and Palestinian blood. We risk jeopardizing a nascent Palestinian democracy. We risk too much.

Today this Congress needs to send a clear message to Hamas that you cannot manipulate democracy to carry out terrorism.

Today this Congress sends a clear message to President Abbas that we support true democracy for the Palestinian people. Today this Congress needs to send a clear message to Israel that the United States will never waiver, and we will never falter in our support for our historic ally. We will never waiver nor falter in our support for Israeli democracy, and we will never waiver or falter in our fight against terrorism, anti-Semitism, hatred and violence.

As we vote for this resolution, the United States is proud to stand with Israel and the Israeli people.

Mr. LANTOS. Mr. Speaker I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Speaker, I want to join with my colleagues in standing up in support of the state of Israel and in demanding that the Palestinian Authority do everything it can to set aside all the statements made by people within its sphere that would call for the destruction of Israel. And they must take action to stop terrorists and their infrastructure.

I would just like to respectfully suggest, however, that this resolution, as well intended as it is, has the potential to have an impact that would be contrary to what you are hoping for. Let me state how, that Congress passing this resolution could actually have a reverse effect in the streets of the Palestinian Authority and end up actually engendering more support for Hamas. I think that, as we are approaching the midnight hour and coming close to the 15th of December, the date when the elections are taking place in Iraq, it is kind of ironic that we are in this situation of, on one hand, encouraging the broadest participation in the Iraqi elections of people in some cases who have been shooting at our own soldiers and, on the other hand, saying that, in the Palestinian Authority, we are going to start to say, well, these groups cannot participate. No matter how much we object, and I do object, to their attacks on Israel; I would just again like to respectfully suggest that all of us who are here in support of a peaceful resolution of the conflict that is taking place in the Middle East, that maybe have a third way that we could proceed other than this resolution.

Letter From Americans for Peace Now:

Later today H. Res. 575 is scheduled to come to a vote on the House floor. This resolution deals with the participation of Hamas in the upcoming Palestinian parliamentary elections, scheduled for January 25, 2006. Americans for Peace Now (APN) rejects terror and has consistently called on President Abbas and the Palestinian Authority to undertake meaningful, sustained action to stop terrorists and destroy terrorist infrastructure. APN agrees that the Palestinian Authority must establish ''One Authority, One Law, and One Gun.''

However, APN believes that this resolution misses the point on both democracy and Hamas.

APN urges Members, whether or not they vote for the resolution, to speak out during the floor debate and to submit statements for the record drawing attention to the problems with this resolution.

Nobody (except the terrorists) is happy with the prospect of Hamas and other terrorist organizations participating in Palestinian elections. Likewise, few people are happy that Hizballah is an active participant in Lebanon's political process, including a longstanding presence in its parliament and government. Likewise, few people are happy with the participation of armed militias in elections in Iraq.

In the cases of Lebanon and Iraq, however, the decision has been to ''not allow the perfect to be the enemy of the good.'' The goal of eradicating terror and consolidating weapons in the hands of the legal government remains, but the elections were applauded and the process of democratization was not put on hold. Nobody argued that eradicating terror and establishing ''one gun'' should, in these cases, be a prerequisite for democratic elections, or threatened that if it was not made a prerequisite, the U.S. relationship with the resulting democratically elected body—and U.S. assistance to its people—would suffer.

President Abbas is trying to do in the territories what the U.S. has encouraged the government to do in Iraq: absorb militias into the official armed forces in order to make them accountable to official command and control.

Israel spent nearly three decades trying to defeat Hamas through military means alone, and failed. Since coming to power less than a year ago, President Abbas has made a very public commitment to take on Hamas and other terrorist organizations after elections—a strategy based on the reasonable assertion that, backed by a democratically-elected parliament, he will have the strength and credibility to move forward with this difficult task. He should be held to this commitment.

The reduction of terror against Israeli citizens requires the containment and eventual dismantling of militias, including Hamas. Israeli General (Ret.) Ephraim Sneh, who served as military governor of the West Bank and Deputy Defense Minister of Israel, recently stated:

''Under current conditions in the Palestinian territories, especially given the Palestinian government's weakness, political containment should precede the dismantling of Hamas's military infrastructure. The urgent objective is to defeat it in the next parliamentary elections. Steps that could strengthen it in the elections should be strictly avoided. Attempts to postpone the elections yet again, or to prevent Hamas's participation, or Israeli disruption of the elections as 'punishment' for the participation of Hamas, will strengthen Hamas in the Palestinian street instead of weakening it. The short time left before the elections must be used to empower all who oppose Hamas, first and foremost the supporters of the elected Palestinian president, Mahmoud Abbas.'' (Washington Post, October 19, 2005)

In the countdown to the elections, for the sake of democracy and peace in the Middle East—vital components to Israel's security—the focus should be on strengthening Palestinian moderates, including President Abbas. Actions that risk elevating the status of Hamas and other extremists should be avoided.

After the January 25th election, Israel, the Bush Administration, and the international community—as well as the Palestinian people—should hold President Abbas to his commitment, and hold him accountable if he fails to take action.

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

Mr. McCAUL of Texas. Mr. Speaker, I yield myself as much time as I may consume.

In closing, I would submit that we all would like to see a peaceful resolution to this. There are many ways to build a democracy. We encourage statesmen to explore all of them and to find the one that will benefit their people the most. However, to allow terrorists and murderers to participate and allowing political parties who control armed militias to gain phony legitimacy through elections is not productive and will ultimately lead their country off the path to democracy. Furthermore, it will force us to reassess our relationship with the Palestinian Authority.

I strongly urge President Abbas to heed this warning, and I strongly urge my colleagues to vote for this resolution.

Mr. HIGGINS. Mr. Speaker, I rise today in support of H. Res. 575, a resolution that renews our commitment to the security of the State of Israel. Israel has long been a friend and ally to the United States. As our two nations enter the 21st century, we must continue to work together against violence and terrorism and in support of peace. A crucial part of the peace process is the emergence of a democratic Palestinian Government that denounces and combats terrorism, and respects the boundaries and sovereignty of all of its neighbors, including Israel.

This cannot happen if Hamas participates in the January 25, 2006 elections held by the Palestinian Authority, PA. H. Res. 575 would make it clear to PA President Abbas that Congress strongly disapproves of Hamas's inclusion in the elections and would have a difficult time working with the PA should Hamas delegates be elected.

In December 2003, Israeli Prime Minister Ariel Sharon announced that Israel would unilaterally withdraw from the Gaza Strip; that evacuation was completed on August 23, 2005. Prime Minister Sharon has taken tremendous steps, and incurred great risk, to encourage peace through the disengagement plan.

PA President Abbas, however, has not followed up on his role in disarming terrorist groups and helping to secure peace. Additionally, Hamas, a U.S. designated terrorist organization that calls for the destruction of Israel, wants to participate in Palestinian parliamentary elections. Hamas is directly responsible for over 200 attacks in Israel and the killing of American citizens. Hamas participation in PA elections violates existing Israeli-Palestinian agreements and undermines internationally supported efforts to establish a stable, democratic and non-violent Palestinian state.

There is wide international precedent for democratic countries to ban extremist and violent political parties from participating in elections until they have disavowed such views or renounced violence. Under the road map peace plan, backed by the quartet—the United States, Russia, the European Union and the United Nations—the PA is required to launch ''sustained, targeted, and effective operations aimed at confronting all those engaged in terror'' and to begin the ''dismantlement of terrorist capabilities and infrastructure.'' Instead of taking such action, the PA has invited Hamas to participate in the elections with no requirement to disarm. This poses a direct threat to establishing a stable Palestinian state and a peaceful Middle East.

Mr. Speaker, Secretary of State Condoleezza Rice has said ''Hamas is a terror organization and it has to be disbanded, both for the sake of peace and security in the Middle East and for the sake of the proper functioning of the Palestinian Authority.'' I oppose Hamas's participation in the upcoming election as it would legitimize a known terror network. The PA leadership needs to disarm and gain control of Hamas and other terror networks. A party running on a platform calling for Israel's destruction is innately an advocate of violence. Further, a party that would use force for political leverage is a threat to the democratic process. That is why, Mr. Speaker, I will vote in favor of H. Res. 575 today and I urge my colleagues to join me in this front of the war on terror.

Mr. CARDIN. Mr. Speaker, I rise in support and as a cosponsor of H. Res. 575, which states that Hamas and other terrorist organizations should not participate in upcoming January 2006 legislative elections held by the Palestinian Authority. The aims and principles of Hamas, Palestinian Islamic Jihad, and other terrorist groups are incompatible with the democratic process. Hamas has continually called for the destruction of Israel by any means, and their involvement in elections puts the road map process for peace in the Middle East in jeopardy.

The foundation of the peace process was based upon the Palestinian Authority's acknowledgment of Israel's right to exist as a sovereign nation and their duty to end terrorist attacks from Palestinian soil. The first stage of the road map process calls on the Palestinian Authority to disarm all terrorist groups and their infrastructure. I am extremely disappointed that Palestinian President Mahmoud Abbas has made such limited progress in dismantling the terrorist infrastructure in the Palestinian territories.

The Palestinian Authority has the ability to dismantle terrorist groups, as their security forces dwarf the size of the Hamas militia by nearly 10 times. A recent survey indicates that the vast majority of the Palestinian people support an immediate end to all forms of violence. The Palestinian Authority has a unique opportunity under a new President to renounce all forms of terrorism, and move towards securing a lasting peace settlement in the Middle East.

Just as the United States will not negotiate with terrorists, neither will Israel. Should members of Hamas become part of the Palestinian Government, the United States would have to reassess its financial assistance to, and its diplomatic relations with, the Palestinians.

I welcome competitive elections in the Palestinian Authority. However, no functioning democracies permit terrorist organizations to participate in elections. Germany, Italy, Turkey and many other nations all prohibit any terrorist groups from participating in elections. In Iraq and Afghanistan, members of the former Ba'ath Party and the Taliban must renounce any links or support for the former regimes. Egypt and Jordan do not support the existence of Hamas or other terrorist organizations. I call for President Abbas to dismantle the terrorist organizations in the Palestinian territories and to meet his obligations under the Israeli-Palestinian peace process.

Mr. SHAYS. Mr. Speaker, I rise as a cosponsor and strong supporter of this resolution and urge its swift passage.

Some will argue violence perpetrated by Hamas is only undertaken by the militant wing of the organization and that its political arm can otherwise be a legitimate player in Palestinian politics. I reject that argument. We have seen nations throughout recent history require

organizations that formerly endorsed violence to formally renounce such tactics before participating in electoral politics. President Abbas should insist upon such action before allowing Hamas to participate in the upcoming legislative elections.

Secretary Rice stated recently that participants in a democratic political process cannot simultaneously keep an option on politics and an option on violence. Unfortunately, that is the case we now see unfolding in the Palestinian territories.

I support the establishment of a Palestinian state that can live side by side in peace and security with Israel and its other neighbors in the Middle East. How, though, will the United States be able to deal honestly and in good faith with a government composed of unrepentant members of an organization that advocates terror and the dissolution of our greatest ally in the Middle East—Israel? And perhaps more importantly, how will the Palestinian Government ever be able to negotiate with Israel?

This is of profound concern to me because the United States should help the Palestinian Government get on its feet and should help it develop an infrastructure that well serves its people. Certainly the Israelis need a legitimate body with which they can negotiate. The bottom line is a Palestinian legislature with members representing Hamas is a weakened body that will be stymied by serious questions about its legitimacy.

The peace process requires a sustained Palestinian effort to dismantle the terrorist infrastructure. President Abbas can take a bold stand by insisting Hamas cease incitement, condemn terrorism, and permanently disarm and dismantle their terrorist infrastructure before participating in the January elections.

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

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 575, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCCAUL of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## RECOGNIZING THE IMPORTANCE AND CREDIBILITY OF AN INDEPENDENT IRAQI JUDICIARY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 534) recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq.

The Clerk read as follows:

H. RES. 534

Whereas the United States is supportive of a sovereign governing body in Iraq, including the current government as well as future duly elected governments and appointed officials;

Whereas Iraq, as do all sovereign nations, has the duty and responsibility to indict, prosecute, and punish criminals within its jurisdiction;

Whereas the Iraqi Special Tribunal holds the sovereign power to prosecute criminals;

Whereas certain accused individuals have allegedly committed egregious crimes against humanity, genocide, and war crimes;

Whereas the people of a free and democratic Iraq deserve justice for the horrific crimes inflicted upon them; and

Whereas the Iraqi Special Tribunal is empaneled to bring swift and impartial justice for the people, victims, and the nation of Iraq: Now, therefore, be it

*Resolved*, That the House of Representatives fully supports an independent Iraqi judiciary and its efforts to serve the cause of justice in a free and democratic Iraq.

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

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, an independent judiciary is one of the hallmarks of good government and is an essential check on the power of judicial and legislative branches of the modern state. Indeed, a requirement for evenhanded justice is an element of natural law and is called for in the Bible and the Koran which require equal justice for the poor and the rich.

In the case of Iraq, it would have been simple for a kangaroo court of some sort to have convened, held a trial of such obvious violators as Saddam Hussein and then had them shot immediately. This has been the case in some uprisings, both in the Middle East and elsewhere, such as when Romania's regime fell. This is not the path that the Iraqis have chosen, and we should honor them for this choice. The trial of Saddam as it is being carried out stands in sharp contrast to the actions of the Hussein regime against its dissenters who were usually executed after some paperwork was completed but where there was no semblance of a fair trial.

The resolution before us expresses our support for an independent Iraqi judiciary. This judiciary may disappoint from time to time. That is the nature of independent judges, to make unpopular decisions based strictly on law. Adherence to the rule of law and the existence of an independent Iraqi judiciary will be a critical component to the consolidation of Iraqi sovereignty and democratic governance, and I appreciate the efforts of the gentleman from Texas (Mr. BURGESS), the author of this resolution, who traveled to Iraq, met with the Iraqi judges and came away so deeply impressed that he decided to put forward this resolution tonight.

I also thank the chairman and the ranking member of the Committee on International Relations, who expedited its consideration on the floor, and to the House leadership for including it among the matters scheduled this week as we move to the end of the House session.

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

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

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

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, as we meet today, Iraq has begun to conduct a historic election that will select a national government for the next four years. Under the Iraqi Constitution approved this past October, the government that emerges from these important elections will have tremendous responsibilities. It must fill in the many blanks left in the Constitution regarding a new social compact for the Iraqi people and the sharing of oil revenues among all ethnic groups.

The creation of a truly independent judiciary is one of the greatest and most important challenges that will face the new Iraqi government.

Mr. Speaker, as we all know, a political settlement that would create a stake by all ethnic groups in a unified, peaceful Iraq has to date eluded the major political factions in Iraq. In fact, Iraqi society is facing a convulsion of violent sectarian conflict and suffering from acts of desperate terrorism.

While the elections now underway may lead to a consolidation of the political gains that were made in October, the establishment of an independent judiciary is a critical precondition for preserving those gains.

Without an independent judiciary that all members of Iraqi society believe will adjudicate disputes fairly, there can be no real peace in Iraq.

Without an independent judiciary that stands up to the rest of the national government and defends the new constitution, there can be no real new social compact in Iraq.

And without an independent judiciary that respects the religious differences among its people, there can be no real trust of that compact.

Mr. Speaker, as we speak, the nascent Iraqi judiciary is trying Saddam Hussein for the horrors of his regime. Based upon his dramatic court appearances, Saddam is clearly living under the delusion that he can orchestrate a triumphal return by manipulating the court for his own political ends.

This effort will fail and we will see Saddam Hussein for what he is—a mass murderer guilty of crimes against humanity who never should have been accorded respect by anyone in the international community.

Let us hope that a successful prosecution of Saddam Hussein with all reasonable procedural protections will help launch the independent judiciary for which this resolution calls.

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

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. BURGESS), the original sponsor of the resolution.

Mr. BURGESS. Mr. Speaker, I thank the gentlewoman from Florida for helping us move this legislation expeditiously. Of course, I thank Chairman HYDE for his role in that. I thank the gentleman from California as well.

Two years ago yesterday, December 13, 2003, Saddam Hussein was captured and his tortured reign was finally and officially and completely at an end.

While that was a significant turning point in this war, we all knew the path to a free and democratic Iraq would not be easy. Yet after years of oppression and torture, the Iraqi people are growing closer to having a nation ruled by their people instead of a nation ruled by fear.

Earlier this year, the passage of the Iraqi constitution marked a significant milestone in the recovery of the sovereign nation of Iraq. In excess of 60 percent of the people of Iraq braved the terrorists, braved the threats of violence to be able to cast their vote.

Indeed, at 9 a.m. Eastern Standard Time tomorrow morning, the polls will close in Iraq and the Iraqi people will have reached another historic milestone. Iraqi men and women worldwide are going to the polls in droves to be able to democratically elect the nation's first permanent constitutional parliament in decades.

□ 2330

While there will still be hurdles for the Iraqi people to overcome today, we celebrate with our friends as they continue to take courageous steps in becoming their own sovereign nation.

Mr. Speaker, a free and democratic Iraq will equal a safer world. And for the safety of our own Nation, I firmly believe that we must continue to support the sovereign endeavors of the Iraqi people and this developing nation. Tonight I rise to speak about an important House resolution, H. Res. 534, that enables this body to boldly support the governing efforts in Iraq.

We are all well aware of the current trial of Saddam Hussein; and while this trial is important, a strong, independent Iraqi judicial system is of even greater importance.

A crucial component to a free and democratic nation is its judicial system in which alleged criminals can be indicted; prosecuted; if convicted, punished in a fair and impartial manner. As Members of Congress, we have an obligation to uphold and support this principle especially in a land that has been inflicted with egregious crimes against humanity.

The Iraqi Special Tribunal has been impaneled to bring swift and impartial justice to both the victims and the nation of Iraq, and I call on my colleagues to support H. Res. 534, which recognizes the importance and credibility of an independent Iraqi judiciary.

The people of Iraq, the people of a sovereign nation, deserve true justice, which can only be obtained through a recognized and credible judicial system. The judges, the lawyers involved face daily peril for their courageous stand. And we have an opportunity to stand firmly with the Iraqi people and support the ongoing trials and efforts of the Iraqi Special Tribunal.

Mr. Speaker, I have had the opportunity, the privilege, to travel to Iraq four times during the past 2 years. During every mission, I have been able to witness firsthand the progress that is being made by our troops on the ground and by the Iraqi Government. Mr. Speaker, I have a picture, a picture from my last trip to Iraq in August of this year, and I want to point out this was a picture, Mr. Speaker, that I took flying over in a Blackhawk helicopter. These helicopters are menacing vehicles. They travel low. They travel fast. They have guns sticking out the side. I stuck my camera out the window to take a picture, and mostly I wanted to take a picture of the satellite antennae that were on the rooftops. Of course, satellite television was prohibited under Saddam's regime, and, in fact, a year in prison was the punishment, as I understand. I took a picture because there were satellite antennae on a lot of the rooftops.

But as I looked at this picture when I got home, I noticed that there were two figures on the rooftop. So I blew this picture up considerably. And, Mr. Speaker, as we look at this, we can see two apparently children standing on the rooftop. The larger child, who appears to be a girl, is waving; and a smaller, more inquisitive child, which I think is a boy, is sort of leaning over and looking at this impressive Blackhawk helicopter going over.

And the girl is waving. She has an expression of absolute joy of seeing the helicopter flying over her city. And why would this be? Why would she be happy about seeing a menacing Blackhawk helicopter with guns sticking out the side flying over her city? Well, Mr. Speaker, I submit the reason for her joy is the small boy at her side. The small boy at her side is the reason for her joy because this child knows that 3 years ago, 3 years ago, there is probably a crawl space in this house somewhere where this small boy could be hidden if Saddam's conscriptionists came down the street trying to find people for his army. And that is the reason for her joy. That is the reason why this country should rejoice about what we have been able to do for the people of this long-suffering nation.

Mr. Speaker, significant progress is being made, and it is imperative that they have our continued support. And today, tonight, we can continue to help provide that support through H. Res. 534.

Throughout our efforts in providing continued support to Iraq, I would be remiss if I did not mention the determination, the skill of our Armed Forces and their resolution in continuing their mission in Iraq. It is due to the bravery and the perseverance of the U.S. military members and their coalition allies that the tyranny of Saddam is over, over forever. I applaud our troops and our leadership for their success.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING).

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I particularly thank the gentleman from Texas for bringing and offering this resolution.

I am going to include my prepared remarks, Mr. Speaker, because my remarks that are here reflect the remarks that have been made by the other Members here on this floor, and I wish to associate myself with those remarks, and I appreciate the gentleman from California's support as well for this resolution.

And I would rather speak a little bit from the heart, then, about some of the things that I saw there having traveled over to Iraq a number of times and this last time with Mr. BURGESS from Texas. And I saw some of that perspective from the Blackhawk as well. And as we flew into Baghdad, that was not a rare circumstance. It was not a unique circumstance. In fact, I saw numbers of children running out into the streets in twos and threes and waving. It did not happen in every block, but it happened in a number of the blocks that we saw as we came in.

Not only have I seen that in Baghdad but I have seen that also in Mosul. I have seen it in Kirkuk, and I have seen it also in Fallujah, Mr. Speaker. And that endorsement of American power and influence and liberation and coalition power influence and liberation, that comes from the people. And I have watched those Blackhawk helicopters scatter their livestock, and the herdsman and women come out and wave with great joy to see that influence that has provided their freedom.

And an essential component of freedom is to have an independent judiciary. And I asked for a meeting with the Iraqi Special Tribunal because I wanted to get a measure of the men that would be sitting in judgment of Saddam Hussein and the other alleged perpetrators of the crimes against humanity that we know took place in Iraq over the last couple of decades. As we sat in that very hot room and looked across that table and I gazed into the

eyes of these men, there was a deep conviction, a significant amount of courage, a tremendous amount of patriotism that is there. They know that their lives are on the line. Since that time from about August 18, I believe that date was, we have seen this unfold to where we know that there have been already two attorneys that have been killed in the process of this trial.

I stand here on the floor of the United States Congress, Mr. Speaker, standing in support and in solidarity of a free and independent judiciary for everyone in this world, but particularly those in Iraq where it will become the second place on the globe where an Arab can get a fair trial, second to Israel.

And where they sit in judgment now of those alleged perpetrators of war crimes, we need to stand with them. We need to send a message across that says free and independent judiciary, rule of law are essential to freedom, and they have got to be independent of the politics that rule also in Iraq. The old Baathist Party, the people that are looking to try to bring leverage for one political reason or another, we have to hold them separate from that and encourage them to stand on that rule of law, which they quoted to me on that hot day in that building in Baghdad back last August.

So I am proud this Congress stands with them, Mr. Speaker, and I appreciate the opportunity to present my argument in support of this resolution before this Congress.

Mr. Speaker, I commend my colleague from Texas for bringing this legislation forward. As you may know, Iraq's march towards democracy has not been easy. They are just now emerging from 24 years of oppression and cruel torture under the rule of Saddam Hussein. Now thanks to the hard work and sacrifice of American and coalition forces, Saddam has been captured. Ironically, he is now receiving the benefits of the fair judicial process he denied to so many.

Last night, I spoke to this House about benchmarks in the progress of the new country. In less than three years, Iraq has gone from a nation suffering under a ruthless dictator to one with a new constitution and only hours away from a democratically elected government. As I have heard from numerous American soldiers in and returning from Iraq, every day the nation is relying less and less on coalition forces for support. At the same time, Iraq is becoming increasingly more capable of providing independent government services.

Mr. Speaker, America stands as a beacon for freedom and justice in the world. And the promising nation of Iraq is now demonstrating similar compassion and commitment to the rule of law. As such, the nation's unbiased judiciary is playing a critical role in its development as a democracy.

Of course, there are those who would like to see Iraq resist freedom and return to brutal dictatorship. The terrorists know that the formation of a strong judiciary threatens their efforts. In turn, some of these terrorists wreak violence against those working to dispense justice in Iraq. The judges and other members of the Iraqi judiciary who carry on in spite of the terrorists' best efforts are incredibly courageous and need to be recognized for their bravery. Despite threats to their personal safety, members of the Iraqi judiciary remain dedicated to their convictions and continue working toward a better nation for all.

This resolution sends a significant message, recognizing the importance and credibility of an unbiased Iraqi judiciary for a new and democratic Iraq. I am a co-sponsor of this legislation which will encourage our friends abroad who are working so hard to secure a free and democratic Iraq. I urge your support of this important resolution.

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

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 534.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KING of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## CONDEMNING ACTIONS BY SYRIA REGARDING THE ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 598) condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC), expressing support for extending the UNIIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty, as amended.

The Clerk read as follows:

H. RES. 598

Whereas on September 2, 2004, United Nations Security Council Resolution 1559 was adopted by the Security Council to address Syria's continued interference in Lebanese politics, reaffirming strict respect for Lebanon's sovereignty, and stipulating the withdrawal of all non-Lebanese forces from Lebanon and the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas on February 14, 2005, former Prime Minister of Lebanon Rafik Hariri and 22 others were killed in a terrorist bombing orchestrated by unidentified assailants;

Whereas on April 7, 2005, the United Nations Security Council adopted Resolution 1595, under which the Security Council decided to ''establish an international independent investigation Commission [the UNIIIC] based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help identify its perpetrators, sponsors, organizers and accomplices'';

Whereas on October 19, 2005, the first report of the United Nations International Independent Investigation Commission (UNIIIC), headed by former German prosecutor Detlev Mehlis, found ''there is converging evidence pointing at both Lebanese and Syrian involvement in this terrorist act'';

Whereas the October 19, 2005, report also asserted that ''[g]iven the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge'';

Whereas on October 31, 2005, the United Nations Security Council adopted Resolution 1636, which expressed extreme concern that ''Syrian authorities have cooperated in form but not in substance'' with the UNIIIC, that ''several Syrian officials tried to mislead the investigation by giving false or inaccurate statements'' and that ''Syria's continued lack of cooperation with the inquiry would constitute a serious violation of its obligations'';

Whereas on December 12, 2005, the second report of the UNIIIC noted that ''steady progress'' has been made in the Lebanese portion of the investigation that ''remains to be matched'' in the Syrian portion of the investigation and recommended an extension of the UNIIIC's investigative mandate by a ''minimum period of six months'' since substantive lines of enquiry are far from being completed and ''given the slow pace with which the Syrian authorities are beginning to discharge their commitments to the [Security] Council'';

Whereas Syria's actions to hinder the UNIIIC's investigative efforts include credible reports of the arrest and threatening of close relatives of at least one crucial witness, delay caused by procedural maneuvering, and the report of two witnesses that all Syrian intelligence documents concerning Lebanon have been burned;

Whereas since the assassination of Rafik Hariri, intimidation of the press in Lebanon has increased and a series of attacks and explosions in Lebanon have occurred, targeting political leaders and journalists who have advocated Lebanese sovereignty, including Samir Qassir, May Chidiac, and most recently on December 12, 2005, the assassination of Gebran Tuéni, a Member of the Lebanese Parliament and the general manager of the Lebanese daily an-Nahar, which has been a vital editorial voice opposing Syrian political control and influence in Lebanon; and

Whereas Secretary of State Condoleeza Rice on December 12, 2005, expressed outrage at the assassination of Gebran Tuéni and stated: ''Syrian interference in Lebanon continues, and it must end completely. The United States will work with its partners on the Security Council and in the region to see that Security Council Resolutions 1595 and 1636 are fully implemented.'': Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the Government of Syria for hindering and failing to cooperate fully in a timely and substantive manner with the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC);

(2) expresses support for extending the investigative mandate of the UNIIIC for at a

minimum an additional six-month period as recommended by the UNIIIC in order to fully ascertain the responsibility for the assassination of former Prime Minister of Lebanon Rafik Hariri;

(3) states its concern that insecurity in Lebanon could have a destabilizing effect on the region and harm the ability of the people of Lebanon to strengthen democracy and economic prosperity in their country;

(4) expresses its gratitude to—

(A) chief investigator Detlev Mehlis and the UNIIIC for their continuing efforts to uncover evidence related to the assassination of Rafik Hariri; and

(B) those who have freely assisted the UNIIIC in its investigation;

(5) demands that Syria commit itself to expeditiously fulfill all obligations to cooperate with the UNIIIC and to meet all obligations of United Nations Security Council Resolutions 1559, 1595, and 1636;

(6) encourages the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States in the United Nations Security Council to advocate for the application of punitive measures against Syria that target its leadership—including the enactment of punitive sanctions against Syria under Chapter VII of the Charter of the United Nations—if Syria further fails to cooperate fully with the ongoing UNIIIC investigation and continues to violate Security Council Resolutions 1559, 1595, and 1636;

(7) urges the Government of the United States to support the extension of the jurisdiction of the UNIIIC to cover assassinations and assassination attempts in Lebanon since October 1, 2004; and

(8) urges the President to implement further measures against the Syrian leadership in accordance with the requirements in the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175), particularly if Syria further fails to cooperate fully with the ongoing UNIIIC investigation and continues to violate Security Council Resolutions 1559, 1595, and 1636.

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

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of House Resolution 598, which seeks to condemn the actions by the government of Syria that have hindered the investigation into the assassination of former Prime Minister Hariri, investigations led by Mr. Mehlis.

Since the attempted assassination of Marwan Hamadeh in October 2004, Lebanon has suffered a series of attacks and assassinations that have targeted political leaders and journalists who have been critical of Syria. The assassination of former Prime Minister Hariri on February 14, 2005, prompted the passage of United Nations Security Council Resolution 1595, which established an international independent investigation commission based in Lebanon to assist the Lebanese Government in finding those responsible for that terrorist attack.

The first report of that commission was delivered on October 19, 2005, and its findings point to Lebanese and Syrian involvement in the assassination of Prime Minister Hariri. The report states: ''Given the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to see a scenario whereby such a complex assassination plot could have been carried out without their knowledge.''

Furthermore, the commission reported on difficulties it was encountering with regard to the cooperation being extended by the Syrian authorities. United Nations Security Council Resolution 1636 extended the mandate of the commission and addressed the urgency of Syria to cooperate with the investigation.

On December 12, 2005, the second report of the commission was delivered. It presented the progress of the investigation, reinforced preliminary findings of Lebanese and Syrian cooperation in the assassination of Prime Minister Hariri, and outlined progress with regard to the form and content of Syrian cooperation with the commission.

That same day, a member of parliament, who was also the publisher of a leading Lebanese newspaper known for its opposition to Syria's political control and influence in Lebanon, was savagely murdered in a car bomb.

After the assassination of his colleague on June 2, 2005, the parliamentarian and the publisher said the following: ''The Lebanese security authorities and the remnants of the Syrian system in Lebanon, and directly the Syrian regime from top to bottom, is responsible for every crime and every drop of blood spilled.''

As this resolution notes, Mr. Speaker, there has been a concerted effort to undermine Lebanon's security and sovereignty by targeting opinion leaders. The perpetrators of these evil attacks are attempting to silence Lebanon's most profound thinkers and voices of public opinion. The assassination of these two leaders and the attempted assassination of another one earlier this year indicate that Lebanon's press and freedom of expression are themselves targeted through the elimination of their leading figures.

However, the people of Lebanon see through these cowardly and unjustified acts, and they will not be intimidated. The people of the United States of America stand with the people of Lebanon in their time of sorrow and support their demands to see international investigations into all the unjustified attacks since October 1, 2004.

□ 2345

The United States Government should do all that we can to win the support of the international community and to ensure that the international investigation into the assassination of Prime Minister Hariri is extended so that justice can be served.

I support this resolution and its passage.

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

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

Mr. Speaker, at the outset, I want to commend my friend and fellow Californian, Mr. ISSA, for preparing a significant, important and well-crafted piece of legislation.

Mr. Speaker, Syrian brazenness knows no bounds. With his press conference and report to the U.N. Security Council this week, Detlev Mehlis has made clear that Syrian interference with his investigation into the assassination of former Lebanese Prime Minister Rafiq Hariri has only increased.

We now know for certain what we previously only suspected, that Syria has ignored Security Council warnings and persisted in obstructing Mehlis's investigation, using delaying tactics, destroying documents, withholding witnesses and pressuring key individuals involved in these matters by threatening their families, all quite sickening, Mr. Speaker.

But on Monday, Syria appears to have reached a new height of cynicism and treachery. The murder of Gebran Tueni, a parliamentarian and the publisher of the most respected Lebanese daily, an-Nahar, was a devastating response to Mehlis's report on the eve of its release. Of course, Mr. Speaker, Syria denies involvement in the assassination, but, like so many hit jobs before it, including the one on Hariri, it has all the hallmarks of a product ''made in Damascus.''

Tueni is the latest of several courageous leaders to be the object of a murderous Syrian attack. All of these victims have had one thing in common: A strong commitment to Lebanese independence and sovereignty and the powerful opposition to Syria's control of Lebanon.

Tueni is a special case. His newspaper emerged in recent years as the leading journalistic opponent to the Syrian occupation, and he is the second journalist of that newspaper to be killed in the past 6 months. The former occupiers bided their time, but they got their revenge just a few short months after Tueni prophetically and tragically told the world in August that he was on the top of Syria's list of those marked for assassination.

I would ask, Mr. Speaker, for a moment of silence from this body for Mr. Tueni and all the others, including Prime Minister Hariri, who have lost their lives this year in Syria's murderous and shadowy war on Lebanese

patriots. If my colleagues would join me in a moment of silence for these Lebanese heroes who gave their lives for their country's independence.

Thank you.

On October 31, the U.N. Security Council passed Resolution 1636 which warned that ''Syria's continued lack of cooperation with the U.N. inquiry would constitute a serious violation of its obligations.''

Mr. Speaker, in my view, the clock has now run out on Syria. With its arrogant disregard for human life and all international norms, Damascus has now put the ball squarely in our court. I suggest that we respond, and do so forcefully.

I fully support this resolution's call for the administration to use its influence in the Security Council to seek punitive measures against the Syrian leadership and to utilize all the tools made available in the Syria Accountability and Lebanese Sovereignty Restoration Act to convince the Assad regime in Damascus that its behavior carries a heavy price. We cannot let the cruel regime in Damascus escape unscathed. Its crimes in Lebanon are but one dimension of Syrian transgressions against all standards of decency.

We could go on at length citing Syria's support for terrorists, including the Iraqi terrorists, and its internal repression of all peaceful dissent and its more than 2,000 political prisoners, including most recently the arrest last month of Dr. Kamal al-Labwani following his visit here as a guest of our Department of State's International Visitors Program.

Mr. Speaker, I would be remiss were I not to make one additional observation: International pressure on Syria to withdraw from Lebanon began in a serious way in September 2004 with the passage of U.N. Security Council Resolution 1559, but that resolution not only called for Syrian withdrawal, it also called for the disarming and disbanding of Hezbollah and all other Lebanese militias. That latter point has been woefully neglected by the international community, as well as by the Lebanese government, which has even seen fit to include a Hezbollah representative in its cabinet. Now I fear international, and Lebanese, neglect is coming home to roost.

The shadowy figures who are carrying out Syria's instructions to murder Lebanese patriots may or may not be Hezbollah operatives. But I do know that as long as Hezbollah remains armed, there will be thousands of killers available to carry out the Syrian regime's evil whims, thousands of jihadist killers who are loyal to Syria and care not a whit for Lebanese unity or Lebanese independence.

Mr. Speaker, I strongly support this resolution, which sends a powerful message to the Assad regime. I urge all of my colleagues to do likewise.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. ISSA), the author of this resolution.

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

Mr. ISSA. Mr. Speaker, I would like to thank Madam Chairman for the time, but also as the subcommittee chairwoman, you were instrumental in our ability to be able to bring this legislation to the floor quickly.

Mr. LANTOS particularly not only aided in bringing this to the floor, but, Mr. Speaker, this was a piece of legislation that was drafted and then aid was given on a bipartisan basis to make it a better, more comprehensive piece of legislation, and I am grateful for that.

Mr. Speaker, it is a difficult task to keep coming to the well and asking for Congress to help in a war of words, a war of diplomacy that now wages in Lebanon and in Syria, but it is a better war to fight than a war with tanks and blood. What we are doing here with this resolution is we are saying to Syria that we want to avoid war; we are saying to Lebanon that we want to avoid war; but with the help of the French, the Germans, the United Nations, the entire world, we will in fact see that the murderers of Rafiq Hariri are brought to justice. But, more importantly, I think we send the message that diplomacy is in fact an alternative to war, but it is not an alternative to war forever.

President Bush should be commended for the years of work that first Secretary Powell and now Secretary Rice have done in order to try to convince and cajole Syria to come in to the world of nations, to abandon its occupation of Lebanon, which it did not do without global pressure, and further to come clean about its support for Hezbollah, to certainly come clean for its support of various groups that have committed at least 12 separate bombings in Lebanon.

I do not believe that Syria will hear this. I believe I am here tonight speaking, Mr. Speaker, to the American people and to the rest of the world in saying that, yes, we are using diplomacy to anyone who would possibly hear it. We are doing it with the United Nations, we are doing it in concert with every nation, every nation that rejects terrorism we are doing it with. But I think it is very clear that on a bipartisan basis, the House of Representatives in voting for this resolution is making it clear that we stand together against the kinds of activities that it is clear Syria has been implicated with.

I have met with Bashar Assad. I met with him in 2001 and 2002 and 2003 and 2004. My hope was that he would embrace the West. He had been educated in the West, he had all that it would take to understand the benefits that would come from that, and he said he wanted them.

But at the same time I met with Prime Minister Rafiq Hariri, both here in the United States on his many trips and in Lebanon, and you could see how he was unable to enjoy the fruits of a democracy and a people that were able to bring an economy, even under adverse conditions, to more than twice the GDP of the region, and certainly far greater than Syria has ever had. In fact, Prime Minister Hariri had a model for Syria, but Syria would not follow it, and ultimately that schism between the two cultures led to people who were adverse to what Prime Minister Hariri stood for killing him.

Today we do want to bring them to justice, but today, Mr. Speaker, it is very clear that we are using diplomacy. The Bush administration and this Congress is using diplomacy as an alternative to war, but as someone who recognizes that today, in President Bush's speech at about 11 o'clock today, he talked about there being one democracy in the Arab world.

Mr. Speaker, I do not normally correct the President, but there are two democracies in the Arab world. Clearly Lebanon is a democracy, with a long history of being a democracy. Mr. Speaker, it will not be a functional democracy, it will not be a democracy that people like our President will speak of in those terms, until the outside forces that have dominated their very ability to exercise that democracy are pushed out, by diplomacy, if possible, by greater measures of the UN and the rest of the world if necessary.

Mr. Speaker, I call for all of my fellow Members to vote for this resolution and to stand tall in support of Lebanon's attempt to be a real democracy in the Arab world.

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

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my friend the gentleman from Ohio (Mr. KUCINICH).

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

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

Mr. Speaker, I would just like to say briefly that I think that our Nation would be much more persuasive in our attempts to try to change the behavior within Syria if we also acknowledged that there are the news reports about a covert war in Iraq that has expanded in recent months to Syria, and that bombing has been taking place along the Syrian border.

I think it is going to be kind of difficult for us to engage Syria in discussions when they may be getting indications that we are attacking their country.

[From the New Yorker, Dec. 12, 2005]

ANNALS OF NATIONAL SECURITY, UP IN THE AIR

WHERE IS THE IRAQ WAR HEADED NEXT?

(By Seymour M. Hersh)

In recent weeks, there has been widespread speculation that President George W. Bush,

confronted by diminishing approval ratings and dissent within his own party, will begin pulling American troops out of Iraq next year. The Administration's best-case scenario is that the parliamentary election scheduled for December 15th will produce a coalition government that will join the Administration in calling for a withdrawal to begin in the spring. By then, the White House hopes, the new government will be capable of handling the insurgency. In a speech on November 19th, Bush repeated the latest Administration catchphrase: ''As Iraqis stand up, we will stand down.'' He added, ''When our commanders on the ground tell me that Iraqi forces can defend their freedom, our troops will come home with the honor they have earned.'' One sign of the political pressure on the Administration to prepare for a withdrawal came last week, when Secretary of State Condoleezza Rice told Fox News that the current level of American troops would not have to be maintained ''for very much longer,'' because the Iraqis were getting better at fighting the insurgency.

A high-level Pentagon war planner told me, however, that he has seen scant indication that the President would authorize a significant pullout of American troops if he believed that it would impede the war against the insurgency. There are several proposals currently under review by the White House and the Pentagon; the most ambitious calls for American combat forces to be reduced from a hundred and fifty-five thousand troops to fewer than eighty thousand by next fall, with all American forces officially designated ''combat'' to be pulled out of the area by the summer of 2008. In terms of implementation, the planner said, ''the drawdown plans that I'm familiar with are condition-based, event-driven, and not in a specific time frame''—that is, they depend on the ability of a new Iraqi government to defeat the insurgency. (A Pentagon spokesman said that the Administration had not made any decisions and had ''no plan to leave, only a plan to complete the mission.'')

A key element of the drawdown plans, not mentioned in the President's public statements, is that the departing American troops will be replaced by American airpower. Quick, deadly strikes by U.S. warplanes are seen as a way to improve dramatically the combat capability of even the weakest Iraqi combat units. The danger, military experts have told me, is that, while the number of American casualties would decrease as ground troops are withdrawn, the over-all level of violence and the number of Iraqi fatalities would increase unless there are stringent controls over who bombs what.

''We're not planning to diminish the war,'' Patrick Clawson, the deputy director of the Washington Institute for Near East Policy, told me. Clawson's views often mirror the thinking of the men and women around Vice-President Dick Cheney and Defense Secretary Donald Rumsfeld. ''We just want to change the mix of the forces doing the fighting—Iraqi infantry with American support and greater use of airpower. The rule now is to commit Iraqi forces into combat only in places where they are sure to win. The pace of commitment, and withdrawal, depends on their success in the battlefield.''

He continued, ''We want to draw down our forces, but the President is prepared to tough this one out. There is a very deep feeling on his part that the issue of Iraq was settled by the American people at the polling places in 2004.'' The war against the insurgency ''may end up being a nasty and murderous civil war in Iraq, but we and our allies would still win,'' he said. ''As long as the Kurds and the Shiites stay on our side, we're set to go. There's no sense that the world is caving in. We're in the middle of a seven-year slog in Iraq, and eighty percent of the Iraqis are receptive to our message.''

One Pentagon adviser told me, ''There are always contingency plans, but why withdraw and take a chance? I don't think the President will go for it''—until the insurgency is broken. ''He's not going to back off. This is bigger than domestic politics.''

Current and former military and intelligence officials have told me that the President remains convinced that it is his personal mission to bring democracy to Iraq, and that he is impervious to political pressure, even from fellow Republicans. They also say that he disparages any information that conflicts with his view of how the war is proceeding.

Bush's closest advisers have long been aware of the religious nature of his policy commitments. In recent interviews, one former senior official, who served in Bush's first term, spoke extensively about the connection between the President's religious faith and his view of the war in Iraq. After the September 11, 2001, terrorist attacks, the former official said, he was told that Bush felt that ''God put me here'' to deal with the war on terror. The President's belief was fortified by the Republican sweep in the 2002 congressional elections; Bush saw the victory as a purposeful message from God that ''he's the man,'' the former official said. Publicly, Bush depicted his reelection as a referendum on the war; privately, he spoke of it as another manifestation of divine purpose.

The former senior official said that after the election he made a lengthy inspection visit to Iraq and reported his findings to Bush in the White House: ''I said to the President, 'We're not winning the war.' And he asked, 'Are we losing?' I said, 'Not yet.'' The President, he said, ''appeared displeased'' with that answer.

''I tried to tell him,'' the former senior official said. ''And he couldn't hear it.''

There are grave concerns within the military about the capability of the U.S. Army to sustain two or three more years of combat in Iraq. Michael O'Hanlon, a specialist on military issues at the Brookings Institution, told me, ''The people in the institutional Army feel they don't have the luxury of deciding troop levels, or even participating in the debate. They're planning on staying the course until 2009. I can't believe the Army thinks that it will happen, because there's no sustained drive to increase the size of the regular Army.'' O'Hanlon noted that ''if the President decides to stay the present course in Iraq some troops would be compelled to serve fourth and fifth tours of combat by 2007 and 2008, which could have serious consequences for morale and competency levels.''

Many of the military's most senior generals are deeply frustrated, but they say nothing in public, because they don't want to jeopardize their careers. The Administration has ''so terrified the generals that they know they won't go public,'' a former defense official said. A retired senior C.I.A. officer with knowledge of Iraq told me that one of his colleagues recently participated in a congressional tour there. The legislators were repeatedly told, in meetings with enlisted men, junior officers, and generals that ''things were fucked up.'' But in a subsequent teleconference with Rumsfeld, he said, the generals kept those criticisms to themselves.

One person with whom the Pentagon's top commanders have shared their private views for decades is Representative John Murtha, of Pennsylvania, the senior Democrat on the House Defense Appropriations Subcommittee. The President and his key aides were enraged when, on November 17th, Murtha gave a speech in the House calling for a withdrawal of troops within six months. The speech was filled with devastating information. For example, Murtha reported that the number of attacks in Iraq has increased from a hundred and fifty a week to more than seven hundred a week in the past year. He said that an estimated fifty thousand American soldiers will suffer ''from what I call battle fatigue'' in the war, and he said that the Americans were seen as ''the common enemy'' in Iraq. He also took issue with one of the White House's claims—that foreign fighters were playing the major role in the insurgency. Murtha said that American soldiers ''haven't captured any in this latest activity''—the continuing battle in western Anbar province, near the border with Syria. ''So this idea that they're coming in from outside, we still think there's only seven per cent.''

Murtha's call for a speedy American pullout only seemed to strengthen the White House's resolve. Administration officials ''are beyond angry at him, because he is a serious threat to their policy—both on substance and politically,'' the former defense official said. Speaking at the Osan Air Force base, in South Korea, two days after Murtha's speech, Bush said, ''The terrorists regard Iraq as the central front in their war against humanity. . . . If they're not stopped, the terrorists will be able to advance their agenda to develop weapons of mass destruction, to destroy Israel, to intimidate Europe, and to break our will and blackmail our government into isolation. I'm going to make you this commitment: this is not going to happen on my watch.''

''The President is more determined than ever to stay the course,'' the former defense official said. ''He doesn't feel any pain. Bush is a believer in the adage 'People may suffer and die, but the Church advances.' ''He said that the President had become more detached, leaving more issues to Karl Rove and Vice President Cheney. ''They keep him in the gray world of religious idealism, where he wants to be anyway,'' the former defense official said. Bush's public appearances, for example, are generally scheduled in front of friendly audiences, most often at military bases. Four decades ago, President Lyndon Johnson, who was also confronted with an increasingly unpopular war, was limited to similar public forums. ''Johnson knew he was a prisoner in the White House,'' the former official said, ''but Bush has no idea.''

Within the military, the prospect of using airpower as a substitute for American troops on the ground has caused great unease. For one thing, Air Force commanders, in particular, have deep-seated objections to the possibility that Iraqis eventually will be responsible for target selection. ''Will the Iraqis call in air strikes in order to snuff rivals, or other warlords, or to snuff members of your own sect and blame someone else?'' another senior military planner now on assignment in the Pentagon asked. ''Will some Iraqis be targeting on behalf of Al Qaeda, or the insurgency, or the Iranians?''

''It's a serious business,'' retired Air Force General Charles Homer, who was in charge of allied bombing during the 1991 Gulf War, said. ''The Air Force has always had concerns about people ordering air strikes who are not Air Force forward air controllers. We need people on active duty to think it out, and they will. There has to be training to be sure that somebody is not trying to get even with somebody else.'' (Asked for a comment, the Pentagon spokesman said there were plans in place for such training. He also noted that Iraq had no offensive airpower of its own, and thus would have to rely on the United States for some time.)

The American air war inside Iraq today is perhaps the most significant—and under-reported—aspect of the fight against the insurgency. The military authorities in Baghdad and Washington do not provide the press with a daily accounting of missions that Air Force, Navy, and Marine units fly or of the tonnage they drop, as was routinely done during the Vietnam War. One insight into the scope of the bombing in Iraq was supplied by the Marine Corps during the height of the siege of Falluja in the fall of 2004. ''With a massive Marine air and ground offensive under way,'' a Marine press release said, ''Marine close air support continues to put high-tech steel on target. . . . Flying missions day and night for weeks, the fixed wing aircraft of the 3rd Marine Aircraft Wing are ensuring battlefield success on the front line.'' Since the beginning of the war, the press release said, the 3rd Marine Aircraft Wing alone had dropped more than five hundred thousand tons of ordnance. ''This number is likely to be much higher by the end of operations,'' Major Mike Sexton said. In the battle for the city, more than seven hundred Americans were killed or wounded; U.S. officials did not release estimates of civilian dead, but press reports at the time told of women and children killed in the bombardments.

In recent months, the tempo of American bombing seems to have increased. Most of the targets appear to be in the hostile, predominantly Sunni provinces that surround Baghdad and along the Syrian border. As yet, neither Congress nor the public has engaged in a significant discussion or debate about the air war.

The insurgency operates mainly in crowded urban areas, and Air Force warplanes rely on sophisticated, laser-guided bombs to avoid civilian casualties. These bombs home in on targets that must be ''painted,'' or illuminated, by laser beams directed by ground units. ''The pilot doesn't identify the target as seen in the pre-brief''—the instructions provided before takeoff—a former high-level intelligence official told me. ''The guy with the laser is the targeteer. Not the pilot. Often you get a 'hotread' ''—from a military unit on the ground—''and you drop your bombs with no communication with the guys on the ground. You don't want to break radio silence. The people on the ground are calling in targets that the pilots can't verify.'' He added, ''And we're going to turn this process over to the Iraqis?''

The second senior military planner told me that there are essentially two types of targeting now being used in Iraq: a deliberate siteselection process that works out of airoperations centers in the region, and ''adaptive targeting''—supportive bombing by prepositioned or loitering warplanes that are suddenly alerted to firefights or targets of opportunity by military units on the ground. ''The bulk of what we do today is adaptive,'' the officer said, ''and it's divorced from any operational air planning. Airpower can be used as a tool of internal political coercion, and my attitude is that I can't imagine that we will give that power to the Iraqis.''

This military planner added that even today, with Americans doing the targeting, ''there is no sense of an air campaign, or a strategic vision. We are just whacking targets—it's a reversion to the Stone Age. There's no operational art. That's what happens when you give targeting to the Army—they hit what the local commander wants to hit.''

One senior Pentagon consultant I spoke to said he was optimistic that ''American air will immediately make the Iraqi Army that much better.'' But he acknowledged that he, too, had concerns about Iraqi targeting. ''We have the most expensive eyes in the sky right now,'' the consultant said. ''But a lot of Iraqis want to settle old scores. Who is going to have authority to call in air strikes? There's got to be a behavior-based rule.''

General John Jumper, who retired last month after serving four years as the Air Force chief of staff, was ''in favor of certification of those Iraqis who will be allowed to call in strikes,'' the Pentagon consultant told me. ''I don't know if it will be approved. The regular Army generals were resisting it to the last breath, despite the fact that they would benefit the most from it.''

A Pentagon consultant with close ties to the officials in the Vice-President's office and the Pentagon who advocated the war said that the Iraqi penchant for targeting tribal and personal enemies with artillery and mortar fire had created ''impatience and resentment'' inside the military. He believed that the Air Force's problems with Iraqi targeting might be addressed by the formation of U.S.-Iraqi transition teams, whose American members would be drawn largely from Special Forces troops. This consultant said that there were plans to integrate between two hundred and three hundred Special Forces members into Iraqi units, which was seen as a compromise aimed at meeting the Air Force's demand to vet Iraqis who were involved in targeting. But in practice, the consultant added, it meant that ''the Special Ops people will soon allow Iraqis to begin calling in the targets.''

Robert Pape, a political-science professor at the University of Chicago, who has written widely on American airpower, and who taught for three years at the Air Force's School of Advanced Airpower Studies, in Alabama, predicted that the air war ''will get very ugly'' if targeting is turned over to the Iraqis. This would be especially true, he said, if the Iraqis continued to operate as the U.S. Army and Marines have done—plowing through Sunni strongholds on search-and-destroy missions. ''If we encourage the Iraqis to clear and hold their own areas, and use airpower to stop the insurgents from penetrating the cleared areas, it could be useful,'' Pape said. ''The risk is that we will encourage the Iraqis to do search-and-destroy, and they would be less judicious about using airpower—and the violence would go up. More civilians will be killed, which means more insurgents will be created.''

Even American bombing on behalf of an improved, well-trained Iraqi Army would not necessarily be any more successful against the insurgency. ''It's not going to work,'' said Andrew Brookes, the former director of airpower studies at the Royal Air Force's advanced staff college, who is now at the International Institute for Strategic Studies, in London. ''Can you put a lid on the insurgency with bombing?'' Brookes said. ''No. You can concentrate in one area, but the guys will spring up in another town.'' The inevitable reliance on Iraqi ground troops' targeting would also create conflicts. ''I don't see your guys dancing to the tune of someone else,'' Brookes said. He added that he and many other experts ''don't believe that airpower is a solution to the problems inside Iraq at all. Replacing boots on the ground with airpower didn't work in Vietnam, did it?''

The Air Force's worries have been subordinated, so far, to the political needs of the White House. The Administration's immediate political goal after the December elections is to show that the day-to-day conduct of the war can be turned over to the newly trained and equipped Iraqi military. It has already planned heavily scripted change-of-command ceremonies, complete with the lowering of American flags at bases and the raising of Iraqi ones.

Some officials in the State Department, the C.I.A., and British Prime Minister Tony Blair's government have settled on their candidate of choice for the December elections—Iyad Allawi, the secular Shiite who served until this spring as Iraq's interim Prime Minister. They believe that Allawi can gather enough votes in the election to emerge, after a round of political bargaining, as Prime Minister. A former senior British adviser told me that Blair was convinced that Allawi ''is the best hope.'' The fear is that a government dominated by religious Shiites, many of whom are close to Iran, would give Iran greater political and military influence inside Iraq. Allawi could counter Iran's influence; also, he would be far more supportive and cooperative if the Bush Administration began a drawdown of American combat forces in the coming year.

Blair has assigned a small team of operatives to provide political help to Allawi, the former adviser told me. He also said that there was talk late this fall, with American concurrence, of urging Ahmad Chalabi, a secular Shiite, to join forces in a coalition with Allawi during the post-election negotiations to form a government. Chalabi, who is notorious for his role in promoting flawed intelligence on weapons of mass destruction before the war, is now a deputy Prime Minister. He and Allawi were bitter rivals while in exile.

A senior United Nations diplomat told me that he was puzzled by the high American and British hopes for Allawi. ''I know a lot of people want Allawi, but I think he's been a terrific disappointment,'' the diplomat said. ''He doesn't seem to be building a strong alliance, and at the moment it doesn't look like he will do very well in the election.''

The second Pentagon consultant told me, ''If Allawi becomes Prime Minister, we can say, 'There's a moderate, urban, educated leader now in power who does not want to deprive women of their rights.' He would ask us to leave, but he would allow us to keep Special Forces operations inside Iraq—to keep an American presence the right way. Mission accomplished. A coup for Bush.''

A former high-level intelligence official cautioned that it was probably ''too late'' for any American withdrawal plan to work without further bloodshed. The constitution approved by Iraqi voters in October ''will be interpreted by the Kurds and the Shiites to proceed with their plans for autonomy,'' he said. ''The Sunnis will continue to believe that if they can get rid of the Americans they can still win. And there still is no credible way to establish security for American troops.''

The fear is that a precipitous U.S. withdrawal would inevitably trigger a Sunni-Shiite civil war. In many areas, that war has, in a sense, already begun, and the United States military is being drawn into the sectarian violence. An American Army officer who took part in the assault on Tal Afar, in the north of Iraq, earlier this fall, said that an American infantry brigade was placed in the position of providing a cordon of security around the besieged city for Iraqi forces, most of them Shiites, who were ''rounding up any Sunnis on the basis of whatever a Shiite said to them.'' The officer went on, ''They were killing Sunnis on behalf of the Shiites,'' with the active participation of a militia unit led by a retired American Special Forces soldier. ''People like me have gotten so downhearted,'' the officer added.

Meanwhile, as the debate over troop reductions continues, the covert war in Iraq has expanded in recent months to Syria. A composite American Special Forces team, known as an S.M.U., for ''special-mission unit,'' has been ordered, under stringent cover, to target suspected supporters of the Iraqi insurgency across the border. (The Pentagon had

no comment.) ''It's a powder keg,'' the Pentagon consultant said of the tactic. ''But, if we hit an insurgent network in Iraq without hitting the guys in Syria who are part of it, the guys in Syria would get away. When you're fighting an insurgency, you have to strike everywhere-and at once.''

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

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 598, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## RECESS

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

Accordingly (at 12 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5661. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-fifth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and the Workforce.

5662. A letter from the Chairperson, National Council on Disability, transmitting a copy of the NCD's ''National Disability Policy: A Progress Report,'' as required by Section 401(b)(1) of the Rehabilitation Act of 1973, as amended, covering the period from December 2003 through December 2004, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

5663. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 to September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5664. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2005 through September 30, 2005; to the Committee on Government Reform.

5665. A letter from the Acting Director, Division of Policy, Planning and Program Development, OFCCP, Department of Labor, transmitting the Department's final rule — Obligation to Solicit Race and Gender Data for Agency Enforcement Purposes (RIN: 1215-AB45) received October 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5666. A letter from the Director, Holocaust Memorial Museum, transmitting the Museum's 2004 through 2005 Annual Report and 2006 calendar; to the Committee on Government Reform.

5667. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Fourth Financial Statement for the period October 1, 2003 to September 30, 2004, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5668. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for FY 2005, required by the Government Performance and Results Act, the Accountability of Tax Dollars Act, and the Federal Managers Financial Integrity Act; to the Committee on Government Reform.

5669. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the ''Accountability of Tax Dollars Act of 2002'' and related guidance from the Office of Management and Budget, the Endowment's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5670. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

5671. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2005 through September 30, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5672. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5673. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Determination Concerning Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox (RIN: 1018-AT78) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5674. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Application Procedures, Execution and Filing of Forms: Correction of State Office Address for Filings and Recordings, Proper Offices for Recording of Mining Claims [WO 630-1610-EI-25-2Z] (RIN: 1004-AD77) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5675. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Illinois Regulatory Program [Docket No. IL-103-FOR] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5676. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Alaska Regulatory Program [SATS No. AK-006-FOR] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5677. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [ND-048-FOR, Amendment No. XXXV] received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5678. 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 Cod by Catcher/Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 111705A] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5679. 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 Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 102605A] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5680. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act,'' related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107—273, section202; to the Committee on the Judiciary.

5681. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Civil Penalty Adjustments (RIN: 1029-AC48) received November 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5682. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Georgia, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5683. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of an editorial entitled, ''US Veterans Health Care Healed Itself — So Can Our (Canadian) Medicare System''; to the Committee on Veterans' Affairs.

5684. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Health Savings Account Eligibility During A Cafeteria Plan Grace Period [Notice 2005-86] received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5685. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Withholding on Payments to Partnerships, Trusts and Estates (Rev. Proc. 2005-77) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5686. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gains Derived from Dealings in Property (Rev. Rul. 2005-74) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5687. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Credit for Certain Foreign Withholding Taxes [Notice 2005-90] received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

***N O T I C E***

***Incomplete record of House proceedings.***

***Today's House proceedings will be continued in the next issue of the Record.***